Port of Brookings Harbor / Regular Meeting

November 17th, 2015

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1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Port of Brookings Harbor Board of Commissioners was held on November 17th, 2015 in the Best Western Beachfront Inn meeting room, Harbor, Oregon. Chairman Roy Davis called the meeting to order at 7:00pm. Other Commissioners present were Sue Gold, Roger Thompson, Mike Manning, and Tim Patterson. Also present was Executive Director Ted Fitzgerald.

1. APPROVAL OF AGENDA

Chairman Davis: Ok, can we get an approval of the agenda as written?

Vice Chair Gold: I so move.

Chairman Davis: Ok, can we get a second?

Commissioner Thompson: I think we need to have a discussion. Why are we not taking public comments now?

Chairman Davis: At the suggestion of SDAO, Roger.

Commissioner Thompson: I mean, we just passed Resolution 447…

Chairman Davis: Roger, we’re on the agenda here.

Commissioner Thompson: I want to talk about the agenda.

Chairman Davis: Ok, the agenda.

Commissioner Thompson: I want to tell you what it says we’re supposed to do as Commissioners.

Chairman Davis: Ok.

Commissioner Thompson: Keep public informed of district matters. Make decisions based on (inaudible) needed of the public. Send the (inaudible) to approve the (inaudible). Place the needs of the public above the ambitions of the board in the district.

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By not taking public comment I don’t think we’re doing any of that. And I don’t know who… Who has the authority to change that?

Chairman Davis: The Chairman does.

Commissioner Thompson: So it’s not a board decision? The Chairman can just do any damn thing he wants, huh?

Chairman Davis: At the suggestion of SDAO, yes.

Commissioner Thompson: I didn’t read anything in any of my SDAO stuff…

Chairman Davis: It’s because you weren’t at the meeting Roger.

Commissioner Thompson: I read everything you got at the meeting, and I talked to them to.

Chairman Davis: You weren’t at the meeting.

Commissioner Thompson: Because nobody notified me.

Chairman Davis: Oh yeah I did.

Commissioner Thompson: At ten minutes till.

Chairman Davis: Were you in town?

Commissioner Thompson: Yes, I was down at the Port.

Chairman Davis: Were you within ten minutes when you got that phone call? Roger I’m not going to argue with you tonight (inaudible).

Commissioner Thompson: Well, I think you’re doing a disservice to the public (inaudible).

Executive Director Fitzgerald: Roger, one thing, a good example is some of the comments that were made last month were defamatory accusations that were false about one of our port employees and that created a causative action that you yourselves are personally liable for, and I wouldn’t be surprised if somewhere down the road you did see some action about that. That’s why you want to be careful about allowing irresponsible comments to be made, and it’s just a good guideline based on what they said at the

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training. And in that case, that stuff shouldn’t have been said, it was false, and it affected our employee.

Commissioner Thompson: Yes, I realize, I read the deal, the Chairman can make the change, but I just think it should have been a board decision. Ok.

Chairman Davis: Ok, so do we have a second to approve the agenda as written?

Commissioner Manning: I’ll make a second.

Chairman Davis: Ted, roll call.

Commissioner Patterson: I have a question.

Chairman Davis: Tim?

Commissioner Patterson: So how, if we’re not in favor of five, how would you suggest we deal with it? What part of the meeting would you like to talk about it? You want to not pass the agenda, or what is the plan here?

Commissioner Manning: No, five’s fine.

Chairman Davis: Yeah.

Commissioner Patterson: No, five isn’t fine.

Chairman Davis: Why isn’t it?

Commissioner Patterson: I’m sorry, the asterisk that goes with… something. There’s an asterisk at the bottom that’s on five.

Vice Chair Gold: It just says non-agenda related public comments will not be accepted at the meeting.

Commissioner Patterson: Right, I’m not in favor of that so…

Vice Chair Gold: Oh, ok.

Commissioner Patterson: Where are we going to deal with that?

Commissioner Manning: New Business.

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Vice Chair Gold: How about under New Business?

Commissioner Patterson: I’m fine with whatever you suggest… whatever Roy suggests, but I don’t want to approve these minutes if we’re not going to talk about it, or have the possibility of changing it back to the way it was. I don’t see… I don’t know that I’m going to win that, but I’m not in favor of this issue at all.

Chairman Davis: Well…

Commissioner Patterson: Now I may lose, I understand that, but I would like to deal with it one way or another.

Chairman Davis: Ok, Tim, I have made this decision upon the suggestion of an SDAO training class that you also were not present at.

Commissioner Patterson: I’m still not in favor of it.

Chairman Davis: Ok, you’re not in favor of it, but I as the Chairman am trying to get this meeting, these meetings, where they are run in order. Civil order. I don’t want people approaching the board uncivilly. If people have things to bring to the board, I will appoint a staff to go out and get them. If someone has a comment on an agenda related item, I will ask them to stand up in front of their chair and make their comment.

Commissioner Patterson: If that’s true, then tonight we’d be talking only about the Travelift...

Chairman Davis: No…

Commissioner Patterson: Lease… The only issue we have is the Travelift Lease.

Chairman Davis: No, no Tim. All ten of items on this paper are agenda items.

Commissioner Patterson: Ok, so do I have an opportunity to convince you to change your mind? If I don’t, then I don’t, but…

Chairman Davis: Yeah, I’m not going to change my mind.

Commissioner Patterson: Ok.

Chairman Davis: Ok, so can we now have a second to approve the agenda as written?

Commissioner Patterson: We have that already.

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Vice Chair Gold: Mike.

Chairman Davis: Ok, you had a second Mike? Roll call, Ted.

Voting Yes: Chairman Davis, Vice Chair Gold, Commissioner Manning.

Voting No: Commissioner Thompson, Commissioner Patterson.

Motion Passes.

1. APPROVAL OF MINUTES
   1. Regular Meeting – September 15th, 2015

Vice Chair Gold moved to approve the amended September Minutes. Commissioner Patterson Seconded. Voting Yes: Unanimous.

* 1. Regular Meeting – October 20th, 2015

Vice Chair Gold moved to approve the minutes as written. Commissioner Thompson Seconded. Voting Yes: Unanimous.

4. OPERATIONAL AND FINANCIAL REVIEW

Revenues from operations were $212,519. Normal expenses were $172,001. The two categories together after property tax revenue, grant expense and debt service resulted in a net operating loss of $60,962.

Marina/moorage revenues came in at 34,530.

RV Park revenue was $75,403.

Fuel sales were $48,469.

Cold storage revenues were $2,496.

Yard activity revenue was $28,020.

Rental revenue was $39,096.

The ice plant generated $7,526.

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Repair and maintenance expenses were $69,966.

Fuel purchased for resale was $16,470.

Office expense was $7,062.

October reflected a slowing in port operations and activities that we have seen since the beginning of this fiscal year, while gross revenue was reduced over a comparison to last year, expenses were trimmed as well.

Dredging activities for the Port of Bandon commenced in October, and are ongoing now. We are hopeful that we will be able to wind up the job prior to the end of the calendar year.

Gary Dehlinger and I participated in a close-out meeting with OEM to wrap up outstanding issues regarding Tsunami repairs. Gary was able to locate $92,000.00 of recoverable charges that were never billed by the port during the tsunami repairs and those have been submitted for consideration.

The port was host to two events during October, including Harvest at the Harbor.

Gary and I led two field trips at the port; the first was in and around the RV park and jetty areas to answer questions and the second concerned the launch ramp and adjacent areas.

The property swap has been completed and the new parcel is in the port’s name.

We are still supplying information to the appraisers in regard to the re-finance and hope to have some resolution within the month.

In accordance with previous discussions, it is the port’s intention to coordinate with our consultants regarding updating our Strategic Plan.

Comm. Thompson asked questions about the operational and financial review, but it turned out he was looking at the previous month.

Vice Chair Gold moved to approve the Financial and Manager’s Reports. Comm. Manning seconded. Voting Yes: Unanimous.

1. AGENDA RELATED PUBLIC COMMENTS

No Agenda Related Public Comments.

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6. UNFINISHED BUSINESS

Executive Director Fitzgerald asked that the Travelift Lease be tabled until the next meeting, and continue to be tabled until the appraisal comes back and we can complete refinancing. The board decided that Ted should proceed forward with his work on the Travelift Lease.

Questions were asked about the status of the appraisal, and Executive Director Fitzgerald updated the board on the status of the appraisal.

Executive Director Fitzgerald brought up the potential of updating our Strategic Business Plan. Updates, workshops, and meetings were discussed.

Commissioner Patterson: My understanding is that we were agreeing to a quarterly, maybe a quarterly, more or less a quarterly budgeting operations, rather than a year, or whatever we’re talking about here.

Executive Director Fitzgerald: I believe when we discussed it at the Executive Session we said a year. A year forecast.

Commissioner Patterson: Well then we need to, we need to amend the 477 or whatever it is that calls for quarterly.

Commissioner Thompson: No, 447 was the other thing.

Commissioner Patterson: Nobody’s questioning whether we should have a long term strategic plan, but the approval for spending money I think should be done on a quarterly basis, and then apply it to, as it calls for in the Resolution, and then we can figure out if we’re staying on budget. I’m just putting that out, I know we’re not talking about that issue right now, but that’s my feeling. As opposed to approving a one year or two-year period of time with no review.

Chairman Davis: You want to add anything to that?

Commissioner Patterson: I know we’re not talking about that right now, so I’m just…

Chairman Davis: So you’re just throwing that out there?

Commissioner Patterson: Yeah, I’m just throwing that out there… And the second thing was… What was the other thing we were talking about?

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Commissioner Thompson: It seems like we could have… If we’re going to do the Strategic Plan, then once a quarter during the board meeting he can report what they’re working on, or how the plan’s going.

Executive Director Fitzgerald: That’s kind of the way I understood it, yeah.

Commissioner Thompson: I mean, I don’t think we should… we can’t go a whole year, without…

Executive Director Fitzgerald: Right, but I mean, you plan for a year, you know, get it out, and then you (inaudible).

Commissioner Thompson: We agree to this quarter, this quarter this quarter, and this quarter, and then…

Executive Director Fitzgerald: I just think that a quarterly window, a quarterly plan, I mean, you can barely get things going in a quarter.

Commissioner Thompson: Well, you do a year plan, but every quarter you report how that year is going.

Executive Director Fitzgerald: Right, I agree with you.

Vice Chair Gold: That makes sense.

Commissioner Patterson: I’d like to have it before the quarter, the projections for the quarter, as opposed to at the quarter... What’s the plan for the next quarter, that’s what I would like to know, and how much money is going to be spent? Is it within budget to do… whatever. I’ll jump over to the Travelift now. Do we agree… At present it’s an additional five thousand dollars that we need attain from that lift, and I don’t see where in the budget where we’re going to find that extra five thousand a month. I just don’t see it at this point.

Executive Director Fitzgerald: I agree, that’s why I said we were going to wait until we got the refinance done, because there’s not cash flow. If you’ll read the Manager’s Report, you’ll notice that earnings have been off since the beginning of the fiscal year. So since we do, we run this place out of current cash, we can’t borrow, we don’t have a line of credit at this time, it’s not realistic to basically budget when you have to wait and see how things are going on a very short term basis. That’s why, once we get through the refinance and we can actually run this place like a business, then you can forecast… and I think we had this conversation at the executive session.

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Commissioner Patterson: We did, but it sounded like we were to discuss at the next… you were going to bring back the lease and we were going to agree upon it… or not to, at least that’s what it sounded like to me. I don’t know, maybe I missed the conversation.

Executive Director Fitzgerald: Yeah, no, we were still looking at our options, and based on our current revenue that would be foolish, so I won’t do it.

Commissioner Patterson: Alright, that answers my question.

Chairman Davis: And another thing Tim, that size Travelift, if and when it gets here, will immediately, immediately, double or triple per haul out, due to the size boat it will pick up.

Commissioner Patterson: That’s the part… I realize I’m not well knowledged in that area, but I’d like to see that analyzed somewhere on a piece of paper or something that shows me how you’re going to get that. I’ll agree to it, but I’d like to see how… what that analyzation is, but right now we’re not going to deal with that, because we’re not doing that… Is the twelve-month review that we were going to do for this meeting… that’s not here, right? I mean, the forecast for the year, we used to have a twelve-month analysis that was (inaudible), which we don’t have…

Executive Director Fitzgerald: What are you talking about?

Commissioner Patterson: Ok, prior to maybe two months ago or three months ago we had a sheet that was showing us on a twelve-month basis actual expenses and the projected expenses to see how we were going toward the end of the year, right? I thought we decided at the last meeting to continue that, but you are waiting for the accountants to…

Executive Director Fitzgerald: Oh, yeah, we are in the process of getting… You know, when we can have some actual accurate numbers, that’ll be…

Commissioner Patterson: So that’s still…

Executive Director Fitzgerald: Yeah, that’s still in the process, and we’re hopefully, you know, right now we’re working on… we’ve just basically got our numbers up to date, current, and now we’re having to get the fiscal year ready for the auditor, and that, hopefully they’ll be getting their stuff this week because we have to get it done before the end of the year.

Commissioner Patterson: Ok.

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Chairman Davis: Any more unfinished business?

Commissioner Thompson asked some questions on the financial statements and check register, and made suggestions regarding the coding of certain items on the profit and loss statements.

1. NEW BUSINESS

There was no New Business.

1. ACTION ITEMS

There were no Action Items.

Chairman Davis: Anybody else? Ok, no Action Items for tonight… Commissioner’s Report, Roger…

Commissioner Thompson: Um…

Commissioner Patterson: I have a question

Chairman Davis: Hold on, hold on… Tim?

Commissioner Patterson: What’s going to be… what did we decide the procedure was for handling letters going to the Commissioners?

Chairman Davis: If there is anything to be brought to the Commissioners, they can put it on the table before the meeting like they did tonight, or they can bring it to the board after the meeting. If it’s agenda related they can stand up and say they have something to bring to the board and we’ll appoint a Port staff to go to them and get it. In other words, stand up in front of your chair, do your public comment on the agenda related item, and if you have something you wish for the board to have at that time, we’ll have a port staff go to, get it, and bring it back to the board.

Commissioner Patterson: Ok, then at what point… Ok, just procedurally, with this particular item, just for example, do we discuss this, or do we just bury it, or what do we do? Does it come up next meeting?

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Chairman Davis: If you want to Tim, yeah, we can discuss it.

Commissioner Patterson: No, I’m looking for procedure, not for this specific letter.

Chairman Davis: The procedure is, is I have taken public comments off at the suggestion, at a training session, by SDAO. I have took their advice as the Chairman, and he specifically said the Chairman must do it, must be very strong, to get these meetings back under civil control. So if there is… Angie has put a letter on our desk, where we sit, tonight before the meeting. That’s not to disrupt this board meeting. This is a board meeting. Commissioners board meeting, where we are allowed to meet, legally, once a month, as a quorum, to hear our Manager’s report, the Staff report, and discuss things amongst ourselves as a Port Board Commission. You do not see, for instance, if you want to go to a Coos Curry Co-Op board meeting, you will go to Coos Curry Co-Op, fill out a form… You just don’t walk in their board meetings. We don’t see the actions at City Council meetings that we’ve seen at the Port lately. We don’t see it at the Curry County Commissioners level. This is a board, and I am…

Commissioner Patterson: That’s not my question. My question is, what happens to this letter next?

Chairman Davis: This letter?

Commissioner Patterson: Take the content away, and what happens to it procedurally?

Chairman Davis: Well, I think Angie’s heard from the board tonight why this was done.

Commissioner Patterson: That’s not the question though. The question is, if this letter was about green apples, what would happen next procedurally? Does it go… Do we talk about it automatically, or we don’t talk about it, or (inaudible)

Chairman Davis: That is procedure, ok, the procedure would be, for Angie to go to the office, make an appointment with Ted, and she can have two Commissioners go with her to the meeting, and discuss it, get it ironed out, and that particular person’s concerns would be taken care of at that time.

Angie Christian: My letter has nothing to do with Ted, it has to do with your decision as a Chairman, so why would I go make an appointment with Ted and take two Commissioners with me? That’s what I don’t understand.

Chairman Davis: Because Angie, we would go and discuss it, and get it taken care of.

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Executive Director Fitzgerald: The correct procedure in dealing with anything with the port is to go through the office first. The office then submits it…

Chairman Davis: And that is per SDAO…

Executive Director Fitzgerald: for review if that’s appropriate. That’s the correct thing to do. Or we submit it to our attorney, or whatever it is that we need to do…

Commissioner Manning: And there’s no censorship intended. Anybody can bring an issue up. They take it down to the office, and say I don’t like the way they’re taking care of the yard. I can go to the office, request to put it on this, they’ll put it on this, and then it can be addressed at this meeting. But I can’t just walk in here and address issues without the board having the ability to have everything gathered up that they need to understand what they’re addressing, and have a time frame to have the back up. Right, wrong, or indifferent it doesn’t matter. There’s a procedure, and the procedure is it gets put on this by going to the office, stating what your issue is, for whoever it may be. There’s time to research, get all the facts gathered up, and come decide as a quorum, what decisions need to be made, or (inaudible).

Vice Chair Gold: So is there a time line that people need to know about in case they have issues to get on the agenda? That would be important to know.

Chairman Davis: We talked about that Jeremy, two weeks?

Commissioner Manning: It was last meeting we talked about it.

Chairman Davis: They have two weeks to get it on the agenda.

Commissioner Manning: Right so two weeks from tonight, we put this agenda together…

Commissioner Patterson: I think it was three weeks before the meeting, but I like two weeks better.

Commissioner Manning: Two weeks after this meeting.

Chairman Davis: Two weeks after this meeting, Jeremy will be putting the agenda together and getting it posted.

Jeremy Galvez: There has to be enough time to get it published.

Commissioner Manning: Right, and then we build it, publish it…

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Commissioner Patterson: This particular instance, or this (inaudible), I don’t particularly care about the content. She should have taken this, should have gone in, taken this letter to the port office…

Chairman Davis: That is correct.

Commissioner Patterson: And we would have…

Commissioner Manning: It could have been asked to be put on this agenda tonight to be discussed.

Commissioner Patterson: And at that point we would, if it’s appropriate, talk about it.

Chairman Davis: Correct.

Commissioner Patterson: And you think that’s what’s happening Ted?

Executive Director Fitzgerald: Excuse me?

Commissioner Patterson: You think that’s what’s happening? The procedure, that’s (inaudible).

Executive Director Fitzgerald: Well, I know that’s what’s supposed to happen, yeah. It’s not appropriate to come to a public meeting and drop something off their table.

Commissioner Patterson: I’m not arguing with you on that.

Angie Christian: He just said it was.

Commissioner Thompson: He just said it was, Ted. The Chair did.

Executive Director Fitzgerald: It’s not appropriate to set something on the Commissioners table and expect it to be acted upon in that meeting.

Vice Chair Gold: At the meeting?

Commissioner Thompson: Yes.

Executive Director Fitzgerald: Basically by delivering it here, you’re delivering it to the office, the long way around.

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Commissioner Patterson: Ok, that’s fine. And the cutoff date is two weeks prior to the next meeting?

Commissioner Manning: No, it’s two weeks after this one, not prior to the next one. We have two weeks to get all the stuff that we need on this, for Jeremy to have the time to print this, put it in the paper, and do our public notice. So, from tonight whatever comes in for the next two weeks gets put on this. If it’s after two weeks from tonight it does not get on this.

Commissioner Thompson: So what happened from last meeting when it was ten days prior to the next meeting. That’s a change that just went on tonight I guess. I was always told that to be put onto the agenda it had to be ten days prior to the meeting.

Vice Chair Gold: Was that ten business days? I don’t know.

Commissioner Thompson: You’d have to ask Chair. He the one who knows everything.

Chairman Davis: I don’t recall that Roger.

Commissioner Thompson: It’s been talked about many times in here about the ten days.

Executive Director Fitzgerald: I know that in many cases ten days to get the advertisement in… ten days before the meeting just won’t work. So two weeks from now is a more workable thing. It’s a rational thing. Ten days before the meeting you just can’t get the ad in based on how the calendar falls.

Commissioner Thompson: How is our constituents that we were elected by supposed to know that without somebody telling them about it.

Executive Director Fitzgerald: I think I heard that somebody told them about it at the last meeting, but I’m not sure.

Commissioner Thompson: It’s not in the minutes, if it was talked about.

Chairman Davis: And Roger we’ve talked about those minutes before too. Every single word is not in the minutes.

Commissioner Patterson: Can that go in the minutes tonight, minute person?

Chairman Davis: So you got that Jeremy? Two weeks after the meetings.

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Commissioner Thompson: So on a five-week month, it’s got to be two weeks after the meetings. So there’s going to be five weeks in between the meetings. It seems like it should be two weeks before the meeting, not two weeks after a meeting. Not, ok, nevermind.

Jeremy Galvez: But we do still have to go through the process of getting to Roy, getting it approved to go on the agenda, and then getting it typed up and published.

Commissioner Patterson: I think the confusion is… I’d be happier with three weeks before the next meeting instead of two weeks after this one. (Inaudible) But I’m ok with it, I’ll leave it alone.

Vice Chair Gold: But sometimes that would be one week after this meeting, so…

Commissioner Patterson: Ok.

Chairman Davis: Ok, so Jeremy two weeks?

Commissioner Patterson: Maybe we should make it days rather than weeks, sometimes weeks (inaudible).

Chairman Davis: That’s true. Want to make it fourteen working days?

Vice Chair Gold: Fourteen working days is almost three weeks.

Commissioner Patterson: If you’re going to do two weeks, I think it should be fourteen working days. That’s an agreeable number. It should be fourteen days following the meeting.

Chairman Davis: I’m good with that Tim. I’m good with any number, as long as these people know what the procedure is.

Commissioner Patterson: I agree.

Chairman Davis: You good with that Roger?

Commissioner Thompson: Mmhmm. Yeah, as long as we know what…

Vice Chair Gold: Well, I think just listening to all this the big concern was people coming and causing problems at the meetings, so we have to get it under control.

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9. COMMISSIONER REPORTS

Commissioner Thompson: Was very appreciative of the dredge party in Bandon, and the effort that is being put forth toward dredging and working with the other South Coast Ports.

Vice Chair Gold: Read a nice letter from Katherine Wiley thanking the Board of Commissioners for giving her the opportunity to speak on Curry Health District Annexation. Also wanted to wish everyone a Happy Thanksgiving.

Comm. Manning also was very appreciative of the dredge party in Bandon. Reported on the state of Domoic Acid testing for Commercial Crab Fishing.

Comm. Patterson: Commented that Katherine Wiley would not have been able to stand up and report on the Curry Health District Annexation under the new rules for public comments. Also commented that at one point the website was only 25% complete, and wanted a progress update. Port Office Manager Jeremy Galvez said the status of the website is about 95% complete, and that we have a partnership with KDRV Newswatch 12 to get a live HD weathercam stream up on our website, and also that we have been upgrading our wi-fi system to the RV Park to make that happen, and to get the additional cameras up and running again. Commissioner Patterson also discussed committees, and how they should be formed, managed, and dissolved. Asked questions about the email addresses, which were answered by port staff.

10. ADJOURNMENT

The meeting was unanimously adjourned at 7:50 p.m.

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