

A Resolution of the Port of Tacoma Commission Appointing a Hearing Officer Under the Federal Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”)

WHEREAS, the federal Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”) and its implementing regulations (26 CFR § 1.147(f)-1 or IRC § 1.147(f)-1) require the Port of Tacoma to hold a public hearing as a form of public approval for certain types of tax-exempt private activity bonds; and

WHEREAS, during the recent COVID-19 pandemic emergency, the Internal Revenue Service (“IRS”) authorized required TEFRA public hearings to be held entirely virtually provided that there was a dial-in option available on a toll-free line to allow for public participation; and

WHEREAS, in Rev. Proc. 2022-20, the IRS noted that, “the experience using telephonic hearings during the COVID-19 pandemic has shown that telephonic access has in fact made it easier for the public to express its views regarding a proposed private activity bond issue,” and thus determined to allow TEFRA public hearings to be held telephonically indefinitely; and

WHEREAS, 26 CFR § 1.147(f)-1(d)(3) allows the public hearing to be conducted by an individual appointed to perform that function; and

WHEREAS, the Port Commission desires to appoint a hearing officer to allow TEFRA public hearings to be conducted virtually with public telephonic access as provided for in Rev. Proc. 2022-20.

NOW, THEREFORE, be it resolved that:

Executive Director Eric Johnson is hereby appointed pursuant to 26 CFR § 1.147(f)-1(d)(3) as a hearing officer to conduct such public hearings as may be required for the Port’s compliance with TEFRA requirements for public approval of certain types of tax-exempt private activity bonds.

ADOPTED by a majority of the members of the Port of Tacoma Commission at a regular meeting held on the **15th day of September 2022**, a majority of the members being present and voting on this resolution and signed by the Commission Officers in authentication of its passage this 15th day of September 2022.

PORT OF TACOMA COMMISSION

Donald G. Meyer, President

Deanna M. Keller, Vice-President

Kristin Ang, Secretary

John McCarthy, 1st Assistant Secretary

Dick Marzano, 2nd Assistant Secretary