

## **BROCHURE**

### **BACKGROUND INFORMATION INTENDED TO HELP YOU PROVIDE INPUT**

#### **GENERAL INFORMATION ON PORT DISTRICTS:**

*For more information, visit the Washington Public Ports Association's website at <http://www.washingtonports.org>. The WPPA is a statutorily authorized trade association that acts on behalf of all ports in Washington State.*

1. A port district is established by a vote of the people in a specific area to support the economic development within that area.
2. The port district, once established, is in the business of acquiring land, developing land, and constructing and operating facilities on the land it owns.
3. The funds that a port uses to conduct business can come from a variety of sources, including: property taxes, grants, gifts, special levies or bonds, and income from operating its facilities.
4. Based on the land and facilities the port owns, the five general areas of activity for the port are: marinas including boat ramps and piers, marine terminals, airports, industrial land development, and economic development/tourism.
5. Under the state statutes, a port is only required to have a comprehensive scheme for the port district. At a minimum, this would include a description of the port's inventory, a general statement of how the port intends to spend its money (most often with a Mission, Goals, and

*(see inside→)*

Objectives process), and a general description of how the port district intends to implement its plans (such as a capital improvement plan).

6. While not required under state statute, a port district with sizeable inventory of land and facilities is encouraged to develop a more formal comprehensive plan in line with other municipalities along with a contemporary strategic planning process. The purpose of the plan is to allow an average citizen the ability to understand where and how the port is going to spend its funds.
7. A port district operates primarily under Title 53 of the revised code of Washington (RCW). The full text of the RCW and specifically Title 53 can be found at [www1.leg.wa.gov/legislature](http://www1.leg.wa.gov/legislature). Select "Laws & Agency Rules" on the left. On the next screen select "Jump to RCW" at the top of the page and it will take you to an index of the RCWs that includes Title 53.

### **HISTORY OF THE PORT OF TAHUYA**

- The Port of Tahuya was created in 1925 to support the logging industry in the Tahuya area.
- The Port of Tahuya was deactivated in 1953 and reactivated in 1973. From 1953 to 1984, it is somewhat unclear what the activities of the port were. However, the Port's activities since 1973 have not resulted in any purchase of land nor the building of any facilities that directly support any economic development, including any commerce moving from the water inland or from inland to the water for transport to other destinations.

- The Port of Tahuya developed a comprehensive plan in 1984.
- The Port of Tahuya in 1993 amended the 1984 comprehensive plan to obtain grant funding for a recreational facility called "Menard's Landing". In looking back at the process used by the Port of Tahuya, there is a reasonable question as to whether a proper process was used to establish the plan, and whether the building of the facility was within the powers of the Port district since Menard's Landing is strictly a recreational facility and thus does not fall within the scope of a Port's duties as outlined by Title 53 of the Revised Code of Washington.

#### *RECENT HISTORY OF THE PORT OF TAHUYA*

- In 2002 the Port of Tahuya Commissioners began developing a "Public Access Plan" to amend the current comprehensive plan.
- The Port Commissioners who were in office at the time placed the adoption of the plan on their regular monthly meeting agenda in August 2003. A large number of people who were opposed to the Public Access Plan showed up at the Port meetings and requested a more formal public input process before adoption. However, the then-current Port Commissioners voted to adopt the plan.
- Since that action, one commissioner was voted out of office, another commissioner resigned and was replaced by a vote of the Mason County Commissioners, and a third commissioner has been recalled. Also, two lawsuits have been filed and won by citizens in the district including an action to un-adopt the Public Access Plan.

- The Public Access Plan as originally adopted was un-adopted and removed from the Port of Tahuya's Comprehensive Plan by Commissioners Christen and McPhee on 02/16/2005. The significant events that lead up to this decision are as follows:
  - (1) The Port of Tahuya's legal counsel recommended removal and un-adoption.
  - (2) A motion was made, seconded and approved by Commissioners Gilbert and Christen on 03/17/2004 to begin the process to un-adopt and remove the Public Access Plan from the Port of Tahuya's Comprehensive Plan. However, the process of un-adoption was not completed.
  - (3) Two public hearings were held at which the large majority of citizens were in favor of un-adoption and removal of the Public Access Plan.
  - (4) The Port of Tahuya's Citizen's Advisory Committee issued a report on October 16, 2004 that recommended un-adoption and removal of the Public Access Plan from the Port of Tahuya's Comprehensive Plan.
  - (5) A lawsuit was filed against the Port of Tahuya by Residents for Preservation of Quality of the Hood Canal demanding formal un-adoption of the Public Access Plan and its removal from the Port of Tahuya's Comprehensive Plan. Mason County Superior Court issued an order on 11/15/2004 (Case # 04 2 00954 9) requiring un-adoption and removal of the Public Access Plan from the Port of Tahuya's Comprehensive Plan.
  - (6) The Port of Tahuya Commission complied with the court's order.

## **CURRENT OPERATING STATUS OF THE PORT**

- The Port of Tahuya has approximately \$158,000 in an investment account and has annual revenue of approximately \$26,000, of which \$25,000 comes directly from taxes. Currently the tax rate is 12.5 cents per thousand dollars of property value with a current authorized upper limit of 45 cents per thousand dollars of property value available to the commissioners.
- The Port has an annual operating expense of approximately \$27,000. The Port district does not generate any operating revenue.
- The Port of Tahuya has not acquired any land nor has it proposed any projects under its charter except for the Public Access Plan discussed in the preceding section.
- The citizens of the Port District have not brought any potential projects forward to The Port of Tahuya.
- There are no current legal actions against the Port of Tahuya.
- Menard's Landing, the Port's sole property, is located at 18931 NE North Shore Road in Tahuya, on an open public channel that empties onto Hood Canal at high tide. It includes a hand-carry boat launch, a gazebo, portable bathroom facilities, and a picnic table. It has no running water or electricity and hours of operation are from dawn to dusk.

## **HOW IS A PORT DISSOLVED, AND WHAT WOULD HAPPEN?**

- RCW Chapter 53.48 sets forth the procedure for dissolution of a port district:
  - The port commission must vote for dissolution
  - A petition for dissolution is presented to the county superior court
  - The county superior court must conduct a hearing and enter an order dissolving the port after finding that dissolution “is in the best interest of all persons concerned.”
  - If the district is solvent, the court shall order the sale of assets, other than cash, by sheriff’s sale.
  - Any assets after payment of debts and costs are paid to the treasurer of the county and placed in the credit of the local school district.
  - An adjoining port district cannot annex the former port’s area unless the adjoining port district gains a majority vote of the registered voters beforehand.
- The taxes collected to support the Port District would no longer be collected. Property taxes would be reduced accordingly.
- Menard’s Landing could be transferred to another organization, or sold prior to the dissolution. If not, the property will be sold at public auction and the proceeds added to other port funds and directed to the school district.
- If the port is dissolved, an adjoining port district cannot annex the former Port of Tahuya’a district without a majority vote of the voters of the former Port of Tahuya area.