

**DRAFT MINUTES
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
PORT OF BROOKINGS HARBOR DISTRICT**

Wednesday, April 20, 2022

This is not an exact transcript. The audio of the session is available on the Port's website.

The Port of Brookings Harbor District met in regular session on the above date at 2:00pm. Open session at the Port Conference Room, 16350 Lower Harbor Road Suite 202, Harbor OR, 97415, teleconference and webinar.

1. CALL MEETING TO ORDER

Commission President Richard Heap called the Regular Meeting of the Port of Brookings Harbor of Commissioners to order at 2:00pm.

- All participants stated the Pledge of Allegiance.
- **Commissioners Present:**
Joseph Speir, Vice-President (Pos. #1); Sharon Hartung Secretary/Treasurer (Pos. #2); Larry Jonas (Pos. #3); Richard Heap, President (Pos. #4); and Kenneth Range (Pos. #5).
- **Management and Staff:**
Travis Webster, Harbormaster; Danielle King, Safety/Administrative; Jack Akin, Port Engineer; and James Walker, Port Counsel.
- **A motion was made by Heap second by Range to move Information Item E, Commissioner and Staff Relations, to Action Item O. The motion passes 5 – 0.**
- There was no declaration of potential conflicts of interest.

2. APPROVAL OF AGENDA – Audio time 3:01

A motion was made by Speir and seconded by Jonas to approve the agenda as amended. The motion passed 5 – 0.

3. APPROVAL OF MEETING MINUTES – Audio time 3:25

- A. Approve Minutes of Regular Commissioner Meeting Wednesday March 16, 2022.**
- B. Approve Minutes of Workshop Commissioner Meeting Tuesday, March 24, 2022.**

A Motion was made by Speir and seconded by Jonas to approve Meeting Minutes as written. The motion passed 5 – 0.

4. PUBLIC COMMENTS – Audio time 4:08

There were no public comments.

5. MANAGEMENT REPORTS – Audio time 4:19

A. Safety & Security Report – March 2022 - Audio time 4:23

King reported on staff safety training, incidents, accidents, and security issues that happened for the month of March.

B. Financial Report – March 2022 - Audio time 7:09

Commissioner Heap noted that the Port is 30.6% below budgeted expectations.

C. Harbormaster Report – March 2022 - Audio time 8:09

Webster reported on projects that were completed in the RV Park, marina, and equipment services that were performed in the month of March. There was discussion among the Board and staff regarding the sea lions arriving in the Port.

D. Port Manager Report – March 2022 - Audio time 14:20

Commissioner Heap highlighted correspondence with the Port Manager and Corp of Engineers regarding the public crab dock on the north jetty. There was discussion among the Board and Brett Hester, Plant Manager for Pacific Seafood, regarding Pacific Seafood's temporary permit to operate with DEQ.

A motion was made by Speir and seconded by Range to approve the management reports Safety & Security Report, Financial Report, Harbormaster Report, and Port Manager Report for March 2022 as discussed. The motion passed 5 – 0.

6. ACTION ITEMS

A. Stout Mountain Railway Proposal – Audio time 17:39

Commissioner Heap reviewed what was discussed in the April 4, 2022, workshop meeting. Commissioner Jonas had some concerns regarding the location of the proposed railway. Tony Parrish, President of Stout Mountain Railway Club, answered questions the Board had regarding the location, operations, and landscape of the display.

A motion was made by Hartung and seconded by Jonas to decline the proposal from Tony Parrish, Stout Mountain Railway Club, Port Line Railroad display at the Port. The motion failed 2-3. Yes: Jonas and Hartung. No: Range, Speir, and Heap.

A motion was made by Range and seconded by Jonas to approve Tony Parrish, Stout Mountain Railway Club, Port Line Railroad display on Port Property other than the Bell & Whistle.

There was discussion among the Board, they like the area by the Chetco Indian Memorial but agreed to have Mr. Parrish work with the Port Manager regarding the location and bring it back to the Board for approval.

The motion passed 5 – 0.

B. Tidewind Sportfishing Signage Request – Audio time 33:55

Commissioner Heap noted the Port has received two letters regarding signage, and reminded the Board of Information Item A. Kyle Aubin, owner of Tidewind Sportfishing, had a concern regarding certain Board members voting on this item due to conflict of interest. Port Counsel believed there was no conflict of interest since there is no financial gain. There was discussion among the Board and Mr. Aubin regarding his current signs and his lease agreement with the Port.

A motion was made by Range and seconded by Jonas to approve adding and angling the existing Tidewind Sportfishing sign on Lower Harbor Road. No other signage will be allowed on Port property as requested from the letters dated January 1, 2022, or March 16, 2022. The motion passed 3 – 2. Yes: Jonas, Range, and Heap. No: Hartung and Speir.

C. Port Employee Handbook Revisions – Audio time 53:10

There was a question from the Board regarding employees qualify as full-time employees. Port Counsel confirmed that State law is now after 30 hours a week you are entitled to full time benefits.

A motion was made by Jonas and seconded by Speir to approve Resolution No. 2022-03 Port of Brookings Harbor Employee Handbook for 2022. The motion passed 5 – 0.

D. First Supplemental Budget FY 2021-22 – Audio time 58:47

Commissioner Heap explained the supplemental budget to the public.

A motion was made by Speir and seconded by Range to approve Resolution No. 2022-02 Adopting the First Supplemental Budget for Port of Brookings Harbor 2021-2022 fiscal year. The motion passed 5 – 0.

- E. South Coast Knight Security, Consent to Assignment & Assumption of Agreement** – Audio time 1:01:51
Commissioner Heap reviewed the discussion from April 4, 2022, workshop meeting, just a name change in the contract.

A motion was made by Speir and second by Jonas to approve the draft South Coast Knight Security, Consent to Assignment & Assumption of Agreement with Four Aces Security Solutions. The motion passed 5 – 0.

- F. Business Oregon FEMA Matching Project L22009 Contract** – Audio time 1:02:59
Commissioner Heap noted this is approving a resolution that will approve the Boards signature with the State of Oregon to accept the matching grant amount of \$474,732 for the FEMA project of \$1,898,928.

A motion was made by Hartung and seconded by Jonas to approve Resolution No. 2022-04 Oregon Business Development Department Special Public Works Fund Emergency Project Financing Contract Project Number L22009 and authorize Richard Heap, Board President to sign the contract. Approve Joseph Speir, Vice President, Sharon Hartung, Secretary/Treasurer, Larry Jonas Commissioner, Richard Heap President, and Kenneth Range, Commissioner to sign the Authorized Signature Card for Cash Payments on Oregon Business Development Department Awards. The motion passed 5 – 0.

- G. Business Oregon FEMA Matching Project L22008 Contract** – Audio time 1:05:20
Commissioner Heap reviewed that this is for the same amount of \$474,732 for the FEMA project of \$1,898,928.

A motion was made by Hartung and seconded by Jonas to approve Resolution No. 2022-05 Oregon Business Development Department Special Public Works Fund Emergency Project Financing Contract Project Number L22008 and authorize Richard Heap, Board President to sign the contract. Approve Joseph Speir, Vice President, Sharon Hartung, Secretary/Treasurer, Larry Jonas Commissioner, Richard Heap President, and Kenneth Range, Commissioner to sign the Authorized Signature Card for Cash Payments on Oregon Business Development Department Awards. The motion passed 5 – 0.

- H. Moorage License Agreement Revisions** – Audio time 1:07:48
Commissioner Heap noted reviewed the discussion from April 4, 2022, workshop meeting, and reminded the Board of what changes were made to the agreement.

A motion was made by Jonas and seconded by Speir to approve the draft Moorage License Agreement and authorize Port Manager to implement the revised agreement immediately. The motion passed 5 – 0.

- I. Non-Moorage Charter and Guide Boat Launch Fee** – Audio time 1:10:09
Commissioner Heap asked the Board if they'd like to add the launch fee or charge for the launch fee to non-moorage charter and guides. Commissioner Hartung mentioned that after talking with other charters they pay the sticker fee and launch fee at other Ports. Commissioner Heap wants to include the launch fee with the annual charter guide fee, we are trying to provide as much opportunity to the public as we can.

A motion was made by Jonas and seconded by Hartung to approve requiring the boat launch fee as well as the annual non-moorage charter and guide fee. The motion passed 3 – 2. Yes: Jonas, Hartung, and Speir. No: Range and Heap.

- J. Draft MOU Curry County Sheriff's Office** – Audio time 1:15:23
Commissioner Heap mentioned that this is a standard MOU with the Sheriff's Office.

A motion was made by Jonas and seconded by Range to approve Memorandum of Understanding between the Port of Brookings Harbor and the Curry County Sheriff's Office. The motion passed 5 – 0.

K. Live-Aboard Policy Revisions – Audio time 1:16:45

Commissioner Heap reviewed the discussion from April 4, 2022, workshop meeting.

A motion was made by Range and seconded by Speir to approve draft Live-Aboard Policy revisions and authorize the Port Manager to implement the revisions immediately. The motion passed 5 – 0.

L. C.J. Huntsman, SPA, P.C. Engagement Agreement, FY 2021-22 Audit – Audio time 1:18:39

Commissioner Heap reviewed the discussion from April 4, 2022, workshop meeting.

A motion was made by Speir and second by Jonas to approve draft C.J. Huntsman, CPA, P.C. Engagement Agreement for the fiscal year 2021-22 and authorize the Port Manager and Board President to sign the agreement. The motion passed 5 – 0.

M. Wastewater Treatment Plant Timeline and Design Progressing Approval – Audio time 1:20:13

Commissioner Heap reviewed with the Board the timeline of past events that brought the Port to this point and future events that will be happening for the wastewater treatment plant. The goal of the Board now is to look at the design options that meet the DEQ permitting requirements. Jack Akin, Port Engineer, spoke with the Board regarding the correspondence with Senator DeFazio's Office, there is a belief the Board does not want this wastewater treatment plant due to a news article, but we need to make it known that the Board does want the wastewater treatment plant on their facility. There was a discussion among Pacific Seafood Manager, Brett Hester, the Board, and Jack Akin regarding the DEQ permit that Pacific Seafood has been temporarily approved.

A motion was made by Jonas and seconded by Range to approve EMC Engineers/Scientists to proceed with design options to meet regulatory requirements for disposal of crustacean and fish processing only. The motion passed 5 – 0.

N. RV Park Septic Tank on Drawing Clarification – Audio time 1:49:01

Commissioner Heap reviewed that this is a clarification on the previous conceptual drawing from the April 4, 2022, workshop meeting. Commissioner Heap confirmed with Jack Akin, Port Engineer, the RV Park will be built on the Kite Field from the FEMA project will not use a septic system but will be hooked up to Harbor Sanitary sewer system.

A motion was made by Range and seconded by Speir to approve the sewer system design in the RV Park expansion to be connected to Harbor Sanitary District system. The motion passed 5 – 0.

O. Commissioner and Staff Relations – Audio time 1:55:00

Commissioner Heap noted that there may be some communication issues among the Board and the Port Manager. SDAO has given the Board some training but recommends asking to bring down George Dunkel to talk about the real-world experiences, clarification on what lines to not cross, and clarification on the line of policy and operations.

A motion was made by Heap to approve him to contact SDAO and have George Dunkel come down to here to give us the opportunity to ask questions and clarify what our concerns are.

Commissioner Heap asked James Walker, Port Counsel, about having an executive session with the Commissioners, SDAO, and Port Manager to talk about communication issues and roles and responsibilities. Walker clarified the laws for having an executive session and training session, recommended a special session instead of executive session.

A motion was made by Heap and second by Jonas to approve the Board directing the President to contact SDAO, seeking the services of George Dunkel or somebody in that field to come down here and have a special meeting, workshop, to discuss the roles of the commissioners, the roles of the Port Manager to clarify those and make sure everyone is clear on that, talk about communications between Board

members, and between Board members and the Port Manager, clarify that and answer questions we may have about open meeting laws that sort of thing, as soon as possible. The motion passed 5 – 0.

7. INFORMATION ITEMS

A. Charter & Guide Boat Sign Concept – Audio time 2:05:39

Commissioner Heap noted Dehlinger has spoken with Visitors Association to have a uniform sign, the Board has some examples in front of them, and suggested to the Board to have this item as an action item in the future to clarify some details. The Board had a concern regarding this sign and Tidewind Sportfishing Lease Contract and want clarification this sign is not in violation of that agreement.

B. RV Park Change Order – Audio time 2:10:08

Commissioner Heap reviewed the letters from Mike Crow and McLennan Contracting regarding not starting the RV Park project when projected and additional fees due to trenching and adding conduit.

C. USACE Maintenance Dredging (Federal Channel) – FY23 Budget Request – Audio time 2:11:26

Commissioner Heap reviewed the Corp of Engineers received approval to dredge and will be here in June. Webster wanted the Board and public to be aware that at the South Jetty, North end, there is a very shallow spot to be careful of.

D. Fish Cleaning Building Repairs – Audio time 2:14:19

Commissioner Heap reviewed the issues that were exposed during the renovation of the new non-moorage charter and guide fish cleaning room. Webster gave more details regarding the renovations.

8. COMMISSIONER COMMENTS – Audio time: 2:16:11

Commissioner Range had a concern regarding items on the website, but another Board member and Port staff confirmed that it has been removed.

Commissioner Hartung mentioned the RV Park potholes, Webster informed the Board the potholes will be filled on Friday and reviewed how it will be completed.

Commissioner Heap commented to please go catch some salmon this season.

9. NEXT REGULAR MEETING DATE – Wednesday, May 18, 2022, at 2:00pm.

10. ADJOURNMENT – Audio time 2:18:10

Having no further business, the meeting adjourned at 4:17 pm.

Richard Heap, President

Date Signed

Sharon Hartung, Secretary/Treasurer

Date Signed

An audio recording was made of these proceedings. The recording and the full commission packet are available on the Ports website: www.portofbrookingsharbor.com.