

**DRAFT MOTION OF THE
OF THE PORT OF SEATTLE COMMISSION
REGARDING SEAPORT ACCOUNTABILITY**

PROPOSED MARCH 24, 2015

TEXT OF MOTION

Unless otherwise decided by a vote of the Port of Seattle Commission, pursuant to due process and compliance with Washington State's Open Public Meetings' Act, the Port of Seattle Term Lease Agreement No. 002652 with Foss Maritime Company (dated 02/09/2015) shall not be amended in any way, and further:

1. The Commission hereby reserves to itself all decisions pertaining to the following elements of the lease: any tenant request for expansion (Section 1.2); mutual options to extend (Section 2.4); any approval for tenant requested changes of use (Section 5.1); any authorization of tenant assignment and/or sublease (Section 13.1); election of remedies in the case of tenant default (Section 14.2); and, consent for holding over (Section 18.3).
2. Consistent with paragraph 1 above, the CEO is hereby directed to administer said lease to ensure tenant vacates the premises at the end of the initial term of two (2) years unless instructed otherwise by future public action of the Commission.
3. As part of the development of Policy Directives as called for under the new General Delegation (Resolution 3704, currently under consideration), the Commission will establish new requirements for leases of significant public interest including, at a minimum, a 30-day public comment period and the completion of all relevant environmental reviews in advance of Commission consideration.

STATEMENT IN SUPPORT OF THE MOTION

The Port of Seattle Commission is ultimately responsible for all Port of Seattle actions and is rightfully held accountable by the public as the elected executive governing body of the Port.

The Port of Seattle's marine terminals and, in particular, the Terminal 5 container facility are vitally important to Washington state's trade driven economy. Terminal 5 is recognized as one of the most competitively positioned container facilities in the Pacific Northwest and is therefore a critical element of the Port's efforts to handle larger container vessels and grow the Puget Sound Gateway. The Port of Seattle is upgrading Terminal 5 to attract a terminal operator and grow container volumes.

The terms of the Foss Maritime Company's interim use of Terminal 5 are specifically structured to accommodate the Port of Seattle's planned improvements and re-letting of the facility for container operations.

The Foss Maritime Company use supports the pursuit of Arctic oil exploratory drilling by Royal Dutch Shell. Arctic drilling is a matter of public importance and subject to widely varying views.

In keeping with the Commission's responsibility to support Washington state's economy, manage the Port's assets in a sustainable manner, and hold itself accountable to the public, the Port of Seattle Commission is asserting its control over critical elements of the Terminal 5 interim use under the Foss Maritime Company lease.

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