

PORT OF BROOKINGS HARBOR
Board of Commissioners
Special Meeting Agenda
Port Office
16330 Lower Harbor Rd
Brookings OR 97415

Tuesday, January 23, 2018 • 6:00 pm

Agenda

- 1. Call to Order and Roll Call**
- 2. Approval of Agenda**
- 3. Agenda Related Public Comments ***
- 4. Approval of Minutes**
 - a. Special Meeting – Wednesday, December 13, 2017
 - b. Regular Meeting – Tuesday, December 19, 2017
 - c. Special Meeting – Wednesday, December 27, 2017
 - d. Special Meeting – Friday, December 29, 2017
- 5. Operational Report**
- 6. Old Business**
 - a. Temporary Duties / Staff
- 7. New Business**
 - a. Interim Manager
 - b. Appoint Subcommittee to interact with issues surrounding Mr. Dehlinger's Employment
 - c. Appoint a subcommittee for the BC Fisheries and Pac Choice dock issues
- 8. Non-Agenda Related Public Comments ***
- 9. Commissioners Report**
- 10. Adjournment**

* Limited to a maximum of three minutes per person. A **“Public Comment Request”**, located near the entrance, must be completed and turned into the Chairman prior to the beginning of the meeting.

FULL MEETING PACKET AVAILABLE AT www.portofbrookingsharbor.com

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APPROVAL OF MINUTES AGENDA ITEM

DATE: *January 23, 2018*
RE: *Approval of Minutes*
TO: *Port of Brookings Harbor, Board of Commissioners*
ISSUED BY: *Danielle Shepard, Port Staff*

OVERVIEW

- Last public meeting, all meeting minutes were tabled until items were corrected.
- 1/22/18 received corrections from VP Barbas.
- Highlighted all changed items.

DOCUMENTS

- Special Meeting – Wednesday, December 13, 2017, 3 pages
- Regular Meeting – Tuesday, December 19, 2017, 6 pages
- Special Meeting – Wednesday, December 27, 2017, 5 pages
- Special Meeting – Friday, December 29, 2017, 2 pages

COMMISSIONERS ACTION

- Approve all meeting minutes.

Port of Brookings Harbor Board of Commissioners
Special Meeting Minutes
Wednesday, December 13, 2017, 6:00 p.m.
Port of Brookings Harbor Office: 16330 Lower Harbor Rd, Brookings OR, 97415

1. Call to Order and Roll Call:

President Angi Christian called the meeting to order at 6:00 pm.

Commissioners Present: Position 1 Secretary Andy Martin, Position 2 Treasurer Roger Thompson, Position 3 Commissioner Roy Davis, Position 4 Vice President Jan Barbas, Position 5 President Angi Christian.

Staff Present: Port Manager Gary Dehlinger.

2. Approval of Agenda:

VP Barbas made the motion to approve the agenda as written. Seconded by Treas. Thompson. Voting Yes: Unanimous.

3. Agenda Related Public Comments:

No agenda related public comments.

4. Executive Session – pursuant to ORS 192.660(2)(e)(f)(h)

a. Claim to Prescriptive Easement on Righetti/Port Boundary

b. Dave Hoover Construction

c. Sale of Port Real Property

Pres. Christian underlined that the issues are to consider information or records that are exempt from public inspection and to consult with counsel concerning legal rights and duties regarding litigation likely to be filed.

The board went into executive session at 6:03 pm.

The board came out of executive session at 7:46 pm.

*VP Barbas moved to direct Port Manager Dehlinger to seek an engineering report with regards to the BC Fisheries dock with spending authority as discussed. Seconded by Treas. Thompson.
Voting yes: unanimous.*

5. Old Business:

a. Port Counsel Procurement Process:

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Treas. Thompson brought up doing research on changing auditors, Mr. Dehlinger informed him that the board has already directed him to do so. Mr. Jim Coffey, Port Council, informed everyone that if we adopt these rules for our public contracting rules, that have been drafted as far as Resolution 284, an auditor, is the type of person you're hiring under a personal service contract, other classic examples are lawyers too. As noted in here, we need to be careful hiring architects/engineer related to services unless it's under a \$100,000, and you can't ask them what their price is. You got to do it on a qualification based process. Mr. Dehlinger asked Mr. Coffey if we've tied to the requirements stated in the OAR and ORS doc? Mr. Coffey replied that while we are tied to the requirements that are stated in OAR and ORS, but exhibit A, the rules and procedure for public contracting services including public contracts, looks like it came from SDAO and looks pretty good. Mr. Barbas would be willing to move to pass this, subject to legal counsel review. Mr. Dehlinger wanted the board to understand that our current policy prevents us to do what you guys ask for, to review the Port and determine the best fit for the Port, and we need to change what the current policy is. Mr. Coffey had some concerns regarding the resolution, and thinks certain parts could be clarified, but if the board needs something in place now, it looks good, go ahead and adopt it. Mr. Coffey also suggested that when you have a new attorney they should review the Ports public contracting code.

Mr. Dehlinger wanted to add in, we got the design for boarding docks from Oregon State Marine Board. We're going to have to put this out to contract and it's our responsibility to do so, and we are having some difficulty with our current contract paperwork. Would like to send it to Mr. Coffey for him to look at and make sure we're doing things the proper way. And, prior to that, have another special meeting.

*VP Barbas made the motion to adopt Resolution 484.
Seconded by Treas. Thompson. Voting Yes: Unanimous*

*VP Barbas made the motion to direct Port Manager Dehlinger to consult with Port Council to review all Port procurement processes and update them as necessary to bring something back to the board.
Seconded by Treas. Thompson. Voting Yes: Unanimous*

6. New Business:

a. Resolution No. 483, POBH Authorizing the Sale of Port Real Property:

*Treas. Thompson made the motion to authorize the sale of Port property, Resolution number 483 for Port of Brookings Harbor, authorizing the sale of Port Real Property. Seconded by Sec. Martin.
Voting Yes: Unanimous*

b. Procurement Request for Zola's Sewer Upgrade:

Treas. Thompson questioned if the pump is the problem or the cover? Mr. Dehlinger informed the board that the problem is last year Harbor Sanitary came over and directed the Port to fix the I&I issue there. The tank is below ground, so water does come in there. Doesn't know if the tank is actually sealed or not, but Harbor Sanitary is asking that they build it properly. Mr. Dehlinger asked the board if we want to spend \$20,000 roughly on a sewer upgrade for that building? And suggested that since the building won't out last the sewer upgrade, maybe we just go test it to make sure it's watertight. Sec. Martin had some concerns and would be willing to commit on this if the board knew that they were going to take care of their SDC fees and commit to a lease. But

is not willing to do it, when for some reason, we haven't even heard why they won't sign their lease and we don't know. The board agreed to take no action and have Mr. Dehlinger look more into this item more.

7. **Non-Agenda Related Public Comments:**

No non-agenda related public comments.

8. **Adjournment:**

The meeting was adjourned at 7:20 p.m.

Port Commissioner

Port of Brookings Harbor Board of Commissioners
Commissioners Meeting Minutes
Tuesday, December 19, 2017 7:00 pm
Best Western Conference Room: 16011 Boat Basin Rd, Brookings OR, 97415

1. Call to Order and Roll Call:

President Christian called the meeting to order at 7:00 pm.

Commissioners Present: Position 1 Secretary Andy Martin, Position 2 Treasurer Roger Thompson, Position 3 Commissioner Roy Davis, Position 4 Vice President Jan Barbas, & Position 5 President Angi Christian.

Staff Present: Port Manager Gary Dehlinger.

2. Pledge of Allegiance:

The board and public performed the pledge of allegiance.

3. Approval of Agenda:

*Treas. Thompson made a motion to approve the agenda as written.
Seconded by Sec. Martin. Voting yes: unanimous.*

4. Approval of Minutes:

a. Special Meeting – Thursday, October 26, 2017

*VP Barbas made a motion to approve the Special Meeting Minutes for
Thursday, October 26, 2017 as amended. Seconded by Treas. Thompson.
Voting yes: unanimous.*

b. Special Meeting – Friday, November 3, 2017

*VP Barbas made a motion to approve the Special Meeting Minutes for
Friday, November 3, 2017 as amended. Seconded by Sec. Martin. Voting
yes: unanimous.*

c. Regular Meeting – Tuesday, November 21, 2017

*VP Barbas made a motion to approve the Regular Meeting Minutes for
Tuesday, November 21, 2017 as amended. Seconded by Treas.
Thompson. Voting yes: unanimous.*

5. Financial & Managers Report:

Mr. Dehlinger asked the Board if there were any question of comments.

Pres. Christian mentioned that she did request that the board receives the payables and the receivables report weekly.

All board members were pleased with the financial and managers' report, and appreciate Mr. Dehlinger doing this each week and posting it to the website for the public to see.

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*VP Barbas made a motion to approve the financial report as written.
Seconded by Comm. Davis. Voting yes: unanimous.*

6. Agenda Related Public Comments:

No agenda related public comments.

7. Old Business:

a. Moorage Waiting List Policy

VP Barbas found some parts of the application to be redundant, and was unsure how the fees run.

Mr. Dehlinger explained that there is a \$50 administration fee and a \$25 to go on the list.

The board would like for the fees to be more transparent.

Treas. Thompson made a motion to approve the moorage waiting list policy with a few corrections. Seconded by VP Barbas. Vote: 2-3. Voting no: Sec. Martin and Comm. Davis. Voting yes: VP Barbas, Treas. Thompson, and Pres. Christian. Motion passed.

b. Pacific Ocean Harvesters Lease Amendment

Treas. Thompson made a motion to approve the Pacific Ocean Harvesters lease amendment. Seconded by Vice Pres. Barbas. Voting yes: unanimous.

8. New Business:

a. Commercial Fish Unloading on Recreational Docks

Treas. Thompson had some questions, and the way he is reading this is that a guide cannot unload catch, and during salmon season this happens all the time. And, as a board we can ask the Marine Board to allow us certain things on that dock, and they can approve or deny it.

Mr. Dehlinger agreed and informed the board that he has been told by Marine Board personnel that we can request this but there might be a cost to it. We may have to pay back a certain amount of the grants, or our grant percentage matching may go up. But it all depends on what the board is asking for.

Sec. Martian was concerned for the fishermen since there isn't a public hoist right now that they can use and asked what is the solution?

Treas. Thompson suggest to do what Port of Alsea, Port of Siuslaw and Salmon Harbor are doing, have separate agreements giving permission to guides who launch daily.

The board agreed to have Mr. Dehlinger ask OSMB to come to the next regular meeting to discuss

this further, and asked Mr. Dehlinger to put together some different options.

b. Port Audit FY 2016-17 Draft

Mr. Dehlinger informs the board that there are some more updates that Signe Grimstad is doing which may change some conundrums around this regarding the dock renovation money. Asked for a special meeting the last week of December since we are going to be getting another draft in a couple of days.

The board requested that Signe Grimstad to be at the next special meeting to go over the draft audit the them.

c. KDRV Weather Cam Sponsorship 2018

Mr. Dehlinger brought this up the board since the current budget doesn't allow for the next six months of service, but they said they'll still continue running those pictures with all the cameras.

*Sec. Martin made a motion to not renew the KDRV Weather cam.
Seconded by Comm. Davis.*

VP Barbas was concerned with not having the cameras, due to the boards mission is the economic development and part of that's bringing people to the district and believes this is consistent with our mission.

Treas. Thompson would rather see the Port spend that \$6,000, and have a camera look right down the mouth of the river.

Voting yes: unanimous.

The board agreed to have Mr. Dehlinger look into a camera system, and if it is over \$5000 to bring it back to the board. And suggested to present this to TPAC since it's going to benefit all of those in Brookings.

d. Uncorked Wine Bar – Retail Lease Application / Proposal

Sec Martin likes the proposal and the idea but doesn't think the Port should pay for new flooring, but is not opposed to giving a short-term discount.

VP Barbas suggested (2) months free rent, which the other board members where not opposed to.

Mr. Dehlinger did inform the board that when Uncorked Wine Bar owner, Sarah Vietz, went to talk to Harbor Sanitary the receptionist told Mrs. Vietz the SDC fees would be \$13,000, than she went back and Kelly told her \$23,000, because they think it's going to be a huge increase of waste sewer.

Treas. Thompson made a motion to accept Uncorked Wine Bar to lease suites 102 and 103, with (2) months free rent. Seconded by VP Barbas.

Voting yes: unanimous.

Uncorked Wine Bar owner, Sarah Vietz, came into the meeting, Pres. Christian asked for her to come up and speak to the board. Ms. Vietz informed the board that she had spoken with Harbor

Sanitary and was told that if the sanitation development was underway the cost would have been less. When she went in to get the sanitation started she was told it would cost \$23,000. Ms. Vietz asked the board if it was possible to split those cost since it's not something that they will be able to turn around and sell, it's not an asset to their company, but it's an asset to the building.

Pres Christian suggested to show Kelly the proposal and tell her exactly what you're doing.

Ms. Vietz tried to do that but was told it didn't matter as long as a wine bar or any sort of bar going in, and that it's going to cost \$1.80 per square foot.

The board suggested Ms. Vietz to go back to Harbor Sanitary and ask why the coffee shop was quoted \$13,000 and what the difference is and to go to the Harbor Sanitary Board of Commissioners meeting and talk to them about waiving the fee to improve economic development. it.

e. Port Rates – July 1, 2018

Mr. Dehlinger informed the board that they have this proposal, so it can be done in a three-month time period to give us time to research anything that the board may want to bring up, and give the public more time for input for whatever changes that these four months will present.

The board agreed that they would like to have a special meeting or workshops regarding the Port rates.

f. POBH Strategic Business Plan Annual Review

The board agreed that they would like to have a special meeting or workshops regarding the Strategic Business Plan Annual Review.

g. Supplemental Budget FY 2017-18, Purchase Reach Lift

Pres. Christian stated; a public hearing on a proposed supplemental budget for Port of Brookings Harbor for the current fiscal year will be held at Beachfront Best Western of Basin Road. Hearing will take place today, Tuesday, December 19th. The purpose is to discuss the supplemental budget with interested persons. A copy of the supplemental budget may be inspected or obtained, on or after December 18th at the Port of Brookings Harbor. The purchase of the 2018 Genie Reach Lift forklift, with a seven-year lease, purchase cost 142,507. Financing 93,000 with the down payment of 42,507.

Mr. Dehlinger informed the board that the correct amount is \$100,000

Treas. Thompson made the motion to modify this subject as presented.

Pres. Christian opened the hearing to public comments:

John Brazil: President of Harbor Fire, want to say mainly good in the order, this is how it should be done, how it should be presented, and it clearly states where on the existing budget the funds are coming from and what they're specifically going to. I like this type of timely budget management.

Treas. Thompson made a motion to accept the supplemental budget as

presented. Seconded by Comm. Davis. Voting yes: unanimous.

VP Barbas made a motion to adopt Resolution 485, a resolution of the Port of Brookings Harbor to appropriate funds to the budget. Second by Comm. Davis. Voting yes: unanimous.

h. New Location for Regular Commissioner Meetings

Mr. Dehlinger informed the board that we were told that this facility won't be holding meeting anymore, and we have already contacted Harbor Water Facility.

Treas. Thompson made the motion to move our regular meeting to the Harbor Water Facility.

Pres. Christian asked the board to entertain the idea of changing the time of our meetings to 6:00 pm.

Treas. Thompson changed his motion to have Port Staff contact harbor Water, to rent the facility on a monthly basis for our meeting. Seconded by VP Barbas. Voting yes: unanimous.

Pres. Christian amend the motion to change the time to 6:00 pm for the third Tuesday of the month. Second by Comm. Davis. Voting yes: unanimous.

9. Commissioners Report:

The board expressed their respect to the staff and thanked them, and Sec. Martin gave an update for the bottom fish season.

10. Non-Agenda Related Public Comments:

John Brazil: Covered most of it in the budget hearing, but would like to thank Port staff for doing the job that they are doing and working with Harbor Fire agencies.

Leroy Blodgett: gave the history of the 1988 Shillelagh boat that he had bought at the Port Auction back in May. Wants to give the boat back to the Port, and doesn't want to have a negative relationship with the port. Pres. Christian went over that the Port had an auction, everyone who purchased through that auction bought it as is where is, and the port isn't in the business of buying and selling boats. The board decided that we don't want the boat, and we want to be paid the boat yard fees.

11. Adjournment:

The meeting was adjourned at 8:51 p.m.

Comm. Davis wanted to keep discussing the 1988 Shillelagh boat.

Comm. Davis mentioned that it's going to cost about \$1,800 to put that boat in the dumpster, and it's been sitting there before the auction, and it's going to continue sitting there. There's not a one of us at this table that would want to be skewed in the amount that it would cost to rebuild those two

engines in that boat, that weren't rebuilt, that are seized up, are both full up with water when it rains. Leroy's come tonight. He is not asking for his \$9,000. He is merely saying, "I've been around the Port for a long time. I don't want my money back. I just don't want the boat," period.

Skylar informed the board the history of the sale of the 1988 Shillelagh boat and the lien process.

VP Barbas made the motion to accept Leroy's offer to accept the boat and waive the storage fees provided that the port is able to establish clear title. Second by VP Barbas. Vote: 3-2. Voting no: Sec Martin, Treas. Thompson, and Pres. Christian. Voting yes: Comm. Davis and VP Barbas. Motion failed.

The meeting was adjourned at 9:06 p.m.

Port Commissioner

Port of Brookings Harbor Board of Commissioners
Special Meeting Minutes
Wednesday, December 27, 2017, 6:00 p.m.
Port of Brookings Harbor Office: 16330 Lower Harbor Rd, Brookings OR, 97415

1. Call to Order and Roll Call:

President Angi Christian called the meeting to order at 6:00 pm.

Commissioners Present: Position 1 Secretary Andy Martin, Position 2 Treasurer Roger Thompson, Position 3 Commissioner Roy Davis, Position 4 Vice President Jan Barbas, Position 5 President Angi Christian.

Staff Present: Port Manager Gary Dehlinger.

2. Approval of Agenda:

VP Barbas requested to add an item to the agenda, under new business 5 D, would like to discuss resolutions 446 and 447 and recently discussed 447 as the emergency declaration, and a part of a no bid contract to Dave Hover. Turns out there's two resolution 447s and two resolution 446s and I would like to get some discussion going on that.

Treas. Thompson made the motion to approve the agenda as amended.

Sec. Martin would like to add in item E to discuss both the pilings and fuel dock.

*Treas. Thompson amended the motion to include item E, Fuel Dock.
Seconded by VP Barbas. Voting yes: unanimous.*

3. Agenda Related Public Comments:

No agenda related public comments.

4. Old Business:

a. Port Audit FY 2016-17 Draft:

Signe Grimstad with Grimstad and Associates informed the board that this is the latest draft since they had contact with IFA this morning. Essentially what you are looking at is a report that reflects no receivables. Anything to do with that last loan 1601. It's a regular loan, we had a conversation with Mark Freeman last week and he followed through. Nothing has changed. We're looking at a debt. Now, that doesn't mean things could change, but we are not provided anything in writing or verbally that there's going to be any grant or relief on that loan.

Pres. Christian commented that we are on the right tack today and moving forward and that's important.

*VP Barbas made the motion to table this pending scheduling a special meeting to approve it at management and president's discretion.
Seconded by Comm. Davis. Voting yes: unanimous*

The board agreed to have another special meeting on Friday at 6pm regarding this item.

5. New Business:

a. Invitation to Bid FG#1587 Documents for Boarding Docks Fabrication:

Pres. Christian gave some background to the document.

VP Barbas had some concerns regarding the compensation section and requested to see milestones or a schedule of payments.

Mr. Dehlinger informed the board that this needs to be put to bid immediately or schedule is going to be out of whack. Also, that we don't have the money. We have to get the money from the Oregon State Marine Board.

Treas. Thompson made the motion to accept and send a bid out of copies without any revisions to it and go on. Motion dismissed due to a lack of a second.

VP Barbas felt that the contract should state, 30 days from when Port of Brookings Harbor receives funds from OSMB. And requested for this item to be discussed at Friday's meeting.

Pres. Christian suggested to wait until Friday's meeting.

Extensive dialogue followed resulting in:

Treas. Thompson made the motion to accept invitation-to-bid as written by Coffee. Seconded by Sec. Martin. Vote: 3-2. Voting yes: Comm. Davis, Treas. Thompson, Sec. Martin. Voting no: VP Barbas, Pres. Christian. Motion Passed.

b. Department of State Lands – State Public Facility License No. 25994-LI:

Treas. Thompson made the motion to sign the agreement with the State Marine, state land boards to have a fishing pier. Seconded by VP Barbas. Voting yes: unanimous.

c. Harbor Sanitary District Easement:

Treas. Thompson made the motion to approve the Harbor Sanitary District Easement. Seconded by Comm. Davis. Voting yes: unanimous.

Treas. Thompson made the motion to allow the Port Manager to sign the document. Seconded by Sec Martin.

VP Barbas requested an amendment, that the document refers to the Harbor Sanitary District Easement. Second by Sec Martin. Voting yes: unanimous.

d. Resolution 446 & 447:

VP Barbas handed out copies of resolution 447.

VP Barbas states; As best I can ascertain, the second one that's stapled. The resolution augmenting Resolution 229 came before the board on October 20th, 2015, 1 hour and 5 minutes and about 46 seconds into the audio tape. Then Chair Davis reads it into the record by title. The title matches this document here that he read. At about 1 hour and 6 minutes and 40 or so seconds, the board begins voting and votes unanimously to adopt this resolution. This resolution is not in the **Port's** Book of Resolutions. It's just not there.

Then I didn't bring copies of 446 but 446 was adopted by the board in June of 2015 and it was the budget resolution for the 2015/2016 budget year. Then there's another 446 that comes after both of these 447s in March of 2016. It is amending the budget to take the dock loan, related to the BC Fishery Dock. We have two of each of these. Now this second 447, the one declaring an emergency. It says it was adopted on the 25th day of January 2016. I'm not aware of any meeting on that day. There's nothing on the port website.

I sent an email to Gary. I think all the commissioners got the response where he says the only thing he can hear is that at the regular January meeting which was on the 19th, he heard Roger on the tape. He gave us all a copy of the clip where he says we just passed 447. But Roger's talking about the public commenting issue that was in front of the board then. I think he's referring to this first 447 which deals with how the board is supposed to behave. I can't find any record.

I looked from December, every meeting from December to April. This contract that followed from this was signed March 16th of 2016. I can't find any record that this came before the board. That's 447, that's the emergency contract with Dave Hoover. I don't know. I think all that's basically in the public record. We've had some executive sessions talking about this contract, I don't know how far we want to go into that if at all. That would be a board decision, but I think we need to figure out what's going on with these resolutions.

We have a situation where we have a contract that says we declared an emerge- or a resolution says we declared an emergency and we skipped out of the public contracting laws and awarded a \$1.6 million contract. Roger alluded earlier that that contract's in trouble. On a no bid basis. I feel there's consequences to this thing.

Mr. Dehlinger mentions that this just boil down to the lack of keeping documents in the past. That he already has different people working in the office if this doesn't show up in our book which it didn't because it never got signed, we don't know why this is never in the book at all because we have unsigned resolutions as well. This is just a poor accounting.

Pres. Christian asked what are you driving at? Where do we go from here with this?

VP Barbas was unsure, but suggested to have this investigated and suggested that we have the sheriff and the DA refer it to the Oregon Department of Justice for investigation.

VP Barbas made the motion to have the Port refer it the Curry County Sheriff and DA with the request that they refer it to the Oregon Department of Justice for investigation. Seconded by Treas. Thompson.

Treas. Thompson needed further clarification on what we are asking them to investigate. VP Barbas was not clear if there is any criminal violation or civil violation.

Mr. Dehlinger clarified that the contractor, Dave Hoover, is illegal? The meeting was illegal or it's then just funds were illegal? VP Barbas thinks those are possibilities, or could have been other things but just didn't know.

Sec. Martin needed further clarification, VP Barbas replied “: I think that procedure should be that the port takes it to the sheriff and court or the sheriff and the DA should coordinate and we're asking them to make a referral to Oregon DOJ.”

Voting yes: unanimous.

VP Barbas made the motion directing Port staff to cooperate with any investigation and to sign any formal complaint required. Second by Pres. Christian.

Mr. Dehlinger remarked that he isn't qualified to do a complaint, and the board needed further clarification on the motion. VP Barbas replied that this one says to cooperate and to sign any complaint that they ask you to sign, so not to draft it.

Voting yes: unanimous.

VP Barbas made the motion to direct staff, to review the records, to straighten out the numbering on the resolutions beginning on January 1, 2015 to present, and make sure that they're all present that have been voted on and approved and that any that have not been approved. don't know if you want to remove them but maybe indicate that they have not been approved and bring that to the board for approval of scrivener's errors. Scrivener's error is changed, substantial changes like the numbering. Second by Treas. Thompson. Voting yes: unanimous.

e. Fuel Dock:

Sec. Martin was concerned and wanted to see if we needed any discussion about this especially going into crab season.

The board asked Mr. Dehlinger about how are we going to provide fuel, how are we going to prevent leaks, how are we going to accept sanitary waste, and how big of a project time wise and money wise is it to disconnect the lines that go under that walk way and put them above it somehow?

Mr. Dehlinger replied that it has been all engineered. To me it's going to be down the road before we relocate all those lines above ground. What the best solution that we got for us going forward is to get the fuel dock back and up in working order, disconnect the ramp to where it's connected to now and just bring it down five feet. Because there is an old ramp connection that we want to just connect, reconnect to that point. It takes away from the upper section that's failing and put it out to lower section. That way the ramp is still a bridge for all the utilities. We want to make that not a ramp anymore. It's just like a bridge for the utilities. And then from there we need to start looking into an engineered reroute of all these lines and give it sometime to discuss how we want

to do it, because is going to be a costly reroute. We need to reroute these lines anyways to demo this thing.

The board agreed for Mr. Dehlinger to proceed and to come back to the board if needed.

The board showed concern regarding another piling coming out of D dock and will it impact the base of the dock more? Mr. Dehlinger was unsure but every pile that we lose, it loses the strength of the infrastructure.

6. Non-Agenda Related Public Comments:

No non-agenda related public comments.

7. Adjournment:

The meeting was adjourned at 8:15 p.m.

Port Commissioner

Port of Brookings Harbor Board of Commissioners
Special Meeting Minutes
Friday, December 29, 2017, 6:00 p.m.
Port of Brookings Harbor Office: 16330 Lower Harbor Rd, Brookings OR, 97415

1. **Call to Order and Roll Call:**

President Angi Christian called the meeting to order at 6:00 pm.

Commissioners Present: Position 1 Secretary Andy Martin, Position 2 Treasurer Roger Thompson, Position 3 Commissioner Roy Davis, Position 4 Vice President Jan Barbas, Position 5 President Angi Christian.

Staff Present: Port Manager Gary Dehlinger.

2. **Approval of Agenda:**

*VP Barbas made the motion to approve the agenda as written.
Seconded by Sec. Martin. Voting yes: unanimous.*

3. **Agenda Related Public Comments:**

No agenda related public comments.

4. **Old Business:**

a. **Port Audit FY 2016-17 Draft:**

*VP Barbas made the motion to approve Resolution 487, a resolution of the Port of Brookings Harbor, for acceptance of -- since draft audit report, I think this is now final audit report, so I just say acceptance of final audit report for fiscal year 2016/2017 with/and adopted by the Port of Brookings Harbor on the 29th day of December 2017.
Seconded by Treas. Thompson. Voting yes: unanimous*

5. **New Business:**

a. **SEP – IRA Fix-It Guide:**

Mr. Dehlinger informed the board of the SEP-IRA laws.

VP Barbas would like to see this be reviewed by CPA to have them review out SEP plan and review the proposed action.

Sec. Martin made the motion to have a consultation with the CPA and bring it back to the board. Second by VP Barbas. Voting yes: unanimous.

6. **Non-Agenda Related Public Comments:**

DRAFT

No non-agenda related public comments.

7. **Adjournment:**

The meeting was adjourned at 6:13 p.m.

The meeting was reconvened at 6:15 pm to discuss the signing of the court audit, fiscal year 2016-17.

*VP Barbas made the motion to grant signature authority to Angi Christian and one other commissioner for the Resolution 487, and to Angi Christian for, Grimstad & Associates letter dated November 21, 2017, regarding financial statements and information provided government specific section and part of the audit, summary of the audit.
Second by Sec Martin. Voting yes: unanimous.*

The meeting was adjourned at 6:20 p.m.

Port Commissioner

Weekly operation report for Jan. 17th- 23rd

- Received Zola's pump quote
- Rv park elec. Upgrade proceeding (weather permitting)
- Gangway traction upgrade. Awaiting a new sample to see if it can better serve our needs without reconstructing our current ramps
- We added some cleats for a few vessels due to the extreme surge on A dock.
- Fencing for Kite field has been ordered
- Quotes for Gates on ramps in Basin 2, are being modified to fit our budget with the Grant that we have.
- Umpqua Bank has disclosed that our financing will not be able to go through unless a manager with experience in running a port has been put in place. See email attached marked as("A")
- 5R construction was onsite Monday, to further clean up debris from last weeks storm.
- I received an email from Dave Gowers on Jan. 21, 2018, regarding the follow up inspection that has been asked of him. He has some requests that needs to be met by the time and date of the inspection. (see email marked as "B")
- Due to the decision that was finally made on Wed. Jan. 17th to shut down the pac choice dock. I have contacted mike manning, who has been very cooperative in helping us with a place to move some of pac choices equipment so the dock space can vacated. Any additional moves will occur once crab pots are on the boats. I will keep these moves updated.
- I will need the board to make a motion to return the cell phone and keys from our manager Gary Delhinger, as I have previously stated their need to the port. I have been asked to provide the reason that I need these items so that they can be returned. In 2 separate emails I have expressed that the phone is Port property and have explained my reasons for its need.(See notes and emails attached marked "C") Additionally we have received a public records request that came into our office on Friday Jan. 19th. This will pertain to the cell phone that is currently held by a commissioner.(see attached "D")
- OSMB reimbursement forms have been completed for man hrs. and equipment.

"A"



Kim Boom <accounts@portofbrookingsharbor.com>

Genie Reach Forklift

8 messages

Kim Boom <accounts@portofbrookingsharbor.com> Wed, Jan 10, 2018 at 11:26 AM
To: Viki Brugnoli <VikiBrugnoli@umpquabank.com>
Cc: Brent Ferguson <brent@portofbrookingsharbor.com>, Angi Christian <angi@portofbrookingsharbor.com>, Roger Thompson <roger@portofbrookingsharbor.com>

Good Morning Viki,

The forklift is scheduled to ship 1/22/18 and expected arrival date one week from shipping.

We have communicated with United Rentals and have agreed upon a payment date of 1/30/18. United Rentals will get us an invoice/demand for payment referencing the quote of \$142,507.00. We have also requested serial number of the equipment.

The board is still wanting to finance the \$100,000 with Umpqua Bank with a down payment to United Rentals of \$42,507.

At this time do you need anything else from us?

Thanks
Kim

Sincerely,
Kim Boom - Financial Assistant

Port of Brookings Harbor
16330 Lower Harbor Road
PO Box 848
Brookings, OR 97415
(541) 469-2218 ext. 405
accounts@portofbrookingsharbor.com

Viki Brugnoli <VikiBrugnoli@umpquabank.com> Wed, Jan 10, 2018 at 11:32 AM
To: Kim Boom <accounts@portofbrookingsharbor.com>

Once I have the invoice, I can order documents. Do you know if that will come today?

viki brugnoli

commercial portfolio manager

coastal commercial banking center

office: 541-266-2286

fax: 541-266-8523

Web | Facebook | Twitter

From: Kim Boom [mailto:accounts@portofbrookingsharbor.com]
Sent: Wednesday, January 10, 2018 11:26 AM
To: Viki Brugnoli <VikiBrugnoli@UmpquaBank.com>
Cc: Brent Ferguson <brent@portofbrookingsharbor.com>; Angi Christian <angi@portofbrookingsharbor.com>; Roger Thompson <roger@portofbrookingsharbor.com>
Subject: Genie Reach Forklift

[External Email]

[Quoted text hidden]

This message, including any attachments, may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation.

Kim Boom <accounts@portofbrookingsharbor.com>
To: Viki Brugnoli <VikiBrugnoli@umpquabank.com>

Wed, Jan 10, 2018 at 11:36 AM

We are hoping this afternoon. Will send as soon as we receive them.

Thanks
Kim

Sincerely,
Kim Boom - Financial Assistant

Port of Brookings Harbor
16330 Lower Harbor Road
PO Box 848
Brookings, OR 97415
(541) 469-2218 ext. 405
accounts@portofbrookingsharbor.com

[Quoted text hidden]

Viki Brugnoli <VikiBrugnoli@umpquabank.com>
To: Kim Boom <accounts@portofbrookingsharbor.com>

Fri, Jan 19, 2018 at 3:23 PM

Hi Kim. I am just checking back with you to see if you have received the invoice.

viki brugnoli

commercial portfolio manager

coastal commercial banking center

office: 541-266-2286

fax: 541-266-8523

Web | Facebook | Twitter

From: Kim Boom [mailto:accounts@portofbrookingsharbor.com]
Sent: Wednesday, January 10, 2018 11:36 AM
To: Viki Brugnoli <VikiBrugnoli@umpquaBank.com>
Subject: Re: Genie Reach Forklift

[Quoted text hidden]
[Quoted text hidden]

Kim Boom <accounts@portofbrookingsharbor.com>
To: Viki Brugnoli <VikiBrugnoli@umpquabank.com>
Cc: Brent Ferguson <brent@portofbrookingsharbor.com>

Fri, Jan 19, 2018 at 3:29 PM

Hi Viki,

We have not received it yet. The commission terminated Gary Dehlinger, our Port Manager on January 5. I hope this will not affect the loan going through.

Please let me know if any problems or set backs that may occur with this current situation.

We will check on the invoice again.

Have a good weekend.

Kim

Sincerely,
Kim Boom - Financial Assistant

Port of Brookings Harbor
16330 Lower Harbor Road
PO Box 848
Brookings, OR 97415
(541) 469-2218 ext. 405
accounts@portofbrookingsharbor.com

[Quoted text hidden]

Viki Brugnoli <VikiBrugnoli@umpquabank.com>
To: Kim Boom <accounts@portofbrookingsharbor.com>

Fri, Jan 19, 2018 at 3:30 PM

Who do you have acting as manager?

viki brugnoli

commercial portfolio manager

coastal commercial banking center

office: 541-266-2286

fax: 541-266-8523

Web | Facebook | Twitter

From: Kim Boom [mailto:accounts@portofbrookingsharbor.com]
Sent: Friday, January 19, 2018 3:30 PM
To: Viki Brugnoli <VikiBrugnoli@UmpquaBank.com>
Cc: Brent Ferguson <brent@portofbrookingsharbor.com>

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Kim Boom <accounts@portofbrookingsharbor.com>
To: Viki Brugnoli <VikiBrugnoli@umpquabank.com>

Fri, Jan 19, 2018 at 3:40 PM

The commission is working on that. Is Gary's name on the loan papers?

Sincerely,
Kim Boom - Financial Assistant

Port of Brookings Harbor
16330 Lower Harbor Road
PO Box 848
Brookings, OR 97415
(541) 469-2218 ext. 405
accounts@portofbrookingsharbor.com

[Quoted text hidden]

Viki Brugnoli <VikiBrugnoli@umpquabank.com>
To: Kim Boom <accounts@portofbrookingsharbor.com>

Fri, Jan 19, 2018 at 4:18 PM

I don't have documents yet but yes, he would have been the signer.

What we are up against here is as you are likely aware, is that in years past the Port had audit issues and struggled to meet obligations. Ted came in and was able to turn that around. We will need some sort of assurance that management of the Port will continue to operate sufficiently. With no one in place, I will not be able to fund a loan.

If the commission is able to place someone who has a background in running an entity such as the Port, we can revisit this.

I'm sorry this is not better news.

viki brugnoli

commercial portfolio manager

coastal commercial banking center

office: 541-266-2286

fax: 541-266-8523

Web | Facebook | Twitter

From: Kim Boom [mailto:accounts@portofbrookingsharbor.com]

Sent: Friday, January 19, 2018 3:41 PM

To: Viki Brugnoli <VikiBrugnoli@UmpquaBank.com>

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

"B"



Brent Ferguson <brent@portofbrookingsharbor.com>

Fwd: proposed follow-up inspection of dilapidated dock

1 message

Travis Web <travisweb71@gmail.com>
To: brent@portofbrookingsharbor.com

Mon, Jan 22, 2018 at 9:57 AM

----- Forwarded message -----

From: "Dave" <dave@dgengineering.com>
Date: Jan 21, 2018 1:00 PM
Subject: proposed follow-up inspection of dilapidated dock
To: "Travis Webster" <travisweb71@gmail.com>
Cc: "EMC" <emc@emcengineersscientists.com>

Hi Travis,

After speaking at length with Jack Akin of EMC earlier this week, I have agreed to make myself available for a follow-up inspection of the dilapidated dock, which was the subject of my original report dated May of 2016 (copy attached). The inspection is provisionally set for Tuesday 6th February, at 10am. The inspection should be executed jointly with yourself, myself and Jack Akin. It will be required that we inspect under the dock at water level, so it would be necessary for you to make available the appropriate water transportation.

It's my understanding that Jack is acting in a liaison capacity, and has no engineering function regarding the structural integrity of the subject dock.

If this re-inspection is considered by you to be a worthwhile endeavor, my fee would be \$2300.00 for the inspection and ensuing report, with payment due at the time of inspection. I would require a written authorization from you to proceed based on the fee and terms stated herein.

The conclusion reached in my original report stated that the dock should be taken out of service, and that repairs and/or replacement should be considered courses of action in order to make it once again serviceable. I suspect that opinion will be unchanged as a result of the re-inspection, and that it is very likely that further dilapidation will be evident, leading to a conclusion this time around that replacement will be the only sensible course of action.

I shall be out of town for the coming week (Jan 22nd thru 26th), but shall be in email and text contact by mobile phone, 541-660-9661 I shall be back in the office Monday January 29th.

Looking forward to hearing back from you at your convenience

Regards

Dave Gowers

Dave Gowers Engineering, LLC

Cascade ICF, LLC

PO Box 520

Selma, OR 97538

Tel: 541-597-4909

www.dgengineering.com

www.cascadeicf.com



Virus-free. www.avast.com



2253_BROOKINGS HARBOR - IN-USE DOCK DILAPIDATION - Forensic Report.pdf
140K

11211

January 19, 2018

RE Meeting regarding Port property: Angi, Andy, Brent and Travis

On Jan 18th 2018 at about 4 pm I was made aware that port commissioners decided to make a motion for President Angie Christian would have sole access to Port Managers, phone and keys. I found this troubling because I was under the impression that those items are Port property.

The following morning I wrote an email to all the commissioners. (see exhibit "A"). About 9am Angie and Andy from the port commissioners came into the office so that Port Manager Gary could retain his personal keys off his Key ring.

During their time here, the email that I had just sent was brought up. Angie Asked me for what purpose we needed the phone.

I replied with, " that it is a crucial tool for our port day to day functions."

She says, " If I didn't have the password, what good was it to me."

I replied with her same question to me.

I again told Angie and Andy, that the phone and keys were port property and need to be returned by noon that day.

Andy Martin then made a statement saying that when Gary was in Salem or went to a meeting of any kind off Port premises then he was not complying with that statement that I made.

I then told them that in those types of cases he is conducting port business which is deemed fit to have port items off premises.

Also in a e-mail to the commission counsel it appears that Mr. Coffey has not told them to retain these items. He states, "I will speak with Angie today and ask her about the keys and Port phone and see if she needs these or can return them to the Port staff. (see exhibit "B")

Due to that statement made by Mr. Coffey it is my impression that for whatever the commission reason is for having that phone, it is not being directed by counsel. I find it odd why these items are being withheld from port staff and that now a port commissioner having keys that are designed for port employees only and are used in all day to day activities.

At the conclusion of this meeting I was given the statement by Angie that the commission made a motion that was unanimously made her to have sole access to port emails and to possess the phone and keys. Regardless of this motion these items are port property and should not be kept under lock and key by a citizen of the public in an offsite location.

Exhibit "B"

To: Jim Coffey <Jim@stebbinsandcoffey.com>

Jim: Thank you for omitting my name regarding access to Gary's email. Moving forward — If Staff seeks legal advice regarding commissioner's authority, conduct, duties, responsibilities, can you advise Staff and ensure complete confidentiality from the Commission? Spencer stated that you represent the Board.

Brent

[Quoted text hidden]

Jim Coffey <Jim@stebbinsandcoffey.com>
To: Brent Ferguson <brent@portofbrookingsharbor.com>
Cc: Spencer Rockwell <srockwell@sdao.com>

Tue, Jan 16, 2018 at 3:54 PM

1-16-18

Brent: I do represent the Board and that is why I asked the Board to consider the staff request to access Gary's emails. However, I can't give staff advice regarding the Commission, or an individual Commissioner's authority, conduct, duties or responsibilities since such advice is or could be adverse to my client's position. I can't and won't give advice to Port staff on such matters.

Jim

From: Brent Ferguson [mailto:brent@portofbrookingsharbor.com]
Sent: Tuesday, January 16, 2018 3:40 PM

[Quoted text hidden]

[Quoted text hidden]

Brent Ferguson <brent@portofbrookingsharbor.com>
To: Jim Coffey <Jim@stebbinsandcoffey.com>

Wed, Jan 17, 2018 at 3:49 PM

Jim: Angi is possession of Port property, including keys that may be needed to support day to day operations. She also has a phone that is Port property in her personal possession which Staff would like to secure.

Brent

[Quoted text hidden]

Jim Coffey <Jim@stebbinsandcoffey.com>
To: Brent Ferguson <brent@portofbrookingsharbor.com>

Thu, Jan 18, 2018 at 9:19 AM

1-18-18

Brent: I will speak with Angi today and ask her about the keys and Port phone and see if she needs these or can return them to the Port staff.



Kim Boom <accounts@portofbrookingsharbor.com>

Gary's email, keys and phone

3 messages

Jim Coffey <Jim@stebbinsandcoffey.com>

Thu, Jan 18, 2018 at 1:19 PM

To: Kim Boom <accounts@portofbrookingsharbor.com>

Cc: "Angi Christian (angi@portofbrookingsharbor.com)" <angi@portofbrookingsharbor.com>, Spencer Rockwell <srockwell@sdao.com>, Ron Downs <rdowns@sdao.com>

1-18-18

Kim: I have spoken to the Commission Chair, Angi Christensen, and she advised me that after she provided Port staff with the password to access Gary's emails that the password was then changed and Angi can no longer access those emails. The advice I gave to Angi was based on the staff representation that they needed access to Gary's emails to respond to time sensitive messages. Nothing was said about changing the password to deny Angi access to the same emails. It was not my intention to advise staff to change any password and staff should immediately provide Angi with the password so she can also access Gary's emails. That way, both staff and Angi will have access to those emails.

As staff may know, at a Commission meeting the Commission acted to authorize Angi to have sole access to Gary's emails, have the phone and keys. This was a Commission action that neither myself, or any staff member, can overturn, so I have discussed the staff request to have Angi return the phone and keys with her and based on the Commission's action at this time she will not and cannot comply with this request. She will retain the phone and keys unless staff can provide her with some convincing reason to present to the Commission so they would change their vote.

Please contact Angi directly regarding any future requests or issues regarding the phone and keys, and advise her of the new password for Gary's emails.

I will be out of my office beginning now until Monday, January 22. If you have questions contact me next week.

Jim Coffey

Kim Boom <accounts@portofbrookingsharbor.com>

Thu, Jan 18, 2018 at 2:25 PM

To: Angi Christian <angi@portofbrookingsharbor.com>

Cc: srockwell@sdao.com, rdowns@sdao.com, Jim Coffey <Jim@stebbinsandcoffey.com>

1-18-18

Angi,

Exhibit "A"

To commission:

Yesterday I was made aware that President Angie Christian was holding Port managers phone and keys at her home in her safe. I remind you that those items are port property and are crucial to port day to day operations. I request that those items be returned to the port office immediately or the port will have no choice but to report them stolen. I would suggest that anyone that has port property, off from port grounds, to have the property back by noon today (Jan. 19th, 2018).

Thank you,

Travis Webster

POBH

Travis Webster

"C" 1st email

January 19, 2018

This is a follow up from my previous e-mail. I have researched issues regarding phone and keys and in our employee handbook it states that the phone and its contents are the property of the Port of Brookings Harbor. The Port has billing statements and phone usages associated with that phone (541-661-8808). That phone number has been in play for many years here and is a contact for someone in charge, during and after port operation hours, as well as such agencies like Coast Guard, Knight Security, IFA, OSMB, SDAO. I do not have the password to the phone, but it does not mean that phone can't be answered, so a new line of contact can be made, to insure the ports projects and operations.

And as for the keys. I'm not sure what keys he had that will be crucial in our day to day operations. If for some reason the port commissioners need to access any portion of the port, they can contact a port employee. I find it a serious breach a port protocol to have any port keys outside the hands of Port employees. I myself have already seen this done by witnessing Angie Christian and Kathy Hall in our Port office without proper Port Employee being present, for approx. 1 hr. These types of actions are why the Port needs to retain the keys.

Please respond immediately as this is a pressing issue. I really feel that there is no reason to comply with this simple request.

Thank you,

Travis Webster POBH staff rep.

"C" second email.



Attention: Custodian of Records
16340 Lower Harbor Rd, Brookings, OR 97365
541-469-2218 / 541-469-0672 Fax
info@portofbrookingsharbor.com

PUBLIC RECORDS REQUEST FORM*

*The Port will not recognize/accept any other means of public records request pursuant to Resolution 466.

Requester Information (Please print clearly):

| | |
|---|--|
| Name: <i>Kyle D Aurbin</i> | Request Date: <i>1-19-18</i> |
| Mailing Address: <i>18871 Cornett Rd</i> | |
| Daytime Phone: <i>541-664-0870</i> | Email Address: <i>SCoastSportfishing@yahoo</i> |
| | Fax Number: |

- Preferred method of contact: Mail Phone Email

Is this request related to a lawsuit in which the Port is a party, or a tort claims notice filed with the Port of Brookings Harbor? Yes No

If yes, claimant name and incident date:

Description of Records Requested: (Describe in detail the type of document, date, author, title, etc. If you need more room, please attach additional sheet(s). Please indicate if you want to inspect the records or if you need certified copies of the records. If no indication is made, regular copies will be provided):

see Attached

Copies may be furnished without charge or at a substantially reduced fee if the Port Manager determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits and will be distributed to the public at large, not an individual or group.

Does this request primarily benefit the general public? Yes No If yes, please describe the particular or specific public benefit below:

disclosure of communications will increase Transparency

Preferred method of receiving the described records: Mail Email Fax

*Fees are reviewed annually.

Note: Additional charges may be assessed (e.g. postage or staff time for faxing material).

The Port will respond to your request as soon as practicable and without unreasonable delay.

- If the estimated costs involved in fulfilling your request exceed \$25, the Port will advise you of the estimated costs and require your approval before beginning the request.
- If the fee estimate exceeds \$100, a 50% deposit may be required to begin work.
- Full payment of the total amount of costs incurred is required before the public records are inspected or copies are released.

I HAVE READ AND AGREE TO COMPLY WITH THE ABOVE CONDITIONS, and further agree to pay the costs associated with fulfilling this Public Records Request according to the conditions as set forth above. These costs may include the cost of searching for records, reviewing records to redact exempt material, supervising the inspection of records, copying records, certifying records and mailing records. I agree to pay a maximum of \$25 without further approval.

Signature of Requester: *[Signature]* Date: *1-19-18*

Kyle Aubin HEREBY REQUESTS THAT the Custodian(s) of Records of the Port of Brookings Harbor, if any, make available and produce and permit inspection copying, testing, or sampling by or on behalf of Kyle Aubin, separately in response to each numbered request, all documents, writings, drawings, graphs, charts, photographs, accounts, ledgers, other data compilations from which information can be obtained, and tangible items as described infra which are in their possession, custody or control, or to which they have access. It is requested that the documents and tangible items be made available for such inspection and copying at the Port Offices at no later than 5:00 p.m., on January 31, 2018, ; if any document is withheld from production in response to this request on the ground that its production is privileged, or otherwise unwarranted due to the attorney-client privilege, work product rule, or other legally recognized standard preventing its disclosure to Petitioner then please state separately for each such document:

1. The legal basis on which you claim protection against producing it;
2. The date of the document or tangible item;
3. The nature of the document or tangible item (e.g., letter, memorandum, etc.);
4. The full name, job title and employer (as of the date of the document) for each author of the document or tangible item;
5. The full name, job title and employer (as of the date of the document) of each addressee and named recipient of the document or tangible item;
6. The full name, job title and employer (as of the date of the document) of each person who, to your knowledge, has or was sent the document or tangible item (including any copy thereof); and
7. In general, the substance of the document or tangible item. If you cannot produce any document or tangible item fully and completely after exercising due diligence to make inquiry and secure the information necessary to do so, please so state and specify the portion of such request that you claim to be unable to produce fully and completely, state the facts upon which you rely to support your contention that you are unable to produce such document fully and completely, and state what knowledge, information or belief you have concerning the ability of any person to so secure the production of such document or tangible item.

DEFINITIONS

1. "Documents" and "Records" mean all writings of any kind, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies

or otherwise, including without limitation: correspondence; memoranda; notes; diaries; statistics; letters; telephone calls; text messages; email messages; meetings or other communications; bulletins; printed matter; invoices; worksheets; and all drafts; alterations; modifications; changes and amendments of any of the foregoing; graphic and oral records or representations of any kind, including, without limitation, photographs; charts; microfilm, and electronic recordings or data of the above including but not limited to, tapes, cassettes and video recordings, computer files, and data as contained on cellular telephones or handheld electronic devices.

This definition includes all documents in your actual or constructive possession, custody or control, and any documents to which you have access. If any document was, but is no longer, in

your possession or subject to your control or custody or was known to you, but is no longer in existence, state whether it:

- (a) Is missing or lost,
- (b) Has been destroyed,
- (c) Has been transferred, voluntarily or involuntarily, to others, or
- (d) Was otherwise disposed of, and in each instance, explain in detail the circumstances surrounding the authorization of such disposition and the date or approximate date thereof;

2. "All documents": means every document as above defined known to you and every such document which can be located or discovered by reasonably diligent efforts;

3. "Any" or "each" shall be understood to include "all";

4. "Or" shall be understood to include "and" , and "and" shall be understood to include "or";

5. "Person" or "persons" means, unless otherwise specified, any natural person, firm, corporation, organization, partnership, association, joint venture, group or association and any other form of arrangement; and

6. "Communication" and "communications" mean, unless otherwise specified, any of the following:

- (a) Any writing, written letter, memorandum, bill, leaflet, brochure, or other document;
- (b) Any telephone or other oral communication between two or more parties, including you and another person, whether or not such call was by chance or prearranged, formal or informal; and
- (c) Any meeting between two or more parties, or you and another person, whether or not such contact was by chance or prearranged, formal or informal.

DOCUMENTS TO BE PRODUCED:

7. Records of any of communications or attempted communications via social media, text message, and e-mail between former Port Executive Director Gary Dehlinger and any currently serving Port of Brookings Harbor Commissioner from 06/30/17 to present.

OLD BUSINESS AGENDA ITEM A

DATE: *January 23, 2018*
RE: *Temporary Duties / Staff*
TO: *Port of Brookings Harbor, Board of Commissioners*
ISSUED BY: *Port of Brookings Harbor, Board of Commissioners*

OVERVIEW

- Temporary duties for staff.

DOCUMENTS

- No attached documents.

COMMISSIONERS ACTION

- Board's decision.

NEW BUSINESS AGENDA ITEM A

DATE: *January 23, 2018*
RE: *Interim Manager*
TO: *Port of Brookings Harbor, Board of Commissioners*
ISSUED BY: *Port of Brookings Harbor, Board of Commissioners*

OVERVIEW

- Interim manager.

DOCUMENTS

- No attached documents.

COMMISSIONERS ACTION

- Board's decision.

NEW BUSINESS AGENDA ITEM B

DATE: *January 23, 2018*

RE: *Appoint subcommittee to interact with issues surrounding Mr. Dehlinger's employment*

TO: *Port of Brookings Harbor, Board of Commissioners*

ISSUED BY: *Port of Brookings Harbor, Board of Commissioners*

OVERVIEW

- Appoint subcommittee to interact with issues surrounding Mr. Dehlinger's employment.

DOCUMENTS

- No attached documents.

COMMISSIONERS ACTION

- Board's decision.

NEW BUSINESS AGENDA ITEM C

DATE: *January 23, 2018*

RE: *Appoint subcommittee for the BC Fisheries and Pac Choice dock issues*

TO: *Port of Brookings Harbor, Board of Commissioners*

ISSUED BY: *Port of Brookings Harbor, Board of Commissioners*

OVERVIEW

- Appoint subcommittee for the BC Fisheries and Pac Choice dock issues.

DOCUMENTS

- No attached documents.

COMMISSIONERS ACTION

- Board's decision.