

PRELIMINARY AGENDA FOR REGULAR MEETING

February 21, 2024

I. EXECUTIVE SESSION

One matter related to Personnel Evaluation
RCW 42.30.110 (1)(c)

11:00 AM

II. OPEN SESSION

Pledge of Allegiance

12:00 PM

PUBLIC COMMENT

Speakers are asked to keep their comments to less than 3 minutes. Please feel free to submit comments in writing to the Chief Executive Officer.

CONSENT ITEMS

All matters listed under Consent Items have been distributed to each member of the Commission for review, are considered routine, and will be enacted by the motion of the Commission with no separate discussion. If a separate discussion is desired, that item may be removed from the Consent Items and placed under Action Items by request.

- A. Approval of Minutes of the Regular Meeting on February 7th, 2024
- B. Approval of Checks
- C. Marina Policy Revision

NEW BUSINESS/DISCUSSION ITEMS

- D. Paid Family Medical Leave Policy- Director of Finance Krista Cagle
- E. Federal Medical Leave Act Policy Revision- Director of Finance Krista Cagle
- F. Ferguson Lease Amendment - Director of Business & Real Estate Derek Jaeger

PUBLIC COMMENT

Speakers are asked to keep their comments to less than 3 minutes. Please feel free to submit comments in writing to the Chief Executive Officer.

ACTION ITEMS

- G. Ferguson Lease Amendment

STAFF REPORTS & COMMENTS

COMMISSIONER REPORTS & DISCUSSION

ADJOURN REGULAR MEETING

Regular business and meetings that members of the Commission may attend:

<u>Date</u>	<u>Meeting</u>
February 28, 2024	Chamber Luncheon 11:30 am-1 pm
March 5, 2024	Economic Forecast Breakfast 7 am-9:30 am
March 9, 2024	Watershed Alliance Planting Event- Building 20 9 am-12 pm
March 20, 2024	CREDC Legislative Review 9 am-10:30 am

(*Denotes events in which two (2) or more Commissioners may attend)

Join the meeting on the Conference Call Line: (253) 215-8782

Meeting ID: 829 0393 6339, Password: 154722 or via this video link:

<https://us06web.zoom.us/j/82903936339?pwd=U01pdWY1V0tES3dMZWFkNjJNbUNVZz09>

MINUTES OF THE REGULAR COMMISSION MEETING

PORT OF CAMAS-WASHOUGAL

February 7, 2024

By: Mackenzey Thomason, Administrative Assistant

A Regular Meeting of the Commissioners of the Port of Camas-Washougal was held in person and virtually on Wednesday, February 7, 2024, at 12 p.m. A workshop was held before to discuss the urban growth boundary at Grove Field at 11 am. No decisions were made.

PRESENT: Commissioner Cassi Marshall, Commissioner Larry Keister, Commissioner John Spencer, Chief Executive Officer David Ripp, Director of Finance Krista Cagle, Director of Business Development & Real Estate Derek Jaeger, Director of Facilities Eric Plantenberg, Attorney Carolyn Lake, Administrative Assistant Mackenzey Thomason, and members of the press and public. The public has access through a designated Zoom conference call line or video link.

At 12:00 p.m. following the Pledge of Allegiance, Commissioner Keister called to open the Regular Session public meeting to order. This meeting is video recorded, and the chat function has been disabled.

PUBLIC COMMENT #1:

No comment.

CONSENT ITEMS

Minutes & Checks

Minutes from the Regular Meeting on January 17th and Special Meeting minutes from January 25 & 26th, 2024, and electronic payments and the issuance of general fund checks 9336-9369 and printed checks 50157-50159 in the total amount of \$367,475.20 were presented for approval. After a brief discussion, a motion was made by Commissioner Spencer and seconded by Commissioner Marshall and the minutes and electronic payments and checks were carried unanimously.

NEW BUSINESS / DISCUSSION ITEMS:

Marina Policy Revision- Director of Finance Krista Cagle:

Director of Finance Krista Cagle stated the Port staff recommends the marina manual add language to include any situation where a potential tenant would be denied moorage. Cagle stated this includes any person who had been previously evicted. Additionally, Cagle explained that the marina manual should include language about the new Brivo Mobile Pass. The Port's attorney has written up the specific language that the Port wants to add to the manual.

Leave & Holiday Policy Revision- Director of Finance Krista Cagle:

Director of Finance Krista Cagle stated Port staff has researched other local government policies surrounding paid leave. Cagle explained to be a competitive employer, the Port would like to increase the number of floating holidays from one to three. Cagle also explained the Port would like to increase the maximum number of accrued vacation days from forty to forty-five days. Cagle stated as part of this research, Port staff would also like to be allowed to buy back up to 20 vacation

days. Cagle explained this would be allowed only when the employee can maintain a minimum of 80 hours in their vacation bank after the buy back, and this would be possible in November of each year. Approval will be requested during action items.

Marina Loop Pavement Contract- Chief Executive Officer David Ripp:

Chief Executive Officer David Ripp stated this project was part of normal asphalt maintenance. Ripp stated this was planned through the 2024 Capital Projects, and it consisted of grinding and placing new asphalt for the marina loop. Ripp stated the Port originally budgeted \$80,000 for the project, but due to inflation, the bid that came in was \$116,149.25 including sales tax. Ripp explained contingency reserves are going to be used to supply additional money for the project. Approval will be requested during action items.

Resolution 4-24 Supporting Camas School District- Chief Executive Officer David Ripp:

Chief Executive Officer David Ripp stated at the last commission meeting that staff and the commission spoke about this resolution. Ripp stated this resolution matches what the commission approved for the Washougal School District in 2023. Ripp explained that approving the resolution would not impact the Port's budget. Ripp stated this resolution will have positive future attributes for having an educated workforce. Approval will be requested during action items.

PUBLIC COMMENT #2:

Comments in SUPPORT of Resolution 4-24 supporting Camas School District:

Superintendent of Camas School District John Anzalone:

Superintendent Anzalone stated he appreciated everyone's time and consideration. Anzalone explained that the support will help Camas School District propel over the hump of getting its message across. Anzalone stated the levy has had a solid campaign under challenging circumstances. He also mentioned that he understood pandemic feelings and the sentiment referring to education nationwide. Anzalone stated that knowing all those factors, the board took into consideration a conservative levy rate. Currently, the levy has a 20% turnout. Anzalone is hoping to cross into 35%. Anzalone also stated that Camas School District has presented this levy to every single school in the area, the local Rotary clubs, and the Chamber.

Comments in OPPOSITION of Resolution 4-24 supporting Camas School District:

No comment.

ACTION ITEMS:

Resolution 4-24:

Commissioner Keister requested formal approval of Resolution 4-24 as presented during discussion items. Upon motion by Commissioner Marshall seconded by Commissioner Spencer and carried unanimously, Resolution 4-24 was approved effective February 7, 2024.

Leave and Holiday Policy Revision:

Commissioner Keister requested formal approval of the Leave and Holiday Policy Revision as presented during discussion items. Upon motion by Commissioner Spencer seconded by Commissioner Marshall and carried unanimously, the Leave and Holiday Policy Revision was approved effective February 7, 2024.

Marina Loop Pavement Contract:

Commissioner Keister requested formal approval of the Marina Loop Pavement Contract as presented during discussion items. Upon motion by Commissioner Marshall seconded by Commissioner Keister and carried unanimously, the Marina Loop Pavement Contract was approved effective February 7, 2024.

STAFF REPORTS & COMMENTS

Chief Executive Officer-

Chief Executive Officer David Ripp stated he met with City Council Chambers yesterday at Camas 2045 with the DCA as well as consultants from SERA for the subarea plan. Ripp explained the consultants gave an overview of the project, presented an initial assessment, and discussed opportunities.

Ripp also mentioned that Dave Pinkernell from Community Chest gave a presentation to Port staff about what the Community Chest organization does. In 2023, Port staff donated nearly \$2,700. Ripp mentioned that Community Chest is starting to review grant applications for 2024 tomorrow.

Ripp stated he wanted to plan a date to continue the strategic planning meeting as well. February 27th, 8:30-12:30 pm was decided among the Commission and staff.

Upcoming events:

Chamber Luncheon February 28th from 11:30 am-1 pm

Economic Forecast Breakfast March from 5th 7 am-9:30 am

CREDC Legislative Review March 20th from 8:45 am-10:30 am

Director of Finance-

Director of Finance Krista Cagle stated the Port will be attending and having a booth at Downtown Camas First Friday on March 1st. Cagle also stated the Port will be attending the first Fridays in May, June, and August. Cagle explained that she and Office Assistant Amie Bittle had begun their talk about the annual report. They thought having a digital report would be best for 2024.

Director of Business & Real Estate-

Director of Business & Real Estate Derek Jaeger stated the Washougal Business Association meeting is on February 13th at 2 pm. Jaeger also spoke about this year's East County Industry Fair. Jaeger explained that he currently has 3 leases in progress. The leases are additional parking for Ferguson, the Pendleton lease for Port maintenance staff, and the Freedom Boat Club for summer slip usage.

Director of Facilities-

Director of Facilities Eric Plantenberg stated the Port's maintenance staff has the damage from the ice storm over 90% under control now. Plantenberg also stated he is heading down to Florida at the end of the month to look at a potential Airbnb for the Port's marina. Plantenberg stated the maintenance crew will be doing sidewalk repairs in March or April and the waterfront trail may be affected.

COMMISSIONER REPORTS & DISCUSSION

Commissioner Marshall

Commissioner Marshall stated she appreciated the talks about future bike racks at the annual planning meeting. Marshall stated she had met with David Fritz of the City of Washougal about bike racks and paths. Marshall also mentioned that Recluse Brew Works was excited about the idea of future bike racks for their business. Marshall explained that she may mention the bike rack project to Camas & Washougal High School to see if the metal shop classes would be interested in helping. Marshall stated she gained valuable information from a WPPA Legislative Update email regarding port-specific funding coming from a handful of new bills.

Commissioner Spencer

Commissioner Spencer stated while in Olympia for Port Day, he spoke about the Slough Bridge and the 41st Street project. Spencer stated the legislators were receptive. Spencer also stated he is looking forward to the Port’s next planning meeting.

Commissioner Keister

Commissioner Keister stated Port Day in Olympia was excellent. Keister explained that his comments were well received. Keister stated he spoke about the Slough Bridge and Representative Wylie was extremely supportive.

The regular meeting adjourned at 12:50 pm.

PORT OF CAMAS-WASHOUGAL COMMISSION

Commissioners

Port of Camas-Washougal Staff Report

DEPARTMENT: Finance

FOR THE AGENDA OF: February 7, 2024

RECOMMENDATION: Approval of the Marina Policy Manual Revision as presented to occur at the February 21, 2024, meeting.

SUMMARY:

Port staff recommends the Marina Policy Manual have language added that clarifies situations in which tenancy would be denied. We recommend that any person who has been previously evicted from the Marina due to violation of Port policy be ineligible for tenancy. This recommendation and language came directly from the Port's Attorney.

Additionally, with the new gate system, the Port is offering Marina tenants access to the Brivo Mobile Pass (a phone app that allows tenants to unlock Marina gates from their phones). Language is being added to clarify that tenants are offered one mobile pass per slip.

See page 4 and page 12 of the Marina Policy Manual for revisions.

BUDGET IMPACT:

N/A

SUSTAINABILITY IMPLICATIONS (please describe):

N/A

DEI IMPLICATIONS (please describe):

N/A



MARINA POLICY MANUAL

Adopted: May 18, 2010

Amended July 3, 2012; May 5, 2015; November 16, 2015; June 24, 2019; May 25, 2021; September 15, 2021; June 15, 2022



The Port of Camas-Washougal is the recipient of the **2020 CLEAN MARINA AWARD** from the University of Washington's "Washington Sea Grant Program" administered by the National Oceanic and Atmospheric Administration, US Dept. of Commerce.

TABLE OF CONTENTS**TABLE OF CONTENTS**

DEFINITIONS	1
PURPOSE	2
APPLICATION	2
AUTHORIZATION TO ADMINISTER POLICIES	2
APPLICABLE STATUTES / PRACTICES	3
NOTIFICATION / CURRENT ADDRESS	3
QUIET ENJOYMENT	3
COMMENTS / DISPUTES	4
OPEN PUBLIC RECORDS ACT / RECORDS RETENTION	4
HOLD HARMLESS	4
BOAT INSPECTIONS/SEAWORTHINESS	5
BOAT MAINTENANCE	5
BOAT MAINTENANCE (cont.)	6
BOAT MOVING	6
BOAT REGISTRATION/OWNERSHIP	6
CAMPING	7
CHILDREN IN THE MARINA	7
COOKING IN THE MARINA	7
DINGHIES	7
DIVERS / SWIMMING	8
DOCK BOXES / LOCKERS & STORAGE	8
DOCK CARTS	8
ELECTRICAL POWER	9
FIRE-FIGHTING EQUIPMENT	10
FISHING / FISH CLEANING	10
FUELING OF BOATS	10
FUEL SPILLS	11
GARBAGE & RECYCLING	11
GARBAGE & RECYCLING (cont.)	12

TABLE OF CONTENTS

GATE KEY FOBS / ACCESS	12
-------------------------------	----

GUEST GROUP REGISTRATION AND SPECIAL EVENTS	13
GUEST MOORAGE FEES	13
INSURANCE	13
LAUNCH RAMP PERMITS	14
LAUNCH RAMP USAGE	14
LAUNDRY / SHOWERS, ETC	14
LIVE-A-BOARDS	14
MANEUVERING IN THE MARINA / ON PORT PROPERTY	15
MOORAGE ASSIGNMENT / SLIP SIZE	15
MOORAGE ASSIGNMENT / SLIP SIZE (CONT.)	16
MOORING – PROPER METHODS	16
PARKING / VEHICLE TRAFFIC	17
PETS	17
SALE OF BOAT	17
SEWAGE DISPOSAL	18
SIGNAGE	18
SLIP – UTILIZATION REQUIREMENTS	18
SUBLEASE OF MOORAGE	19
TERMINATION OF MOORAGE	20
WAITING LIST - GENERAL	20
WAITING LIST – NON TENANTS	21
WAITING LIST – TENANTS	21
WATER	22
DIMENSIONAL CRITERIA	23

DEFINITIONS

DEFINITIONS

Access Gate(s): The four gates used to enter the secured Marina.

Breakwater Dock: The floating wave barrier on the south side of the Marina.

Equipment: Boat, car, trailer, personal watercraft, and all other personal material.

Launch Ramp Kiosk: Located across from the Port Offices and north of the Launch Ramp, this station houses the Daily Launch Ramp Ticket Machine.

Marina: Includes docks, water, land, air space and all buildings within the boundaries of Parker's Landing Marina.

Marina Management or Management: Marina Management of Parker's Landing Marina, its agents and representatives.

Marina User or Users: Boat owners/operators, and the public, entering the Marina.

Moorage Agreement: The moorage lease agreement between the Port and Marina Tenant.

Moorage Tenant or Sublessee: A moorage agreement customer.

Port: The Port of Camas-Washougal.

Schedule of Rates & Fees: The Port's rates and charges, current and as hereafter amended.

Seaworthy / Seaworthiness: A vessel able to start the engine and motor out of the Marina, along with the ability to bilge water efficiently.

Secondary Vessel: a vessel designed, or normally used for, the purpose of ship-to-shore transit. This includes jet skis, wave runners and any vessel which may be moored other than the primary vessel.

Shipshape: tidy, clean, and free of debris or collected or abandoned materials.

Sublessee: Occupant of a slip temporarily vacated by Moorage Tenant.

PURPOSE / APPLICATION / AUTHORITY TO ADMINISTER POLICIES

PURPOSE

The purpose of these Policies and Procedures is to promote the safe and efficient operation of Parker's Landing Marina and provide better service for boaters and the public. As a municipal corporation and public service agency, the Port of Camas-Washougal is sensitive to and is obligated to take action on the valid suggestions and complaints of its customers. It is the intent of the Port to encourage customers to contribute to the efficient operation of the Marina by following the policies and procedures established for this purpose. It is the responsibility of the Marina Management to enforce these policies and procedures.

APPLICATION

All users of Parker's Landing Marina are subject to these policies and procedures and all Tariffs as promulgated by the Commissioners of the Port of Camas-Washougal, as now or hereafter amended.

AUTHORIZATION TO ADMINISTER POLICIES

- Marina Management may request persons violating these policies to leave the Marina.
- Moorage Tenants or Marina Users who violate these policies and procedures may be subject to cancellation of moorage agreements.
- Charges for removal of equipment will be assessed against the boat and/or its owners, per the Tariff Schedule.
- Marina Management may interpret the reasonable intent of these policies to carry out the purposes as intended, and may make exceptions on a case-by-case basis.

STATUTES / NOTIFICATION / QUIET ENJOYMENT

APPLICABLE STATUTES / PRACTICES

All Port, Municipal, County, State and Federal regulations, laws, and generally accepted safety and Clean Water standards apply to Marina Tenants and Users.

NOTIFICATION / CURRENT ADDRESS

Notices that the Marina Policy Manual is available will be posted at the information areas at the top of the launch ramp as deemed appropriate. The Port does not accept the responsibility for mailing or delivery of the Marina Policy Manual to Marina Tenants or Users. Copies are available in the Port Office upon request, and on the Port's website.

In an effort to encourage paperless transactions, The Port advises new tenants at lease signing where to access the current Marina Policy Manual on the Port website.

Moorage Tenant, Port Sublessee or Tenant Sublessee must provide the Port:

- The name, address and telephone number of the legal owner of the vessel; and
- If the vessel owner lives more than 75 miles from the Port Marina facility, a local contact person's name, address and telephone number, if different from the legal owner's.

QUIET ENJOYMENT

Moorage Tenants and Marina Users have a right to quiet enjoyment in their use of Marina facilities. The following are prohibited in the Marina area or on Port property:

- Discharge of fireworks;
- Any objectionable noise or odor given off by a boat or other equipment;
- Creating a nuisance in any way, or unreasonably disturbing any other Marina Tenant or User;
- Loud, boisterous, lewd or lascivious conduct.

COMMENTS / PUBLIC RECORDS / HOLD HARMLESS

COMMENTS / DISPUTES

Suggestions, comments, and/or complaints should be submitted to the Port Office.

Differences of opinion regarding interpretation of these regulations, policies and procedures should be brought to the attention of Marina Management. If the matter cannot be satisfactorily resolved, it should then be submitted in writing to the Port's Chief Executive Officer. Matters which remain unresolved at this point will be referred to the Port's Board of Commissioners.

OPEN PUBLIC RECORDS ACT / RECORDS RETENTION

The Port is a public agency, bound by the requirements of the Open Public Records Act. The lease agreements of the Port and all information provided to the Port by Tenants are available for public inspection and copying upon request.

The Port is a moorage provider bound by the requirements of Washington State's Vessel Registration laws. Certain information provided by all Lessees must be maintained by the Port for at least two (2) years in the event of a request for inspection by state agencies.

HOLD HARMLESS

Anyone visiting or using the Marina or its facilities does so at his/her own risk. The Port does not assume any responsibility for loss or damage to property or persons within the Marina.

ELIGIBILITY

Persons or entities who previously defaulted on a Moorage Agreement or were evicted from the Port of Camas Washougal's Parker's Landing Marina are not eligible for Moorage tenancy either as the principle or as a sublessee.

INSPECTIONS / SEAWORTHINESS / MAINTENANCE

BOAT INSPECTIONS/SEAWORTHINESS

The Port reserves the right to inspect vessels with reasonable notice. In a situation which the Port deems to be an emergency, the Port reserves the right to board and/or inspect the vessel with no notice to boat owner. Failure to inspect does not create any responsibility/liability for the Port.

When Marina Management has probable cause to believe that a boat is not Seaworthy, Marina Management will notify the owner and arrange a joint on-board inspection, not to exceed 10 days from notification.

A determination of Seaworthiness will be made at the conclusion of the inspection. If deemed by Marina Management to be un-Seaworthy, boat owner will be given ten (10) days to make arrangements for repairs or removal of the boat from Marina.

A boat owner must grant permission for an on-board inspection when requested by Marina Management or U.S. Coast Guard Boarding Officer, or be deemed in noncompliance with Marina Policies and be subject to cancellation of moorage agreement.

Boats which are deemed by Management to be hazardous to Marina property or other boats because of their size, condition, or construction, will not be granted moorage or will be subject to cancellation of moorage agreement.

BOAT MAINTENANCE

Designated a “Clean Marina” by the Dept. of Ecology, the Port follows USDOE Best Management Practices. In addition, the following activities are not allowed by Port policy while inside the Marina:

NO: Burning, Spray-painting, Sandblasting or Welding.

MAINTENANCE (cont.) / BOAT MOVING / REGISTRATION / OWNERSHIP

BOAT MAINTENANCE (CONT.)

Also, while inside the Marina:

- No soaps or detergents; only Environmental Protection Agency (EPA) approved products may be used;
- Any sanding inside the Marina must follow the Best Management Practices guidelines;
- Pressure washing of a boat's deck or hull *above the water line* is permitted while boat is in water. However, in the event any pollutants (i.e., paint flakes, oils, etc.) enter the water, the boat owner shall immediately cease pressure washing, and follow the proper steps taken to report the incident and perform necessary clean up. See the Dept. of Ecology's "Resource Manual for Pollution Prevention in Marinas". Available through the DOE's web site.

BOAT MOVING

Management reserves the right to move boats for the protection of life or property. Management also may temporarily relocate a boat for repairs, etc. within the Marina facilities. Every effort will be made to notify the owner. Any boat or property deemed to be a hazard to other vessels or Marina property may, at the discretion of Marina Management, be moved at boat owner's expense.

BOAT REGISTRATION/OWNERSHIP

Moorage Tenants, Port Sublessees and Tenant Sublessees are required to provide:

- Current State Registration or Coast Guard documentation as proof of boat ownership;
- Proof of registration OR a written statement of the lessee's intent to register a vessel certifying that the vessel is exempt from state vessel registration requirements as provided by RCW 88.02.570;
- Vessel hull identification number and home port;
- Date on which the moorage began; and
- Vessel's country or state of registration.

Failure to comply may be cause for refusal, or termination, of moorage. Any Moorage Tenant attempting to retain the assigned slip without a boat registered in the Moorage Tenant's name, will automatically lose continued right to occupy the leased slip.

CAMPING / CHILDREN / COOKING / DINGHIES

CAMPING

Overnight camping in RVs, vehicles, tents, or otherwise is prohibited on Port property.

CHILDREN IN THE MARINA

Children under 12 years of age are required to wear a Coast Guard-approved personal flotation device when on the Port's dock and breakwater. Children 10 and under are required to be accompanied and supervised by a responsible adult.

Coast Guard-approved life jackets are available to borrow. See storage cupboard located on the west side of Launch Ramp. Please return jackets to cupboard.

COOKING IN THE MARINA

“Open-flame” cooking on the docks, whether in the secured area of the Marina or on the Breakwater, is prohibited.

“Open-flame” cooking on the open deck of a boat in a covered slip inside the Marina with a barbeque (propane or coals), a Coleman stove, or other non-permanent cooking facilities is prohibited.

Use of a propane barbeque that is attached to the boat is allowed on the open deck of a boat while tied in an uncovered slip or while moored on the Breakwater Dock.

Use of a built-in cooking device from the manufacturer is allowed while inside the Marina.

DINGHIES

Moorage Tenants may store personal watercraft (dinghies, jet skis, etc.) on their vessel or in the water ahead of the boat, *provided* that it does not cause the primary vessel to extend an unsafe distance into the fairway. (Port Management shall make that determination.) The Dinghy Storage Area is first-come, first-serve for dinghies with a maximum length of 16'. Owners must register dinghies with the Port office before placing them in the storage area. Tenants are allowed one dinghy per leased slip to be stored in the Dinghy Storage Area. A maximum of four dinghies may occupy the Dinghy Storage Area at one time. Wave runners and jet skis are NOT permitted to be stored in the Dinghy Storage Area. Please refer to page #6-**Boat Registration/Ownership** section of the Marina Policy Manual for clarification on registering Dinghies with the Port Office. Please refer to page #13- **Insurance** section of the Marina Policy Manual for clarification on insurance requirements for Dinghies. All vessels stored in the water ahead of your boat in your slip are considered “secondary vessels” and must also be registered with the Port Office.

DIVERS / DOCK BOXES / DOCK CARTS

DIVERS / SWIMMING

The following steps must be taken *before* any scuba diving activity takes place in the Marina:

- Notice to Marina Management of date/time of planned dive
- Obtain pre-approval from Marina Management
- Arrange with Marina Management for buoy markers, and other safety measures

Swimming, rock throwing, etc. are prohibited inside the Marina.

DOCK BOXES / LOCKERS & STORAGE

- All dock boxes installed after January 2010 must be either: identical to those available for rent through the Port Office or conform to the Dock Box / Locker Guidelines.
- Moorage Tenants shall make arrangements with Marina Management for installation of all dock boxes by Port staff. Installation rates are per the Tariff Schedule. Moorage Tenants shall provide their own lock/key.
- Moorage Tenants are required to keep their boat, dock box, and the pier or finger in the vicinity of their boat Shipshape.
- Storage of batteries, oily rags, open paints, or other flammable or explosive materials in dock boxes, or in or on other Marina facilities, is prohibited.
- Storage of items in the overhead portion of the dock structure is prohibited due to safety concerns.
- Blocking any aisle-way is prohibited.

DOCK CARTS

The Port provides wheeled carts for use by Moorage Tenants inside the Marina. Carts should be promptly returned after use to their proper storage area adjacent to each Access Gate, to be available for the next user. Removal of any Dock Cart from the Marina area is prohibited.

ELECTRICAL POWER

ELECTRICAL POWER

Billing: Meters are read and billed every quarter and on termination of the moorage agreement. For electrical usage in non-metered slips, Moorage Tenant shall pay a flat monthly rate.

Electricity to the Marina is provided by Clark Public Utilities. The Port does not guarantee the continuity of electrical service to any boat.

All service connections between Marina outlets and any boat shall conform to the National and State Electrical Codes. Marina Management shall routinely inspect these connections. ABYC-approved shore power cords are required.

All electrical installations are considered Port property. Tampering with or changing power supplies is prohibited.

ONLY Marine-grade battery chargers shall be used. Use of car battery chargers is prohibited.

Moorage Tenants are expected to follow the procedures contained herein regarding operation of equipment to ensure safe and proper use of the electrical service provided.

Boats moved at Port convenience will be furnished equivalent power hookups.

CAUTION: Do not wrap cords around meter posts. Use a strain relief device which will give the cord enough flexibility to adapt to changing tides and does not strain the cord, the post, the box, or the receptacle.

Stray Current within the Marina (Electrolysis):

Electrolysis is usually caused by direct current produced by a vessel. The Port provides properly grounded, alternating current to each slip. Excessive electrolysis damage, receptacles showing excessive wear, or faulty wiring shall be reported to Marina Management. Shore power cords shall be kept out of the water. Through-hull power receptacles shall not have hull bonding straps. The Port has conducted regular stray current inspections since 2011.

FIRE FIGHTING / FISHING / FUELING BOATS

FIRE-FIGHTING EQUIPMENT

Fire hoses and other fire-fighting equipment located in the Marina area are to be used only for fighting fires or for training by the Washougal Fire Department.

FISHING / FISH CLEANING

- Fishing inside the Marina is prohibited.
- Fishing from any boat or dock in the Marina is prohibited.
- ONLY two areas have been designated for public fishing:
 - The east end of the Breakwater Dock into the Columbia River; and
 - The south side of the Breakwater Dock into the Columbia River.
- Fish cleaning at the Launch Ramp or elsewhere on Port property is prohibited.

FUELING OF BOATS

Fuel Dock: Boaters using the Fuel Dock are required to follow all posted instructions and operate the fuel pumps in a safe manner to minimize loss to facilities and the environment. Mooring on the Fuel Dock for purposes other than fueling and/or sewage pump-out is prohibited.

Self-Fueling: Self-fueling of vessels from portable containers (i.e., gas cans or the like) is allowed only at the fuel dock. Self-fueling in all other areas, including the launch ramp, is prohibited.

FUEL SPILLS / GARBAGE & RECYCLING

FUEL SPILLS

In the event of any hazardous spill of any amount, the responsible person shall assume responsibility for immediate reporting and clean-up of any spills. The responsible person must immediately:

- Call the US Coast Guard National Spill Response Center at 800-424-8802 and provide information as to the location and amount of spill, and a contact name and number.
- After calling the Coast Guard, immediately contact the Port Office or the after hours' number [1-360-835-2196 ext. 9] and leave a detailed message.
- Utilize the spill containment equipment located at the fuel dock and at the south end of E-Row.

See the Dept. of Ecology's "Resource Manual for Pollution Prevention in Marinas". Available through the DOE's web site.

GARBAGE & RECYCLING

Garbage and Recycling Receptacles are available at each Marina Access Gate, and adjacent to the Launch Ramp Kiosk in the parking lot.

- Disposal of household garbage or personal refuse in these receptacles is prohibited.
- The deposit or discharge of garbage, trash, oil, fuel, debris and other materials into the water or on land areas of the Marina is prohibited.

An Oil Depository Station is located near the Marina's Maintenance Shop (lower level of Port Office building). Disposal of used oil - placed in a sealed plastic container and acceptable to the recycler - is permitted. No mixed products will be accepted. A separate disposal for oil filters is located at the Marina Maintenance Shop.

GARBAGE & RECYCLING (cont.) / GATE CARDS / ACCESS

GARBAGE & RECYCLING (CONT.)

Hazardous Waste: Ignitable, corrosive, reactive, toxic and substances listed as waste and determined to be hazardous should not be disposed of in garbage or recycling receptacles. Hazardous waste disposal is available in the Port's Washougal Industrial Park: Philip Services, 625 South 32nd St. Washougal WA 360-835-8594; or Waste Connections Transfer Station, 420 South Grant Street Washougal WA 360-835-2500.

Unauthorized Use: The unauthorized use of garbage and recycling receptacles is considered a direct violation of "Theft 3 – Theft of Services" and is subject to citation.

GATE KEY FOBS / ACCESS

Gate Key Fobs will be issued to Moorage Tenants only. Moorage Tenants may be issued a maximum of five (5) Gate Key Fobs upon signing a moorage agreement. The issued Gate Key Fob(s) is the responsibility of the Moorage Tenant, and each use is registered by the electronic Key Fob reader at the Marina access gates. **Each tenant also has access to the Brivo Mobile Pass which allows access to the marina, one mobile pass per slip.**

Sublessees, guests, sales personnel, repairmen or employees of business firms performing work on vessels moored at the Marina are to obtain Key Fobs from the boat owner.

In an emergency, a Gate Key Fobs may be loaned to a non-Tenant through the Port Office, *but only with the express permission of the Moorage Tenant*. In the event the Moorage Tenant is unavailable to give permission, such non-Tenant will be refused entry.

In the event that a Moorage Tenant misplaces his/her Gate Key Fob, access may be granted either by the Port Office loaning a Gate Key Fob for the one-time use (upon surrender of a driver's license or similar identification until the Gate Key Fob is returned), or Port staff may open the appropriate Marina Gate.

GROUP EVENTS / GUEST MOORAGE / INSURANCE

GUEST GROUP REGISTRATION AND SPECIAL EVENTS

It is Port policy to welcome and encourage organized or special groups such as regattas, cruise-ins, and races.

The Breakwater Dock may be reserved for special events, subject to space availability on the Breakwater Dock, or other approved area in the Marina, and approval by Marina Management.

Contact Marina Management for reservations.

GUEST MOORAGE FEES

Owners/operators of boats entering and tying up to a dock at the Marina, must pay moorage fees, in accordance with the Port's Tariff Schedule.

Payments should be made at the Port Office, or at the Self-Pay Station at the top of the launch ramp. Does not apply to stays of four (4) hours or less.

INSURANCE

Moorage Tenants, Port Sublessees and Tenant Sublessees are required to carry coverage at liability limits of at least three hundred thousand dollars (\$300,000) per occurrence and show proof of insurance to Marina Management upon entering into a moorage agreement or sublease when requested to do so. This section does not create or diminish rules regarding Port subleases and tenant subleases set forth elsewhere in this Manual.

Such insurance is to include, at a minimum, general, legal, and pollution liability coverage. Moorage Tenant's and Sublessee's marine insurance may satisfy the requirements set forth herein through the purchase of multiple policies as necessary.

LAUNCH RAMP PERMITS / LAUNCH RAMP USAGE / LAUNDRY / SHOWERS / LIVE-A-BOARDS

LAUNCH RAMP PERMITS

A Permit displayed in the vehicle is required for use of the Port's launch ramp and/or short-term parking of a boat owner's trailer.

- Daily Permits for Marina Users are available either in the Port Office or at the Pay Station located at the top of the Launch Ramp, next to the public restrooms.
- Permits must be displayed in the vehicle, visible from the outside.
- Annual Permits are available in the Port Office and shall be displayed as instructed. Moorage Tenant's Annual permit is included with permanent moorage.
- Discounted Annual Permits are available at the Port Office for the following:
 - Seniors (62+); or
 - Permanently Disabled
 - Veterans

LAUNCH RAMP USAGE

Powering of boats onto trailers at the Launch Ramp is discouraged, due to the damage caused to the concrete ramp that extends into the water.

LAUNDRY/SHOWERS ETC.

Biodegradable products are required for laundry, showers, dishes, and other cleaning done while on board a boat to minimize graywater residue in the Marina.

Discharge of blackwater into the Marina is prohibited.

LIVE-A-BOARDS

Living aboard boats in Parker's Landing Marina is prohibited. A Moorage Tenant is allowed to stay aboard his/her vessel a total of four (4) consecutive days in a ten (10) day period.

MANEUVERING / MOORAGE ASSIGNMENT / SLIP SIZE

MANEUVERING IN THE MARINA / ON PORT PROPERTY

Boats, vehicles, property, gear or equipment must be parked, stored, moored or maneuvered in a safe and orderly manner.

The boat harbor speed limit is: NO WAKE SPEED.

MOORAGE ASSIGNMENT / SLIP SIZE

Unless other circumstances prevail, a boat's overall length, inclusive of bow sprit and swim platform, must not be more than one (1) foot longer than the slip length - from walkway to end of finger. Port Management will consider the defining factor to be the overall measurement of the boat, including accessories (i.e., dinghy, etc.).

Exceptions to the Dimensional Criteria may be granted by Marina Management, but are the exception, not the rule, and are subject to 30-day cancellation. Exceptions will only be granted when there are unusual conditions with regard to the following:

- Beam or draft of vessel
- Operating characteristics of vessel
- Characteristics of the slip, i.e., swift current, access restrictions, lowwater issues, etc.

Moorage is assigned by Marina Management with regard to a vessel's overall length, beam, draft and operational characteristics, in relation to the slip's characteristics, and other considerations.

MOORAGE ASSIGNMENT/SLIP SIZE (cont.) / MOORING/PROPER METHODS

MOORAGE ASSIGNMENT / SLIP SIZE (CONT.)

Marina Management will make frequent inspections to ensure that the boat in an assigned berth is the boat noted on the lease. This “inventory” does not verify ownership, but is merely a tool in assisting Marina Management to minimize abuse of use. Unauthorized users may be charged with “Theft of Services.”

Boats presently in slips that do not meet the Dimensional Criteria may be moved at the convenience of the Port.

Marina Management may measure vessels prior to slip assignment, or whenever deemed necessary by Management, and/or view the vessel in place, to ensure compliance with these policies.

MOORING – PROPER METHODS

Marina Users and Moorage Tenants are:

- Responsible for properly securing their boats to dock cleats. The Washougal Fire Marshall requires a five-foot clearance along the docks. No protrusion onto the dock or into the fairway behind the boat is allowed due to safety considerations for people on and around the boat and potential impact on other vessels. [Port staff is available to respond to questions regarding this important issue.]
- Responsible for adequate fendering to protect Marina facilities and adjacent vessels and for securely mooring their boats with adequate bow, stern and spring lines. No lines shall cross walkways or be tied to the 4x4 structural members or pilings.

Moorage Tenants may provide their own bumpers along the dock, provided no tires or carpeting, fabric, or other moisture absorbing/retaining materials are used. Acceptable bumper materials would be: Teflon stripping or commercial rubber bumpers. Marina Management shall approve the bumper material, approve the placement of the bumper, and install the bumper.

PARKING / VEHICLE TRAFFIC / PETS / SALE OF BOAT

PARKING / VEHICLE TRAFFIC

Management may establish reasonable traffic and parking regulations, including posting of signs and issuance of permits, as required for orderly handling of motor vehicles on Port premises.

A vehicle parked in violation of signs or regulations may be ticketed or towed and impounded. The vehicle will be released only after all charges and costs have been paid in full by the registered owner.

Parking areas are for the use of customers and persons involved with the use of Marina facilities and adjacent parks. The Port does not offer reserved parking accommodations for individuals, groups or events.

Commercial vehicles, such as semi-trucks may not be parked in the parking lot overnight.

PETS

All pets must be leashed while on Marina property. Pet owners are responsible for proper clean-up and disposal of animal waste.

SALE OF BOAT

The assigned slip is for the use of the lessee/Moorage Tenant. In the event the Moorage Tenant sells the boat described in the Moorage Lease Agreement, the lessor must either terminate their lease, or purchase another boat within 120 days of the sale and provide proof of ownership to the Port Office. Moorage Tenant is responsible for providing information on any change of vessel in the assigned slip – whether permanent or temporary.

In the event a Moorage Tenant sells the boat in the assigned slip and chooses to allow the new boat owner to retain the slip, the Moorage Tenant must notify Marina Management of the sale and provide the bill of sale to transfer the slip into the new owner's name. The person purchasing the boat from the Moorage Tenant will not automatically acquire any rights to the moorage slip.

Once it has been determined that the new boat owner will retain the slip, the Port Office will complete the required paperwork: written termination or transfer of current lease, and signing of a new lease by the new boat owner/new Moorage Tenant. The new owner will have 10 days to schedule an inspection with the Harbor Master.

SEWAGE DISPOSAL / SIGNAGE / SLIP UTILIZATION

SEWAGE DISPOSAL

A pump-a-head is available on the Fuel Dock, south end of J-Row. Sensors on the pump-a-head and cameras on the docks monitor use of this equipment.

- *Before and after each use*, the pump must be properly flushed to clear the line. See posted instructions.
- During winter months, the pump will be shut down to prevent damage.
- Pumping any substance other than sewage is a violation of this Marina Manual, Washougal City Code, and Dept. of Ecology Regulations.
- Violators will be subject to penalties.

This service is included with permanent moorage.

SIGNAGE

Bulletin Board Use

Signs posted on Port bulletin boards are limited to 8 1/2" x 11" unless prior arrangements are made. Signs advertising products, services, events, etc. related to boats and boating may be posted on Port bulletin boards. New signs shall be posted on an empty area on the board; do not cover up existing signs. Signs must be dated and removed in a timely manner.

Solicitation / Handbills

NO solicitation is allowed on Port property. The distribution or posting of handbills in the Marina, the parking lot, or elsewhere on Port property is prohibited.

SLIP - UTILIZATION REQUIREMENTS

Moorage Tenants are required to have their boat in the assigned slip for four (4) months in any 12-month period. Utilization is documented by Marina Management, via slip and tenant records.

Any Moorage Tenant attempting to retain the assigned slip without a boat registered in the Moorage Tenant's name, will automatically lose continued right to occupy the leased slip.

Grace Period: Moorage Tenants will have 30 days from the date of lease signing, to produce an appropriately sized vessel of record, and provide proof of ownership as described in 'Boat Registration,' above, and have vessel inspected by the Harbor Master, unless otherwise arranged with Marina Management.

SUBLEASE OF MOORAGE

SUBLEASE OF MOORAGE

All subleases and/or assignments are to be memorialized on a Port-provided form.

All sublessees are subject to the same regulations and procedures as Moorage Tenants, including providing information to the Port Office on the boat in the assigned slip. The following information must be provided:

- Boat make, length and beam.
- Boat name and registration information.
- Boat owner's name.
- All contact numbers (home; work; cell).
- Length of expected stay.
- Proof of insurance.

Second-party subleasing is strictly prohibited and may be cause for termination of the sublease agreement.

Sublessees are required at lease signing to provide copies of current State Registration or Coast Guard documentation as proof of boat ownership and proof of insurance in an amount not less than \$300,000. Failure to comply may be cause for refusal of moorage.

Tenant Sublease: A Moorage Tenant may allow use of their slip by another boater for a maximum of thirty (30) days in any 12-month period, and complete a sublease agreement with the Port. Subleasing any slip or space in the Marina by the Moorage Tenant for a period of more than 30 days, without following Port procedures, is prohibited and may result in termination of the moorage lease.

Under a Tenant Sublease, the Moorage Tenant:

- Is responsible for providing a Gate Key for sublessee's use.
- May not charge Sublessee more than the prevailing moorage rates.
- Is responsible for all charges that accrue to the Port.
- Is responsible for removal of the sublessee's boat at the expiration of the Tenant Sublease, or 30 days, whichever comes first.
- Is responsible for any assessed penalty charges, plus the current moorage rate, if sublessee's boat remains in the slip after the expiration of the Tenant Sublease, or 30-day period, and is declared an unauthorized boat and/or is impounded.

TERMINATION / WAIT LIST GENERAL

TERMINATION OF MOORAGE

Slip Termination: Termination of a Moorage Lease Agreement requires a thirty (30) day written notice by either party. Tenants may give such notice 30 days prior to the end of their current lease term without penalty. If notice is given within a lease term, the tenant may be granted an early release if the Port can fill the slip with another tenant. In such cases, the terminating tenant will be subject to a lease break fee (amount found in the current schedule of rates and fees) and, if receiving a discounted rate, will be back-billed at the standard monthly rate.

Upon Death: Upon the death of a Moorage Tenant of record, moorage rights may be passed to an immediate family member, namely the spouse, child, father or mother. Documents defining ownership of the boat and the relationship of the family member to the deceased (birth certificate, marriage certificate, etc.) may be required by Marina Management. Once the relationship has been established, moorage will be reassigned as specified by the Last Will & Testament or by the wishes of the family.

WAITING LIST - GENERAL

It is Port policy to maintain a Waiting List for new moorage for Marina Users and the opportunity to change slips for Moorage Tenants. The Port will satisfy requests and make changes in slip assignments while meeting the operational requirements of the Marina.

The Waiting List is processed by date of application, and moorage is assigned in that order, with consideration given to overall length, beam, draft and operating characteristics of the vessel. As of July 1, 2021 there is no priority given to Moorage Tenants over Non-Tenants on the waitlist.

Waiting List members are responsible for keeping the Port Office advised of current contact information.

As a courtesy to the Port and to others, it is requested that the Port be notified when you wish to withdraw from the Waiting List. No refunds will be issued.

WAITING LIST NON-TENANTS / WAITING LIST TENANTS

WAITING LIST – NON TENANTS

Non-Tenants wishing to be placed on the Waiting List for moorage (hereafter ‘Applicant’) must fill out a Waiting List Application on the Port website or in the Port office.

Once on the Waiting List, Applicants who need to move to a larger or smaller slip category on the Waiting List due to the purchase of a different boat must contact the Port Office. Their position in the new category will be determined by the date their name was first placed on the Waiting List.

Applicants shall be charged a nonrefundable Waiting List fee with the Application. This fee is charged annually by calendar year. Regardless of the date on the Waiting List Application, Applicants will be re-billed each December for the next calendar year. Failure to pay by December 31st will result in removal from the Waiting List on January 1st.

When a slip is offered, Applicant shall have a reasonable amount of time to consider the offer and respond. If Applicant declines, he/she shall be moved to the end of the Waiting List

Applicants will be removed from the Waiting List in the case of non-payment of annual Waiting List fee or if Applicant requests to be removed.

WAITING LIST – TENANTS

Moorage Tenants requesting to move to a different slip based on personal preference or who are purchasing a larger or smaller boat which does not meet the Dimensional Criteria of their assigned slip must:

- Contact the Port Office with a description of the boat to be purchased.
- Based on that description, they will be placed on the Waiting List for an appropriate sized slip. (Example: 34’ vessel = 35’ Waiting List)
- Tenants will pay the non-refundable Marina Wait List fee. The fee will be charged annually regardless of the date of the original wait list request. Tenants will be re-billed each December for the next calendar year. Failure to pay by December 31st will result in removal from the Wait List on January 1st.

A Relocation Fee will be charged upon each slip reassignment. (Does not apply to Tenants relocated at Port’s request.) When a slip is offered, Moorage Tenant shall have a reasonable amount of time to consider the offer and respond. If declined, the Moorage Tenant shall be moved to the end of the Waiting List.

WATER

WATER

The water supply to the Port area comes from the City of Washougal and is available throughout the Marina area. Moorage Tenants and Marina Users must provide their own hoses.

During the winter months, the water system is shut off and drained. Water can only be obtained at the entrance to Gate 3, near the staging area.

A ROW

30' COV SINGLE SLIPS:

40' COV SINGLE SLIPS:

<u>SLIP</u>	<u>BEAM</u>	<u>HEIGHT</u>	<u>SLIP</u>	<u>BEAM</u>	<u>HEIGHT</u>
1, 2, 3, & 4:	12' 10"	18'	32:	15' 4"	Uncovered
5:	13' 4"	18'	33:	17' 1"	Uncovered
6:	13' 3"	18'	34:	13' 6"	17' 4"
7 & 8:	12' 5"	18'	35:	14' 7"	17' 4"
9:	12' 8"	18'	36:	13' 10"	17' 4"
10:	13'	18'	37:	18'	17' 4"
11:	12' 10"	18'	38 & 39:	14' 9"	17' 4"
12:	13'	18'	40:	16'	17' 4"
13, 14 & 15:	12' 11"	18'	41:	14' 6"	17' 4"
16:	12' 10"	18'	42:	14' 8"	17' 4"
17 & 18:	12' 4"	18'	43:	14' 11"	17' 4"
19:	13' 2"	18'	44:	14' 1"	17' 4"
20:	13' 4"	18'	45:	16' 1"	17' 4"
21:	12' 11"	18'	46 & 47:	15'	17' 4"
22:	13' 11"	18'	48:	14' 4"	17' 4"
23:	12' 10"	18'	49 & 50:	14' 9"	17' 4"
24:	13' 8"	18'	51:	14' 6"	17' 4"
25:	13' 9"	18'	52:	14' 11"	17' 4"
26:	17'	18'	53:	15' 1"	17' 4"
27:	15' 4"	18'	54:	14' 10"	17' 4"
			55:	15' 9"	17' 4"
			56:	15'	17' 4"
			57:	15' 5"	17' 4"
			58:	14' 5"	17' 4"
			59:	15' 5"	17' 4"

UNCOVERED DOUBLE SLIPS

<u>SLIP</u>	<u>LENGTH</u>	<u>BEAM</u>	<u>HEIGHT</u>
28A:	35' or 40'	14'	Uncovered (Dock on one side only)
28B:	35'	22' 6"	Uncovered
29A:	30'	22' 6"	Uncovered
29B:	30'	22' 6"	Uncovered
30:	35'	22' 6"	Uncovered
31:	35' or 40'	14'	Uncovered (Dock on one side only)

COVERED DOUBLE SLIPS

	<u>LENGTH</u>	<u>BEAM</u>	<u>HEIGHT & DOCK SIDE</u>	
			<u>Upriver</u>	<u>Downriver</u>
B Row	20'	18' 5"	9' 8"	10' 2"
C Row	20'	18' 5"	9' 8"	9' 10"
D Row	25'	18' 5"	10' 7"	10' 10"
E Row	25' (2 slips) 30' & 35'	24' 24'	Uncovered 14' 11"	15'
F Row	25' (2 slips) 25' (4 slips)	26' 26'		15' 11" Uncovered
	30'	26'	15' 11"	16'
	35'	26'	15' 11"	16'
H Row	35'	26'		Uncovered

I Row	25'	19'	12'	12' 6"
J Row	25'	20'	11' 4"	12'



Port of Camas-Washougal Staff Report

DEPARTMENT: Finance

FOR THE AGENDA OF: February 21, 2024

RECOMMENDATION: Approval of the PFML – Washington Paid Family Medical Leave policy as presented during the March 6, 2024 meeting.

SUMMARY:

This is a new policy outlining information about Washington State’s Paid Family & Medical Leave program. The policy contains information regarding how to apply, who is eligible, coordination of benefits while on approved leave as well as the additional benefits the Port covers while on approved leave.

BUDGET IMPACT:

N/A

SUSTAINABILITY IMPLICATIONS (please describe):

N/A

DEI IMPLICATIONS (please describe):

N/A


POLICIES & PROCEDURES MANUAL

Section:	LEAVE & HOLIDAYS	Revision Date:	
Subject:	PAID FAMILY & MEDICAL LEAVE	Adoption Date:	

PURPOSE OF POLICY:

The Washington State Paid Family and Medical Leave (PFML) law (Chapter 50A RCW) and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons. This policy provides a summary of the PFML program. Employees may obtain additional information at www.paidleave.wa.gov. To the extent an issue is not addressed in this policy, the Port of Camas-Washougal will administer this benefit program consistent with applicable statutes and regulations.

PAYROLL DEDUCTIONS:

Per Port resolution 8-18 adopted on 09/17/2018, the Port will pay all its employee's share of premiums for Paid Family Leave and Medical leave benefits (PFML). This is subject to periodic review and may be subject to change.

ELIGIBILITY:

Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows: Monetary Benefits: To be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim. Job Protection: To be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (must have worked for the Port for at least 12 months and have worked 1250 hours in the last year). An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for remuneration or profit (e.g., outside employment or contracting).

LEAVE ENTITLEMENT:

Eligible employees are entitled to take up to 12 weeks of medical or family leave or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave may be available in the event the employee's leave involves incapacity due to her pregnancy. The claim year begins when the employee files a claim for PFML benefits or upon the birth/placement of the employee's child. PFML leave may be taken for the following reasons:

Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time-loss benefits under the worker's compensation system.



POLICIES & PROCEDURES MANUAL

Section:	LEAVE & HOLIDAYS	Revision Date:	
Subject:	PAID FAMILY & MEDICAL LEAVE	Adoption Date:	

Family Leave: Family leave may be taken to care for a covered family member with a serious health condition, for bonding during the first 12 months following the birth of the employee's child, or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA. For purposes of family leave, covered family members include the employee's child, grandchild, parent (including in-laws), grandparent (including in-laws), sibling, or spouse.

PFML runs concurrently with FMLA, where an absence is covered by both laws. PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight (8) consecutive hours of leave in a week for which benefits are sought.

PFML Application Process:

An employee must submit an application to ESD in order to seek PFML benefits. For guidance on the application process, please refer to the ESD website (www.paidleave.wa.gov). Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

Notification Requirements: An employee must provide written notice to their Supervisor and the Human Resources Manager of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to their Supervisor and the Human Resources Manager, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, the Human Resources Manager will advise the employee whether the employee is eligible for job protection under PFML or FMLA, or both. If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt Port operations. If taking leave intermittently, an employee must notify the Human Resources Manager each time PFML leave is taken so that the Port may properly track leave use.



POLICIES & PROCEDURES MANUAL

Section:	LEAVE & HOLIDAYS	Revision Date:	
Subject:	PAID FAMILY & MEDICAL LEAVE	Adoption Date:	

Coordination with Benefits & Other Benefit Programs:

When an employee is on leave receiving PFML benefits, the employee is deemed to be in unpaid status. PFML is protected leave, and standard benefits for medical/dental/life/LTD insurance will still be covered by the Port.

Employees who have additional benefits that are payroll deductions will need to make arrangements to pay the Port to continue coverage.

Other benefits that will still be continued while on PFML leave:

- Wellness benefit (VEBA)
- Long-term Care (up to \$35.00)
- Vacation Accrual
- Sick Accrual
- Holiday Pay

*If you are no longer under protected leave by either PFML or FMLA, be advised that other benefits and standard benefits paid by the Port will no longer apply. Contact the Human Resource Manager as soon as possible for COBRA information.

Employee Reimbursements: When an employee is on leave receiving PFML benefits, the employee will no longer receive any reimbursements for cell phones, etc.

Intent to Return to Work from PFML Leave:

On the basis that does not discriminate against employees on PFML leave, the Port may require an employee on PFML leave to report periodically on the employee's status and intent to return to work.

Job Restoration; Return to Work Recertification:

An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). The Port may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave where the employee has taken leave for the employee's own serious health condition and/or the employee is employed in a safety-sensitive position. If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify the Port as soon as possible.

Port of Camas-Washougal Staff Report

DEPARTMENT: Finance

FOR THE AGENDA OF: February 21, 2024

RECOMMENDATION: Approval of the FMLA – Federal Medical Leave policy revision as presented during the March 6, 2024 meeting.

SUMMARY:

This is a policy revision. The policy contains information regarding how to apply, who is eligible, and coordination of benefits while on approved leave. Revisions include the additional benefits that the Port will maintain while on approved leave, reimbursements that are not covered while on approved leave, job restoration, use of paid and unpaid leave by an employee seeking FMLA, and information regarding the intent to return to work while on approved leave.

BUDGET IMPACT:

N/A

SUSTAINABILITY IMPLICATIONS (please describe):

N/A

DEI IMPLICATIONS (please describe):

N/A



POLICIES & PROCEDURES MANUAL

Section:	LEAVE & HOLIDAYS	Revision Date:	
Subject:	FAMILY AND MEDICAL LEAVE ACT (FMLA)	Adoption Date:	08/03/2010

Previous Revisions: 04/19/2016

Purpose:

The Family and Medical Leave Act (FMLA) allows an eligible employee to take a total of 12 weeks of leave (leave without pay, sick leave, annual leave, compensatory time, or shared leave) in a 12-month rolling period, measured backward from the date the leave begins. If the employee and spouse are both employed by the Port of Camas-Washougal, FMLA leave is limited to 12 weeks between both employees when used for the purpose of providing newborn, adoptive, or foster childcare. The employees may not take twelve weeks each in these situations.

Eligible employees are those who have been employed by the Port of Camas-Washougal for at least 12 months and have worked at least 1,250 hours during the 12 months preceding the leave. To qualify for FMLA leave, one of the following reasons must apply:

1. For the birth and care of a newborn child of the employee.
2. For placement with the employee of a son or daughter for adoption or foster care.
3. To care for an immediate family member (spouse (includes same sex), child, or parent) with a serious health condition.
4. To take medical leave when the employee is unable to work because of a serious health condition.

Note: Entitlement to FMLA leave for the care of a newborn child or of a newly adopted or foster child expires 12 months from the date of birth or adoption.

The Family Medical Leave Act (FMLA) also includes certain military family leave provisions:

*Military Caregiver Leave: Entitles eligible employees who are the spouse (includes same sex), child, parent or next of kin of a covered servicemember (current member or veteran of the National Guard, Reserves, or Regular Armed Forces) with a serious injury or illness incurred or aggravated in the line of duty to take up to 26 workweeks of FMLA leave during a single 12 month period to care for their family member.

Qualifying Exigency Leave: Entitles eligible employees to take up to 12 workweeks of FMLA leave in a 12-month period for a "qualifying exigency" related to the foreign deployment of the employee's spouse (includes same sex), child, or parent.



POLICIES & PROCEDURES MANUAL

Section:	LEAVE & HOLIDAYS	Revision Date:	
Subject:	FAMILY AND MEDICAL LEAVE ACT (FMLA)	Adoption Date:	08/03/2010

Policy: It shall be the policy of the Port of Camas-Washougal that:

Employee Notice Requirement

1. Whenever possible, employees shall provide 30-day notice to their **Supervisor or Human Resource Manager**. ~~the manager.~~
2. A formal request is required. Employees requesting leave shall make the request in writing for the purpose and include the beginning and ending dates of the requested leave.
3. A medical certificate is required in certain situations. A medical certification statement from the appropriate healthcare provider must be attached to an application for leave that is based on the serious health condition of an employee or the employee's spouse, child, or parent. If FMLA is approved in an emergency situation, the employee has 15 days from the start of the leave to provide certification from his/her healthcare provider.

Any certification must state the nature of the medical situation and the estimated time away from work needed by the employee, either for treatment/recovery or to care for a family member. If the employee has a serious health condition, the certification must also state that the employee cannot perform the essential functions of the job.

The Port of Camas-Washougal may require an independent assessment by another healthcare provider when the reason given for the leave request is the employee's inability to perform the essential functions of the job. If the employee's health care provider's opinion conflicts with that of the opinion of the health care provider chosen by the agency for a second opinion, the employee may request that a third opinion be obtained by a mutually agreed-upon health care provider, whose decision will be binding.

Coordination with Benefits & Other Benefit Programs:

~~Employee's medical, dental, basic life and basic long-term disability benefits are maintained by the Port of Camas-Washougal during approved FMLA leaves.~~ For the first 12 weeks of authorized leave during any 12-month period, the Port of Camas-Washougal shall maintain the employee's medical, dental, basic life, and basic long-term disability benefits regardless of whether the employee is on paid or unpaid leave.

Employee's other benefits that the Port of Camas-Washougal will maintain while on FMLA Leave are wellness (VEBA), Long-term Care (up to \$35.00), Vacation Accrual, Sick Accrual and Holiday Pay.



POLICIES & PROCEDURES MANUAL

Section:	LEAVE & HOLIDAYS	Revision Date:	
Subject:	FAMILY AND MEDICAL LEAVE ACT (FMLA)	Adoption Date:	08/03/2010

If leave without pay is past the initial 12 weeks and is approved for an FMLA-associated cause, the employee must use 8 hours of leave per month or self-pay to retain medical, dental, basic life, and basic long-term disability benefits. Other benefits, wellness (VEBA), Long-term Care (up to \$35.00), Vacation Accrual, Sick Accrual, and Holiday Pay will be discontinued.

*If you are no longer under protected leave by either PFML or FMLA, be advised that other benefits and standard benefits paid by the Port will no longer apply. Contact the Human Resource Manager as soon as possible for COBRA information.

Employee Reimbursements:

When an employee is on leave receiving FMLA benefits, the employee will no longer receive any reimbursements for cell phones, etc.

Job Restoration; Return to Work Recertification:

An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of FMLA leave unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). The Port may require a return-to-work certification from a health care provider before restoring the employee to work following FMLA leave where the employee has taken leave for the employee's own serious health condition and/or the employee is employed in a safety-sensitive position. If an employee taking FMLA leave chooses not to return to work for any reason, the employee should notify the Port as soon as possible.

If an employee fails to return to work after the expiration of the approved leave without pay due to a reason other than a serious health condition that prevents the employee from performing the his/her job or circumstances beyond the employee's control, the employee may be required to reimburse the Port for the payment of the medical/dental premiums during the leave.

Optional life and/or long-term disability insurance may be continued on a self-pay basis after the first 12 weeks of authorized leave. If coverage is not retained during the leave, the employee must submit new life and long-term disability forms within 31 days of their return to work to reinstate coverage.



POLICIES & PROCEDURES MANUAL

Section:	LEAVE & HOLIDAYS	Revision Date:	
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4. ~~An employee returning from authorized leave without pay shall be employed in the same position, or in a similar position in the same class and the same geographic area.~~

Use of Paid and Unpaid Leave:

An employee who is taking FMLA leave under a qualifying event must use all paid vacation or paid sick leave prior to being eligible for unpaid leave. Paid vacation or paid sick leave will run concurrently with FMLA leave. If the employee is approved for Paid Family Medical Leave (PFML), they will not be required to use paid vacation or sick leave. Per PFML rules, the employee can choose whether to use the paid vacation or sick leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and paid sick leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation or sick leave prior to being eligible for unpaid leave.

Intent to Return to Work from FMLA Leave

On a basis that does not discriminate against employees on FMLA leave, the Port may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Procedure: To request FMLA leave:

Action by:	Action:
Employee	<ol style="list-style-type: none"> 1. Submit a completed FMLA Request, along with a medical certificate, if necessary, to his/her employee's immediate Supervisor or Human Resource Manager. Thirty days' notice is requested when possible.
Manager Human Resource Mgr.	<ol style="list-style-type: none"> 1. Complete Notice of Eligibility & Rights and Responsibilities under the Family and Medical Leave Act form WH-381. 2. Review the application and medical certificate (if applicable) to verify that the reason given for leave qualifies under FMLA and eligibility criteria have been met. 3. Notify the Payroll Department for vacation and sick leave availability. 4. a) If eligibility requirements are not met, or if reason is not covered under the FMLA, returns to the employee with explanation. 5. b) If the medical certificate is incomplete, the Port may request additional information from the employee and/or the health care professional.



POLICIES & PROCEDURES MANUAL

Section:	LEAVE & HOLIDAYS	Revision Date:	
Subject:	FAMILY AND MEDICAL LEAVE ACT (FMLA)	Adoption Date:	08/03/2010
	<p>6. c) The Port may request an independent medical assessment when the reason for the requested leave is for the serious illness of the employee.</p> <p>7. d) Notify Accounting of all instances of LWOP, including LWOP totals and any paid leave used, for use in adjusting Anniversary and Periodic Increment Dates, and Probationary and Trial Service periods.</p> <p>8. Forward application and attachments to the Executive Director (or designee) with recommendation for approval/disapproval.</p> <p>9. Set up a meeting with the employee to review Eligibility & Rights and Responsibilities under the Family and Medical Leave Act form WH-381. The employees will be informed of approval or disapproval.</p> <p>10. Notify the Supervisor and CEO of approval or disapproval.</p> <p>11. Track FMLA leave and stay in touch with employees on leave.</p> <p>12. If request is for 12 weeks or less, acknowledge receipt of the request by signing the form, and forward to Accounting Department.</p> <p>13. If request is for longer than 1 week, specify approval or disapproval for the extended leave (past initial 12 weeks of FMLA), and explain if not approved. Forward to department director.</p>		
Dept. Director	<p>1. For requests longer than 12 weeks, review the manager's decision. If concurs, forward to Accounting. If disagrees, discuss with manager.</p>		
Acct. Dept.	Moved to HR		
Executive Director (or Designee)	1. Approve/Disapprove the request and return application to Manager.		
Manager	1. Notify employee of approval/disapproval. If not approved, provide explanation.		
Employee	Submit appropriate leave requests, stating Family and Medical Leave on the leave slip. description in ADP.		

Port of Camas-Washougal Staff Report

DEPARTMENT:

FOR THE AGENDA OF:

RECOMMENDATION:

SUMMARY:

BUDGET IMPACT:

N/A

Yes, describe:

SUSTAINABILITY IMPLICATIONS:

N/A

Yes, describe:

DEI IMPLICATIONS:

N/A

Yes, describe:

**FIFTH AMENDMENT
TO
GROUND LEASE**

THIS FIFTH AMENDMENT (“**Fifth Amendment**”) to the GROUND LEASE is made and entered into this day by and between the PORT OF CAMAS-WASHOUGAL, a municipal corporation organized and existing under the laws of the State of Washington, hereinafter called “**Lessor,**” and FERGUSON ENTERPRISES, LLC, FOREIGN LIMITED LIABILITY COMPANY registered and authorized to engage in business and engaging in business in the State of Washington with principle Offices at 751 LAKEFRONT CMNS, NEWPORT NEWS, VA, 23606-3322, hereinafter called “**Lessee,**” (collectively “**Parties**”).

W I T N E S S E T H

WHEREAS, Lessor and Lessee are Parties to that certain Ground Lease dated August 26, 2005 (hereinafter the “**Ground Lease**”) for the real property situate within the Port District in the Town of Washougal, Clark County, Washington (hereinafter the “**Premises**” and described in the Ground Lease in **Exhibit A**, attached thereto); and

WHEREAS, although the original Ground Lease had an expiration date of September 30, 2010, the Parties amended the Ground Lease by the First Lease Amendment, dated June 1, 2010, allowing an extension until September 30, 2015; and

WHEREAS, another amendment to the Ground Lease was executed by the Parties on May 1, 2012, entitled the “Second Lease Amendment;” and

WHEREAS, the Parties agreed to extend the term of the Ground Lease for an additional three years, or until September 30, 2018, in another amendment dated May 1, 2015, entitled the “Third Lease Amendment”; and

WHEREAS, the Parties agreed to extend the term of the Ground Lease for an additional three years and two months, or until November 30, 2024, in the “Fourth Lease Amendment, dated April 14, 2021; and

WHEREAS, the Parties would now like to enter into this Fifth Amendment to the Ground Lease in order to: (1) add an additional twenty (20) parking spaces, thereby amending the Exhibit A to the original Ground Lease (and subsequent amendments); (2) to amend set forth the Rent to be paid during the fourth and fifth extension period (as defined below); and (3) otherwise modify the Ground Lease as provided herein; and

NOW, THEREFORE, for and in consideration of the above recitals, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the undersigned, the Lessor and Lessee hereby agree as follows:

T E R M S

Section 1. Term. The Parties acknowledge that the Ground Lease is currently within the Fourth Extension, as allowed under the Fourth Amendment. Lessee hereby exercises its option to extend the Ground Lease for what formerly was called the Fifth Extension Period, now the Sixth Extension Period, comprising three (3) years, commencing November 30, 2024, and expiring November 30, 2027. This Fifth Extension and future Sixth Extension Period shall be governed by the same terms and conditions set forth in the Ground Lease, save and except the increase in rent as provided in Section 3 herein.

Section 2. Additional Parking Spaces. Effective March 1, 2024, the number of parking spaces shall be increased an additional twenty (20) parking spaces from forty (40) parking spaces to sixty (60), as shown on **Exhibit B**, attached hereto and made a part hereof. From and after the

Effective date, the defined term “Premises” as used in the Ground Lease, shall be deemed to include the additional parking spaces.

Section 3. Monthly Rent. Effective March 1, 2024, the monthly rent for the Premises shall be as follows:

<u>RENT PERIOD</u>	<u>MONTHLY RENT</u>
This Fifth Extension Period	\$550.00*
Sixth Extension Period	\$650.00*

*plus applicable Washington State Leasehold Tax (currently 12.84%)

Section 4. Lessee in Compliance with Ground Lease. To the best of the Lessor’s and Lessee’s knowledge, no event has occurred and no condition exists which with the giving of notice or the passage of time (or both) would constitute a default by Lessor or Lessee under the Lease, and all obligations of Lessor and Lessee have been fully performed in all material aspects.

Section 5. Ground Lease Effective. Except as amended herein, all other terms and conditions of the Ground Lease are and shall remain in full force and effect, unaffected hereby. This Fifth Amendment shall override and supersede all sections of the Ground Lease in conflict herewith and shall be binding upon and inure to the benefit of the Parties hereto, their successors and assigns. All capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed in the Ground Lease.

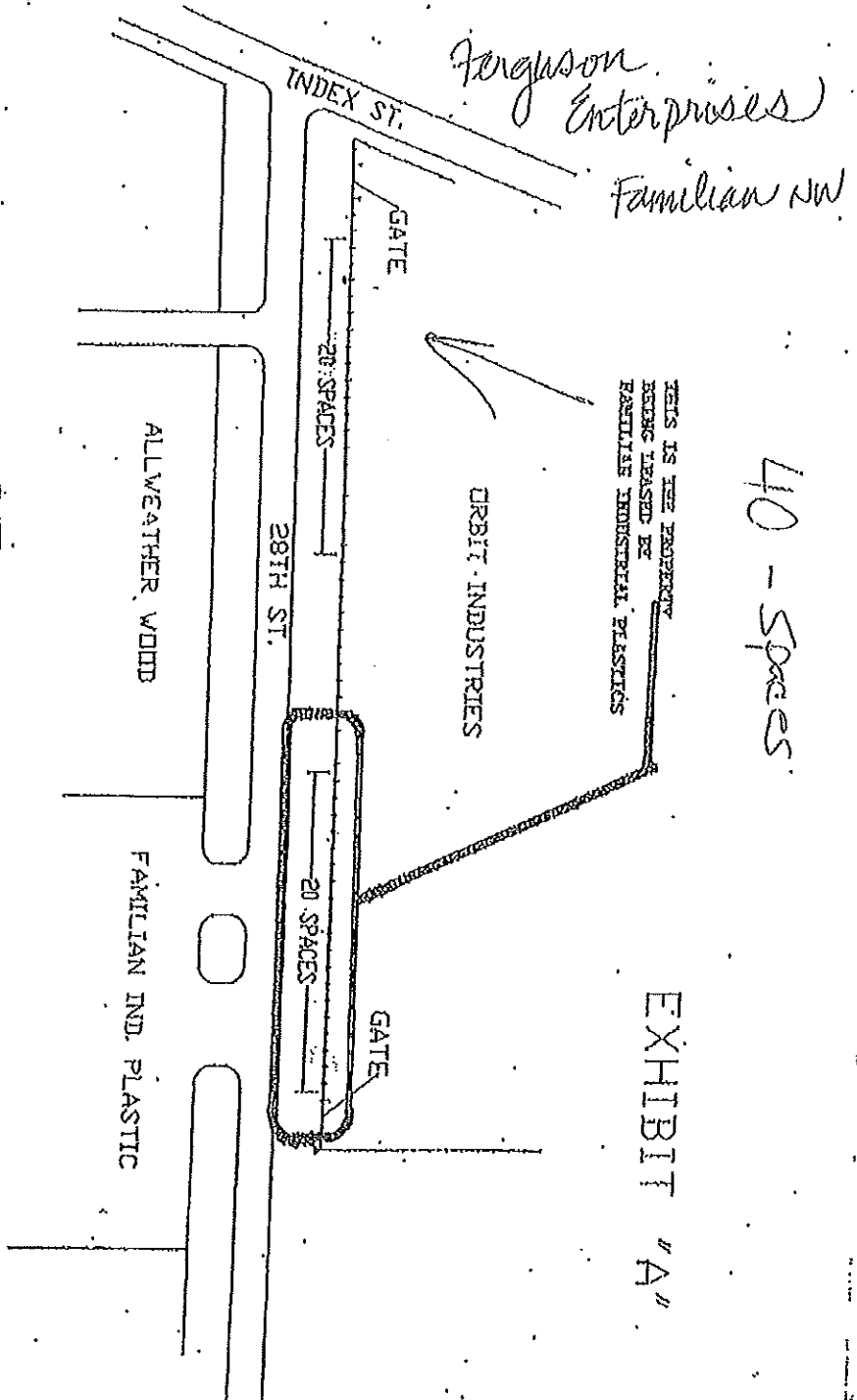
Section 6. Counterparts Effective. This Fifth Amendment may be executed in two (2) or more counterparts, each of which will be deemed an original and all of which together shall constitute one (1) and the same instrument. Further, this Fifth Amendment may be executed through electronic means, scanned signature pages or electronic signature technology (e.g., via DocuSign or similar electronic technology), which shall be deemed originals for all intents and

purposes. The Parties further consent and agree that (a) to the extent that a party signs this Fifth Amendment using electronic signature technology, by clicking “SIGN” (or similar election), such party is signing this Fifth Amendment electronically, and (b) the electronic signature(s) appearing on this Agreement shall be treated, for purposes of validity, enforceability and admissibility, the same as handwritten signatures.

Section 7. Dispute Resolution. If a dispute arises out of or relates to this Lease or the breach thereof, the Parties agree first to try in good faith to settle the dispute by negotiation. by mediation before resorting to litigation or other adversarial dispute resolution process. Failing resolution, all litigation arising out of this Lease shall be in the Superior Court, Clark County, Washington. This Lease shall be construed and enforced according to the laws of the State of Washington.

IN WITNESS WHEREOF, the Parties have executed this Fifth Amendment to the Ground Lease in duplicate on the ___ day of _____, 2024.

[SIGNATURES APPEAR ON NEXT PAGE]



Ferguson Enterprises

Familian NW

40 - Spaces

THIS IS THE PROPERTY
BEING LEASED BY
FAMILIAN INDUSTRIAL PLASTICS

ORBIT INDUSTRIES

EXHIBIT "A"

THE 20 SPACES BEING LEASED ARE ON THE
WEST SIDE OF SO. 28TH STREET DIRECTLY
ACROSS FROM FAMILIAN INDUSTRIAL PLASTICS



Exhibit B
60 parking spaces West side of 28th

20 spaces

20 spaces

20 Spaces

S 28th St

S 28th St

S 28th St

S 28th St

Gate

Gate

Gate

Gate

Gate

William Park

Ford St

Famillian Industrial Plastics

Ewell Corporation RV supply store

Falcon Se