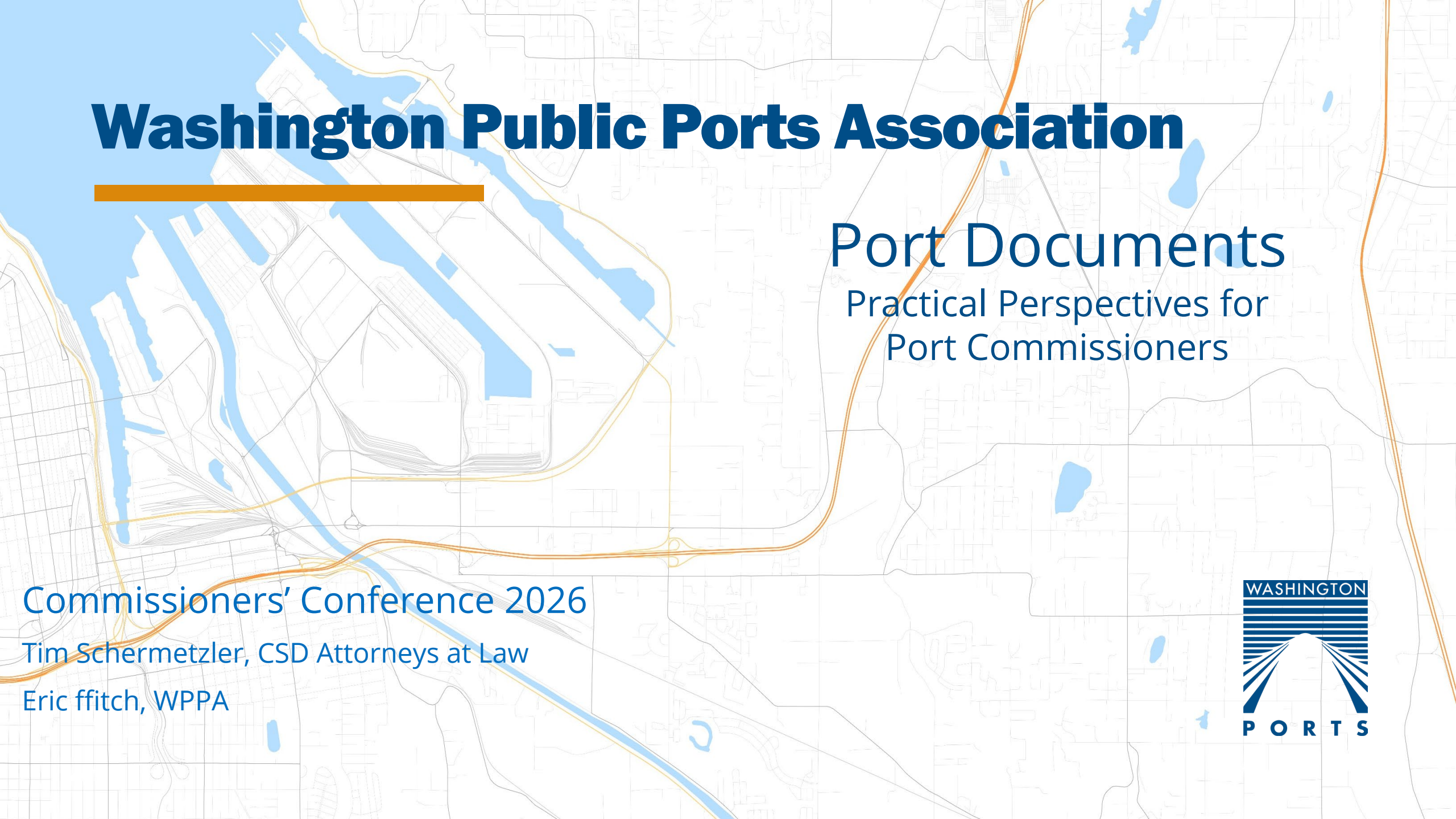


Washington Public Ports Association



Port Documents Practical Perspectives for Port Commissioners

Commissioners' Conference 2026

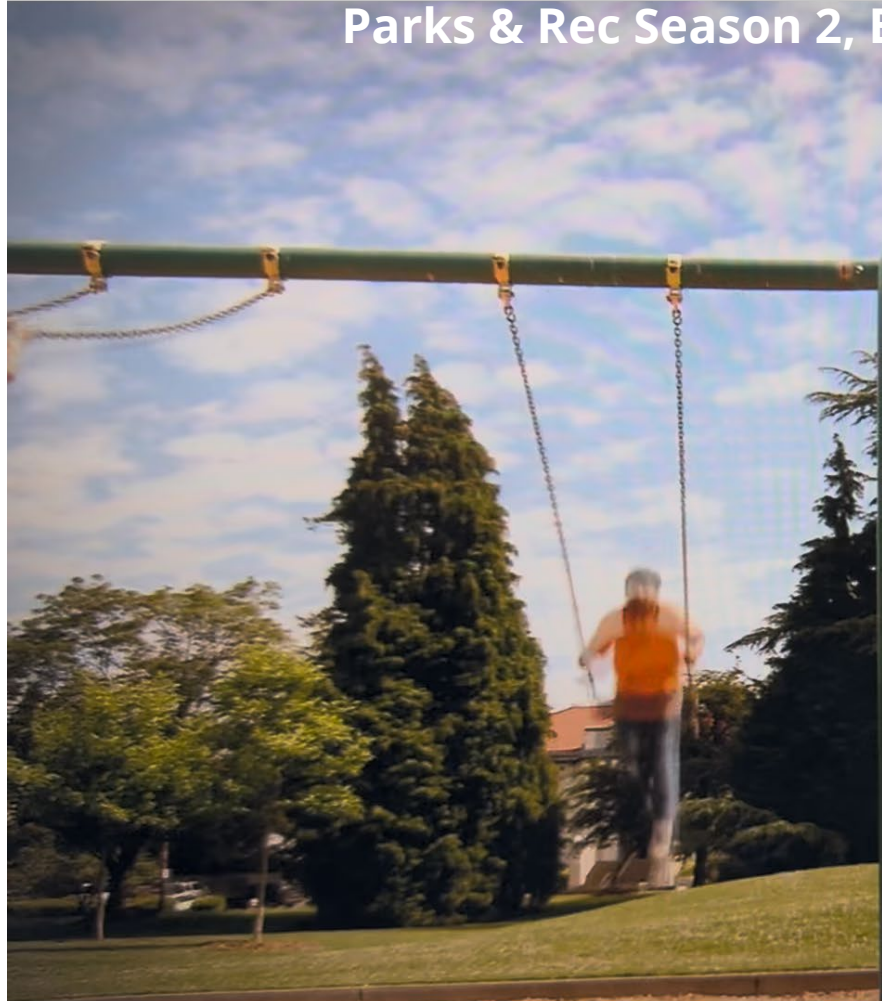
Tim Schermetzler, CSD Attorneys at Law

Eric ffitch, WPPA



From our Friends in Pawnee

Parks & Rec Season 2, Episode 23 – The Master Plan



CREATED BY
GREG DANIELS &
MICHAEL SCHUR



Roadmap

- Document Trivia
- Discussion on Comprehensive Scheme of Harbor Improvements (CSHI) and other planning documents
- Discussion on Resolution for Transaction of Port Commission Business and Commission Resource Documents



Discussion Goals

- Understand legal requirements for CSHI
- Distinguish CSHI from other planning documents (i.e. strategic plans)
- Understand legal requirements for Resolution for Transaction of Port Business
- Scoping and Right-sizing these Documents and Policies to Your Port



Document Trivia



Document Trivia

Question No. 1:

T/F – a port comprehensive scheme of harbor improvements must be a single planning document?

Answer: False.

The Washington Supreme Court noted that a Comp Scheme required by RCW 53.20.010 can be a single document or a series of documents (such as capital budgets, airport layout plans, or marina master plans) so long as the compendium of documents provides a fairly detailed picture of the port district's plans and informs the taxpayers of the manner and purpose for which their money will be spent. [Paine v. Port of Seattle (1912) & Hutchinson v. Port of Benton (1963)]

An insufficient Comp Scheme is one that merely declares that the Port will exercise at some indeterminate time in the future the general powers conferred on the Port by statute. [Port of Everett v. Everett Improvement Co. (1923)]



Document Trivia

Question No. 2:

Name one of the non-delegable duties of the Commission that cannot be transferred to the port's managing official under RCW 53.12.270?

Answer:

- Comprehensive Schemes of Harbor Improvements (RCW 53.20.010).
- Sale of property more than amount in RCW 53.08.090.
- Personal service contracting policies (RCW 53.19.090).
- Appointment of Port Auditor (RCW 53.36.010 and RCW 42.24.080)



Document Trivia

Question No. 3:

What required commission adopted document must be presented to the commission each year by September 15th?

Answer: The Commission Preliminary Budget.

RCW 53.35.010 requires that prior to September 15th of each year, each port commission shall prepare “a preliminary budget of the port district for the ensuing calendar year showing the estimated expenditures and the anticipated available funds from which all expenditures are to be paid.” This leads to the adoption of a final budget and filing with the “clerk of the county legislative authority a certified copy of the port district final budget” no later than the first Monday in December. While the statute requires an “annual budget,” some ports adopt a draft budget for the succeeding three or four years. This “best practice” allows ports to look ahead, and it guides ports in strategic thinking.

*Note RCW 53.35.045 permits the board of commissioners of a port district to file with the clerk of the county legislative authority a certified copy of the port district final budget, provided for in RCW [53.35.040](#), on the first Monday in December. The board of port commissioners may also set other dates relating to the budget process, including but not limited to the dates set in RCW [53.35.010](#) and [53.35.020](#) to conform to the alternate date for final budget filing.



Document Trivia

Question No. 4:

What document or RCW allows the commission to create policies governing commissioner expense reimbursement procedures?

Answer: A Resolution for Transaction of Port Commission Business.

RCW 53.12.245 requires each port commission to adopt, by resolution, “rules governing the transaction of its business.” This resolution typically addresses such things as how motions are made and adopted, the form of the agenda, and commission expense reimbursement. The “best practice” here is to adopt rules that allow for the efficient transaction of the commission’s business. The rules for transacting business vary from port to port and range from a simple process of acting upon a motion, second, discussion, and vote, while others adopt more formal processes such as Robert’s Rules of Order.



Document Trivia

Question No. 5:

What document must your port commission adopt if your port wants to avoid an unconstitutional gifting of public funds and take advantage of the exception in Article VIII, Section 8 of the State Constitution?

Answer: A Promotional Hosting Expenditures Policy.

Pursuant to RCW 53.36.120, if a port intends to utilize funds for promotional hosting (as authorized by Article VIII, section 8, of the state Constitution), the port must adopt an annual promotional hosting budget. In addition, RCW 53.36.140 requires that the port commission adopt “in writing, rules and regulations governing promotional hosting expenditures by port employees or agents.”



Comprehensive Scheme of Harbor Improvements

PORT OF EDMONDS



PORT OF EDMONDS
COMPREHENSIVE SCHEME OF
HARBOR IMPROVEMENTS
Adopted November 10, 2025

RESOLUTION NO. 1-2025

A Resolution Of The Port Of Vancouver Board Of Commissioners,
Clark County, Washington,
Amending The Port Of Vancouver Comprehensive Scheme
Of Harbor Improvements And Industrial Development

Surplus of Bulk Handling Facility Improvements

WHEREAS, RCW 53.08.090 requires that no property which is a part of the Comprehensive Scheme of Harbor Improvements and Industrial Development ("Comprehensive Scheme") thereof shall be disposed of until the Comprehensive Scheme has been modified to find the property surplus to Port District needs; and

WHEREAS, the Port of Vancouver (the "Port") owns a variety of structures and improvements at Terminal 2/Berth 7 (the "Bulk Handling Facility") that have been historically used for marine terminal services and stevedoring for the transloading of cargoes. The property is currently leased to Vancouver Bulk Terminal LLC ("VBT"). The structures and improvements include, but are not limited to, warehouses, unloading buildings, miscellaneous auxiliary buildings, shiploader, conveyors and numerous other lessor-owned equipment. Building 2745 at the Bulk Handling Facility was previously identified as surplus under Resolution 1-2024; and

WHEREAS, the improvements and equipment are no longer needed for Port District purposes as many of the improvements and equipment have reached the end of their useful life or are obsolete for VBT's planned redevelopment of the Bulk Handling Facility at Terminal 2/Berth 7 to accommodate the transloading of new cargoes. The improvements and equipment are hereinafter referred as the **Surplus of Bulk Handling Facility Improvements** and are identified on the attached Exhibit A; and

Surplus of Parcel 3 Shop Building

Port of
Clarkston
2026 –
2031



Comprehensive Plan & Comprehensive
Scheme of Harbor Improvements



Why does the Port need a CSHI?

- Because this plan is required before spending money on port improvements
- RCW 53.20.010 - Adoption of Harbor Improvement Plan

*It shall be the **duty of the port commission** of any port district, **before creating any improvements hereunder, to adopt a comprehensive scheme of harbor improvement in the port district**, after a public hearing thereon, of which notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the port district, **and no expenditure for the carrying on of any harbor improvements shall be made by the port commission** other than the necessary salaries, including engineers, clerical and office expenses of the port district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of a general scheme of harbor improvements in the port district, **unless and until the comprehensive scheme of harbor improvement has been so officially adopted by the port commission.***



CSHI History & Background

- Ports were the first government to have comprehensive planning required by statute (1911)
- Public involvement was mandated from the beginning (this is why it's a Commission Role)
- Ports must adopt the CSHI before money is spent improving the port (with few exceptions – salaries, consultants, etc.)



CSHI History & Background

- CSHI does not need to be updated to ***purchase property***; but must that new property must be added to the CSHI before ***improving*** the newly acquired property (Marino Property Co. v. Port of Seattle (1977)).
- No required format per se, can be a single document or a series of documents that “fairly inform the voters of the general nature and extent of the proposed improvements.” (Paine v. Port of Seattle (1912) and In re Recall of Telford (2009))



CSHI Relation to other Planning Documents

CSHI may, but not need to include:

- Strategic Plan
- Comprehensive plan or plans
- Capital budgets
- Other jurisdiction's plans by reference (e.g., city comp plan)
- Airport layout plans
- Master plans
- Freight Development Plans (RCW 53.20.055)



CSHI Scoping

“Projectize” the approach: Scope – Budget – Schedule

- Scope
 - Right size your plan for your port
 - Consider end use of the plan
- Budget
 - Budget should align with scope
 - Consultant involvement or internal effort?
 - Develop a contingency – unforeseen issues or opportunities
- Schedule
 - Process take time – plan accordingly
 - Be aware of other local and regional planning efforts (GMA Comp Plans, SMP, Zoning updates, utility planning, etc.)
 - Align with other activities of the Port (i.e., adoption of budget, other planning efforts, etc.)



CSHI Scoping

Stakeholder Considerations

- Commission & Staff Alignment
 - Develop expectations (staff and commissioners)
 - Decide if this is a legal requirement or a tool to get something done
- Public Involvement
 - Broad spectrum – from one public hearing to blue ribbon panel/committee
 - Commission is the decision maker
- Other government partners and planners



CSHI Practice Tips

- Aligning adoption of preliminary budget (RCW 53.35.020) with adopting / amending the CSHI (RCW 53.20.010 – adoption or .020 - amendment) to align public notice requirements
- State Environmental Policy Act non-project action
- Distinguishing CSHI from Regulatory Planning Documents of City and County – i.e., Comprehensive Plans required by the Growth Management Act (GMA) Chapter 36.70A RCW



Resolution for Transaction of Port Commission Business



Resolution for Transaction of Port Commission Business

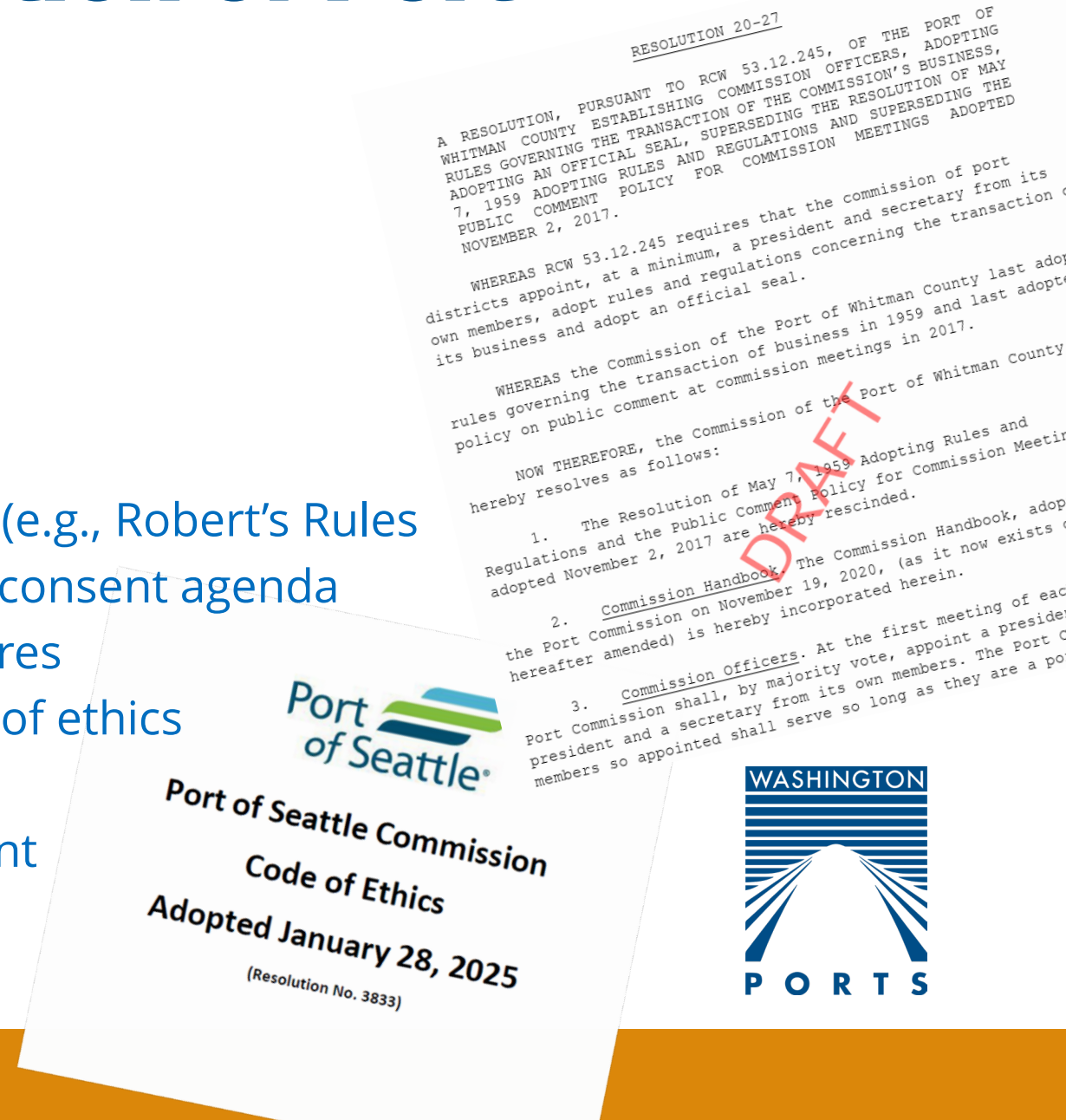
RCW 53.12.245 - Organization of commission—Powers and duties—Record of proceedings.

The port commission shall organize by the election of its own members of a president and secretary, **shall by resolution adopt rules governing the transaction of its business** and shall adopt an official seal. All proceedings of the port commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.



Resolution for Transaction of Port Commission Business

- Minimum Legal Requirements
 - Appoint Commission Officers
 - Establish Rules (undefined format)
 - Adopt an official Seal
- Rules may include:
 - Adoption of parliamentary procedure (e.g., Robert's Rules)
 - Organization of Agenda / adoption of consent agenda
 - Public hearing and comment procedures
 - Define Commissioner conduct / Code of ethics
 - Standards for Minutes
 - Commissioner expense reimbursement
- Best practice to adopt and review annually



Resources for Commissioners

- Staff are your most valuable resource
- Commission handbook
- Commission document sharing
- New Commissioner onboarding materials
- WPPA Commissioner mentorship program
- WPPA
- Your legal team (coordinate through your ED)



Questions

Tim Schermetzler

tschermetzler@csdlaw.com

360-306-3011

And leaving you with a Quote Inspired by Leslie Knope

"You can't wait for inspiration. You have to go after it with a club."

~Jack London

