ACTION ITEM MEMO
Port of Tacoma Commission

Item No: 6C
Meeting Date: 11/17/26

DATE: November 9, 2026

TO: Port of Tacoma Commission

FROM: Eric Johnson, Executive Director

Sponsor: Heather L. Burgess, Dickson Frohlich Phillips Burgess PLLC, Port Legal Counsel

SUBJECT: Resolution 2026-14-PT – Establishing Commissioner Salary & Per Diem

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A. ACTION REQUESTED

Request Commission approval of Resolution 2026-14-PT – Establishing Commissioner Salary & Per Diem Compensation and superseding Resolutions 2013-05 and 2021-20-PT.

Strategic Plan Initiative:
OS 1: Continue solid Port financial success and fiduciary performance.
OS 5: Foster an organizational culture that attracts, develops and retains a high performing, engaged, and innovative workforce.

B. BACKGROUND

1. Legal Background

RCW 53.12.260(1) establishes a fixed per diem amount of ninety dollars ($90) for "actual attendance at official meetings of the port district commission" or "in performance of other official services or duties on behalf of the district." This statute establishes a daily per diem and maximum annual amount, both of which are indexed to inflation under RCW 53.12.260(4). RCW 53.12.260(1). RCW 53.12.260(2) also establishes fixed salaries for Port Commissioners, which are also indexed to inflation under RCW 53.12.260(4). However, RCW 53.12.260(3) authorizes the Commission to establish its own salary and per diem structure. RCW 53.12.260(3) states, "In lieu of the compensation specified in this section, a port commission may set compensation to be paid to Commissioners."

Article XI, section 8 of the Washington Constitution prohibits municipal officers from increasing his or her salary during a term of office. Because few courts have discussed the application of this provision to port districts or to inflationary increases to per diem, Port Legal Counsel recommends a conservative approach that interprets "salary" in Article XI, Section 8 to include both traditional salary and daily compensation such as per diem.

2. Historical Background

In 2013, the Commission adopted Resolution 2013-05, which set the Commission's compensation as permitted by RCW 53.12.260(3). That resolution adopted an annual salary of $21,600 and per diem at the rate permitted by RCW 53.12.260(1), indexed for inflation. Also in

2013, the Port of Seattle Commission adopted Resolution 3678, which matched Port of Seattle Commissioners' salaries to those of state legislators.

In 2015, the Port of Tacoma and Port of Seattle created the Northwest Seaport Alliance, a joint port development authority. The Commissioners of both ports serve as managing members of the Northwest Seaport Alliance. As a result, Port of Tacoma Commissioners' responsibilities have significantly increased to include expanded oversight duties, meetings, and outreach on behalf of the Northwest Seaport Alliance.

In 2020, the Legislature amended RCW 53.12.260 to ensure that special purpose districts received an inflation-based adjustment to compensation on the same schedule beginning January 1, 2024. However, the plain language of the statute negated previous inflation-based increases to Commissioner compensation. The effect of the legislation was to decrease Commissioner compensation to 2007 levels.

In response, in 2021 the Commission adopted Resolution 2021-20-PT. The resolution maintained the compensation then in effect for all Commissioners, which was a salary of $24,276 and a per diem of $128. As of January 1, 2024, Commissioners currently receive $30,624 per year. Commissioners also currently receive a per diem of $161 per day, with an annual cap of $19,320.

In 2023, the Port of Seattle adopted Resolution 3811. That resolution made Commissioners' per diem equal to that of state legislators, limited to a total of 205 days per year.

Given the growth of the Port of Tacoma and the increased responsibilities involved in governing the Northwest Seaport Alliance, Commissioners have more meetings and events to attend in service of the Port of Tacoma. It is Port Legal Counsel's understanding that Commissioners typically exhaust their annual per diem by August, roughly two-thirds of the way through the calendar year.

3. Summary of Proposed Changes

Resolution 2026-14-PT re-enacts and adopts the same salary that Commissioners already receive of $30,624. Commissioner salary will increase every five years according to the Office of Financial Management's inflationary adjustment pursuant to RCW 53.12.260(4).

Resolution 2026-14-PT also establishes a per diem equal to the amount set in RCW 53.12.260(1). However, under the Commission's authority to establish its own compensation in RCW 53.12.260(3), Resolution 2026-14-PT replaces the statutory maximum amount of per diem a Commissioner may receive to the 205 days per year limit to align with the Port of Seattle and account for increased responsibilities associated with Commissioners' obligations to the Northwest Seaport Alliance. The Resolution otherwise adjusts per diem for inflation on the same five-year schedule as inflationary adjustments to salary under RCW 53.12.260(4).

Consistent with Constitutional limitations, the per diem changes in Resolution 2026-14-PT will not take effect for any sitting Commissioner until he or she begins a new term of office, and the Resolution clarifies that no Commissioner may receive an adjustment to either salary or per diem during a term of office.

Finally, Resolution 2026-14-PT repeals Resolutions 2013-05 and 2021-20-PT except to the extent that those previous resolutions establish salary and per diem amounts for currently Commissioners. Those resolutions will continue to govern currently sitting Commissioners' compensation.

C. NEXT STEPS

Consider and Adopt Resolution 2026-14-PT – Establishing Commissioner Salary and Per Diem Compensation and Superseding Resolutions 2013-05 and 2021-20-PT. As described above, adoption of Resolution 2026-14-PT will not change any sitting Commissioners' compensation unless or until elected to a new term of office.

If the Commission declines to adopt Resolution 2026-14-PT, the salary and per diem structure provided for in Resolutions 2013-05 and 2021-20-PT will remain in effect, meaning the gap in authorized per diem will not be addressed for future Commissions.