

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

Wednesday, January 19, 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:**
Gary Dehlinger, Port Manager; Travis Webster, Harbormaster; Danielle King, Safety/Administrative; James Walker, Port General Counsel via phone; and Jess Webster Port General Counsel via phone.
- There was one change to the agenda, Information Item B – Vessel Miss Stacey was moved to Action Item L.
- There were two declarations of potential conflicts of interest. Commissioner Range for Action Item D – Pelican Bay Arts Association Request for 5-year Agreement. Commissioner Hartung for Action Item I – CBN Enterprises.

2. APPROVAL OF AGENDA – Audio time 3:02

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

3. APPROVAL OF MEETING MINUTES – Audio time 3:30

- Approve Minutes of Special Commissioner Meeting Wednesday December 8, 2021.
- Approve Minutes of Regular Commissioner Meeting Wednesday December 15, 2021.
- Approve Minutes of Special Commissioner Meeting Friday December 17, 2021.
- Approve Minutes of Special Commissioner Meeting Wednesday December 22, 2021.

A motion was made by Hartung and seconded by Speir to approve Meeting Minutes for Special Commissioner Meeting Wednesday December 8, 2021, Regular Commissioner Meeting Wednesday December 15, 2021, Special Commissioner Meeting Friday December 17, 2021, and Special Commissioner Meeting Wednesday December 22, 2021. The motion passed 5 – 0.

4. PUBLIC COMMENTS – Audio time 4:19

There was no public comment.

5. MANAGEMENT REPORTS – Audio time 4:27

- **Safety & Security Report – December 2021. Audio time 4:32**
King reported on staff safety training, incident reports and security issues. Commissioner Heap asked about how staff is trained on safety items. Employees are trained by using videos, handouts, and demonstrations depending on the topic. Public comment was made regarding the individuals who were trespassed.
- **Financial Report – December 2021. Audio time 6:44**
Dehlinger reported the end of the month financials for December 2021. It was noted that there was a patronage credit from Coos Curry Electric, and a quarterly debt payment to IFA was made. Reviewed end of the month balance sheet, December profit & loss numbers, fiscal year profit & loss vs. budget performance and total vendor expenses for the year.
- **Harbormaster Report – December 2021. Audio time 8:54**
Webster reported on the harbormaster report. Reviewed the RV Park occupancy and maintenance, boat launches, telehandler and travel lift operations for the month. Port staff completed 68 work orders during the month, making the yearend total 1005 completed work orders. Port security camera mounts have been placed, just waiting on Oregon Alarm to install cameras
- **Port Manager Report – December 2021. Audio time 12:16**
Dehlinger reported on the port manager report. Reviewed 2021 board meetings and list port achievements for the year.

A motion was made by Speir and seconded by Range to approve the management reports for December 2021 as discussed. The motion passed 5 – 0.

6. ACTION ITEMS

- A. **Best Management Practices Amendment – Audio time 15:23**
Dehlinger noted that the legal counsel brought back an amendment on the resolution with minor adjustments since the last discussion with the board at the January 11, 2022, workshop meeting. The changes were to the second paragraph, allowing port management to update the best management practices based on new information.

A motion was made by Range and seconded by Hartung to approve Draft Resolution 2022-01 Adopting Best Management Practices to include Section 9 Pump outs and Dump Stations and Section 10 Public Restroom Cleaning. The motion passed 5 – 0.

- B. **Oregon State Marine Board Maintenance Assistance Grant (MAG) Grant Application – Audio time 16:59**
Dehlinger reviewed the Oregon State Marine Board Maintenance Grant Application, the previous action item is tied with this application.

A motion was made by Speir and seconded by Jonas to approve Oregon State Marine Board Maintenance Assistance Grant application for July 1, 2021, to June 30, 2023, and allow Port Manager to sign the application. The motion passed 5 – 0.

- C. **Notification to Gear Storage Users – Audio time 18:43**
Dehlinger noted this item was discussed on January 11, 2022, workshop meeting. This letter will be notifying all gear storage users that things will be changing starting this summer, and some areas will have to be adjusted and moved. The letter will also include a map of the changes. Dehlinger mentioned the schedule planned for these changes. Commissioner Heap reiterated the importance of the changes to meet regulatory requirements.

A motion was made by Speir and seconded by Hartung to approve draft notification letter to notify all gear storage users of the relocation of gear at the port. The motion passed 5 – 0.

- D. **Pelican Bay Arts Association Request for 5-year Agreement** – Audio time 21:39
Commissioner Range recused himself on this action item. Dehlinger noted this item was discussed in the January 11, 2022, workshop meeting.

A motion was made by Hartung and seconded by Jonas to approve 5-year agreement with Pelican Bay Arts Association to use the boardwalk handrail for the Art on the Boardwalk. Include a provision the organizer of other events will be responsible for damaged artwork. The motion passed 4 – 0.

- E. **POBH Employee Handbook 2022** – Audio time 23:59
This item was postponed due to legal counsel requesting more time to review the employee handbook.

- F. **Sale of Business Bounder Crab Shack Consent to Assignment and Assumption of Lease** – Audio time 24:52
Dehlinger reviewed that there will be new owners taking over Bounder Fresh Crab, this allows them to take over the remaining lease on the business, legal counsel had a few updates, mainly establishing the effective dates.

A motion was made by Jonas and seconded by Speir to approve draft Consent to Assignment and Assumption to Lease agreement between Bill and Leslie Wood, and James and Stephanie Pearce for the business Bounders Fresh Crab. The motion passed 5 – 0.

- G. **North Jetty Access and Crab Dock Removal** – Audio time 26:25
Dehlinger noted this item was discussed on January 11, 2022, workshop meeting. The Port has had many problems on this jetty, and it is not part of port property. The Corps of Engineers does not have an issue with the gate if they have a key for access. The board reviewed the item in more detail for the public and allowed public discussion. Dehlinger mentioned that if this item is approved today the port will be adding concrete blocks until the gate can be installed on port property.

A motion was made by Speir and seconded by Hartung to approve installing a single bar gate with a sign (Enter at Your Own Risk) at the entrance to the North Jetty and providing the US Corps of Engineers a key for access. Remove entire crab dock including piling and ramp from the North Jetty when a project warrants a barge and crane or if other means become available. The motion passed 5 – 0.

- H. **Boardwalk Condition and Modification** – Audio time 31:00
Dehlinger reviewed the discussion from January 11, 2022, workshop meeting.

A motion was made by Jonas and seconded by Speir to approve separating the damage section of the boardwalk and extend the handrailing from the boardwalk to the ramp railing. The motion passed 5 – 0.

- I. **CBN Enterprises** – Audio time 33:01
Commissioner Hartung recused herself from this action item. Dehlinger discussed that the ports collection agency wants to take CBN Enterprises to litigation for the remaining debt owed to the port.

A motion was made by Speir and seconded by Jonas to approve Southern Oregon Credit Services / Collect Northwest to proceed with litigation on CBN Enterprises for the remaining debt owed. The Motion passed 4 – 0.

- J. **Financial Consultant Contract** – Audio time 34:35
Dehlinger reminded the board that last year the port went through the process to find a financial consultant, this is to extend that current contract for one year with no price change. Legal counsel added a section to the draft contract. Legal counsel discussed what items were added to the contract, keeping the same contract terms and made some clean ups to reflect that he will be retained to work on the upcoming 2021-22 annual financial report and adding Oregon Public Contracting Code statutory provisions that need to be included in all contracts for services.

A motion was made by Speir and seconded by Jonas to approve extending the agreement for professional services, financial consultant with Gerald Burns for one additional year. Motion passed 5-0.

K. Blue Fin Realty Lease Renewal Amendment No. 1 – Audio time 37:11

Dehlinger reviewed the renewal amendment. This is an amendment to extend the lease by 3 more years and adding a partner to the lease. Legal counsel had some minor changes to the lease since the January 11, 2022, workshop meeting. Changes were clarifying the tenant to Kim & Lisa, and the effective date.

A motion was made by Speir and seconded by Range to approve draft lease renewal extension amendment No.1 for Blue Fin Realty. The motion passed 5 – 0.

L. Vessel Miss Stacey Update – Audio time 38:52

Dehlinger discussed what actions have happened since this item was last discussed in the January 11, 2022, workshop meeting. Port placed a lien on the vessel, crab pots, gear, and crab permit. SBA loan department has recommended to release the loan on the vessel, but the siblings must agree on that. They have shown interest that if the loan is released, they want to take ownership of the vessel, receive insurance, and start a new moorage agreement. If the siblings take ownership, the port will have the right to accept or deny the moorage. The port is looking into strengthening our moorage agreement. Legal counsel has suggested to talk with the siblings to see what their intentions are with the vessel. Legal Counsel discussed this item with the Board. Board reviewed this item in more detail with the public and allowed public discussion. The board and staff discussed if the port would want to approve the moorage agreement, but decided this action is ahead of the game and to see what their intentions are first.

A motion was made by Hartung and seconded by Range to approve placing a lien on the vessel, crab pots, gear, and crab permits. Estimated lien amount of \$100,000. Authorize Port Manager and Harbormaster to further work with port counsel to secure the interest of the port regarding the vessel Miss Stacey. Motion passed 5-0.

7. INFORMATION ITEMS

A. Budget Calendar for Fiscal Year 2022-23 – Audio time 58:28

Dehlinger reviewed the draft calendar, looking at the budget meeting to be May 10, 2022, at 10AM. There are vacancies on the budget committee and there is an ad out for the positions.

B. Tsunami January 15, 2022, Update – Audio time 59:27

Dehlinger reviewed the actions and timeline of the port staff regarding the tsunami warning. Port staff did not notice any damage from the tsunami and noted what waves the port received from the 2011 tsunami. Public comment was made. The Board discussed what roles the port truly plays in these types of incidents and what agencies should be present in helping minimize the public coming down. Dehlinger mentioned that the county emergency management reached out regarding our comments on the after-action review (AAR) we did voice our concerns regarding the notification and no sirens. Turns out the sirens are decommissioned and are now up to the city and local agencies to maintain, which is why you will not hear the tsunami sirens. Dehlinger asked for a meeting with emergency management for an annual review regarding notifications and what is expected with local agencies.

8. COMMISSIONER COMMENTS – Audio time 1:11:43

Commissioner Jonas thanked port staff for all that they do, especially during the tsunami. Commissioner Heap discussed the salmon schedule for 2022.

9. NEXT REGULAR MEETING DATE – Wednesday, February 16, 2022, at 2:00pm.

10. ADJOURNMENT – Audio time 1:12:46

Having no further business, the meeting adjourned at 3:12pm.

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.

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