

1. **Call to Order, Pledge of Allegiance and Roll Call:**

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

The board and audience stated the pledge of allegiance.

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: Interim Manager Kathy Lindley Hall, Harbor Master Travis Webster, Administrative Assistant Danielle Shepard, Port Attorney Jim Coffey, Port Manager Gary Dehlinger, and Mr. Dehlinger's Attorney Loren Collins.

2. **Approval of Agenda:**

3. **Public Hearing to consider the Dismissal or Discipline of Gary Dehlinger, held pursuant Mr. Dehlinger's request for an open hearing as provide by ORS 192.660 (2) (b):**

Pres. Christian gave the floor to Mr. Collins

Mr. Collins addressed the board and explained that this is for Mr. Dehlinger to respond to the boards complaints and charges brought against him and recalled the meeting dates and actions which led to Mr. Dehlingers firing.

Mr. Collins received a letter on January 29th from Mr. Coffey. Mr. Coffey stated that the port Commission had lost confidence in Mr. Dehlinger hence the commission no longer trusted Mr. Dehlinger to act for the best interest of the port.

Mr. Collins stated that he can tell us that Mr. Dehlinger adamantly denies the ascertain that he is not to be trusted and adamantly denies the idea that he has ever acted in anything other than the best interest of the Port of Brookings Harbor and gave the floor to Mr. Dehlinger.

Mr. Dehlinger's response to the boards letter:

"I was not told about those concerns on January 5th, in fact I did not learn of those concerns until the commission's attorney Mr. Coffey sent a letter to my attorney on January 26th. I do not believe I've been treated fairly, however, I have great respect for the Port of Brookings Harbor. I've given my heart and soul to this port since I became general manager in October 2016. Today I remain committed to the port consequently or because each of these concerns outlined in Mr. Coffey's letter I will do my utmost to fully answer those concerns and I will do so honestly. My responses to the allegations in Mr. Coffey's letter.

First, I made a statement about material sent to IFA. The letter from Mr. Coffey's states and to quote from me in December 30th, 2017 Article in the Pilot newspaper is incorrect. I admit I misspoke when I said that all the material regarding the bridge loan had been sent to the IFA and the counsel

had reviewed all of them. My focus at the time the interview was on IFA packet. Mr. Coffey review that IFA packet which included other resolutions and contracts before it was sent to IFA.

However, I agree with Mr. Coffey I did not review that Hoover contract two years ago. I do not believe the Hoover contract was part of the packets sent to IFA. I remind the commission that all these things involving the bridge loan occurred well before I was general manager of the port.

Two, failure to tell the commission of role in preparing resolutions regarding resolution 446-7 in the Hoover contract. Mr. Coffey's letter criticized me for failing to tell the commission about my role before I became general manager preparing resolutions and the Hoover contract. This was before I became general manager of the port. Mr. Coffey's letter that I was not forthcoming describing my role preparing the resolutions and contracts. I think it's important to sit back and put in perspective the meetings of the port commission during December of last year.

The focus of December 13th, 2017 meeting was options regarding the problems with B.C. fisheries dock construction. At that time, I do not remember who wrote what documents and this was not the focus of the meeting. The commission made a motion for me to contact the second engineer to evaluate the docks structure soundness.

There were no other directions by the commission to do further research on any resolution numbering for who wrote the resolution or contract.

On December 27th, 2017 meeting the Commission added to the agenda resolution 446-7 number of issue. I had no time to refresh my memory on this subject. I feel that motions were made and passed during that December 27th meeting and were done without complete review from port staff. It was only after December 27th, 2017 meeting, that I was able to return the review, my daily reports refresh my memory on what transpired two years earlier and my role in preparation of documents when President Angie Christian questioned me at her store, I was upfront and told her what my role was involving resolution for 446-7. I never tried to hide any of this information.

Number three, allegations that I never told the commission that staff's review or resolution was incomplete or that staff needed more time. The letter from Mr. Coffey notes that I told commissioner Barbas an email on December 29th, 2017 that staff had not been given sufficient time to research all documents regarding the resolutions and Hoover contract. Mr. Coffey's letters suggest that if staff needed more time to conduct this search I should have said so.

Once again, it's important to put all this in context between December 12th and December 27th, 2017, I received an email from one commissioner about Resolution 446-7. That commissioner's only request was for meetings minutes or audio regarding resolution 446-7. I tried to satisfy this request from one commissioner by looking for documents and audio even though this was not a directive from the full commission. After the December 27th, 2017 meeting with the commission's direction, I instructed my staff to conduct a complete review of resolution 446-7 and the Hoover contract.

Number four, talking to the Pilot and not the full commission especially about resolution 368. I am criticizing Mr. Coffey's letter for talking to the pilot's news reporter is and providing information to the reporter that was not provided to the commission. Specifically, it was alleged that it failed to provide a copy of Resolution 368 rules for public contracting to the commission. This is simply wrong. Resolution 368 was provided to this commission as part of the packet for December 13th, 2017 meeting. It is in page 97, on the Special Commissioning packet. I was told by former general

managers Ted Fitzgerald and Donn Mann to be open and transparent with the press and that's what I did.

Number five, statement that I wanted to have documents reviewed by council and commission before sending to DA and sheriff. I'm criticized in Mr. Coffey's letter for saying that I would not provide records directly to the Curry County sheriff as ordered by the commission. Let me be perfectly clear, I never refused to send everything to the DA and the sheriff. I simply wanted to run it by legal counsel and the full commission before the port documents left the office.

It was not clear to me what the commission wanted when ordered port staff and me to sign any required complaint. Since legal counsel was not at the December 27th, 2017 meeting, it was even more important to run this by Council first. My actions were designed to protect the port. The packet as requested by the commission was completed January 3rd, 2018 and emailed to the port council and the commission for their review and approval. I made it very clear in that email which is attached here, documents here that I would send this packet to the sheriff and DA as directed.

Number six, working for B.C. Fisheries at the same time as general manager for the port. Mr. Coffey's letter states that I worked for B.C. Fisheries at the same time I was employed by the port as general manager. Mr. Coffey's letters is flat wrong about the timing of my employment and my work for B.C. fisheries. I did not work at B.C. fisheries prior to my initial employment with the port as operations supervisor. My employment with the port started in January 2015. Then 2016, I resigned as an employee of the port and worked for B.C. fisheries at its new processing plant.

I only worked there for a month from May 17th, 2016 to June 7th, 2016. During that period of time I also did consulting work for the port. After I left B.C. fisheries I resumed my operation supervised position at the port. Don Mann was the interim port manager from July 2016 to October 2016 before I became port manager. Mr. Coffey's letters suggest that I put the interest of B.C. fisheries above the interest of the Port. I must say I find that suggestion highly offensive. I worked night and day, seven days a week for the Port of Brookings Harbor and I put its interests above anything else.

I did not give B.C. fisheries any special treatment or any other tenant at the port. In fact, I wrote a default letter to B.C. fisheries for non-payments last year. When the commissioners were questioning B.C. Fisheries late payments, my response to them on multiple occasions was that the port is treating B.C. fisheries the same as any other tenant or customer at this port. We're following port policies for late payments and applying them equally to everyone. My statement regarding their tough year was simply relaying what I was told by my command. I was being transparent with commissionaires.

Number seven, hiring of relative as part time employee. Mr. Coffey's letter says that I failed to advised the commission that I hired one of my relatives to work for the port. Carol Baynes is not a blood relative of mine. She is my wife's aunt. She has the credential for help of bookkeeping and the audit. Commission's chair at the time of her hiring was Roy Davis. Commissioner chair Davis was fully aware Carol Baynes relationship to me and being hired. I never refused to provide this information to any commissioners. I simply told staff that it was not the commissioner's role to be involved in my hiring of employees. However, the first time any commissioner asked who Carol Baynes was, I provided that information.

All right. There are some achievements that I'd like to let everybody know that during my time as General manager of the port. Acquiring approval for the IFA to purchase the new 50 ton travel lift and new reach lift crane that serves the port and its customers. We also bought a brand new 3 1/4 ton

truck. Securing \$600,000 Ocean state for Dock repairs, completion of Oregon state Rainbow parking lot grant project to achieve Oregon state Rainbow Grant replacing old boat dock ramps, upgrading all sewer systems to meet DEQ and harbor sanitary requirements. Also upgrading all outdated equipment for restroom facilities. A complete overhaul of recurring port expenses to cut unneeded spending. Complete overhaul of the port budget to match finance reports. A complete overhaul of financial reports that show actual cost of doing business instead of fund accounting as required by state law.

This was the first time that we met deadline to submit the fiscal year audit to the state and complete all the CPAs recommendations.

The port received an excellent review from CPA this year. Establish port rates into one document, clean up the boat yard, general port RV park appearances, identifying damaged port infrastructure, protecting the public, customers in dangerous conditions and plans for repair, transparency of information to the states, to the county, to the commissioners and then to the public. Provide weekly reports to the states, commissioners and public, rebuilding port accounts to have funds for repaired and maintenance for the port's assets. Just two years ago December the port had \$55,400 in its checking savings account. In December 2017, the port had \$334,511.

It is estimated that the port may need \$27,000,000 for repairs and bring it to its current severe weather protection. Creating two week work schedules for organizing staff work. Creating weekly office and field staff meetings to keep track of tasks and problem solving. Staff worked as a team to overcome some difficult issues, relocate port office and securing all port documents to one location, develop a plan to repay IFA missed payments and get back on track paying quarterly payments.

There are many more goals to achieve as one commissioner said, "This port did become like this overnight and it won't be fixed overnight." All the commissioners praised my work for the past year. State legislators, SDAO representatives and IFA. One commissioner even said I was the best manager that this has port has ever seen in all his years. I'm eager to return to work. Thank you for your time and consideration."

Comm. Davis asked if Mr. Dehlinger had received a review from this board and how that turned out. Mr. Dehlinger replied that yes, he did receive a good review and they praised his work, he can't remember everything that was said but there wasn't anything bad.

Vice Pres. Barbas wanted to declare a potential conflict of interest in accordance with ORS244.120 and that is because any decision I make here today could maybe become entangled with the lawsuit Mr. Dehlinger has filed regarding an open meeting law violation.

Comm. Davis asked Mr. Dehlinger if he had any idea what January 5th session was going to be about? Mr. Dehlinger replied absolutely not, and Comm. Davis stated that makes two of us.

Mr. Collins suggested to the board that nothing that was raised certainly in light of his comments and explanation comes even close to giving this commission a reason to terminate his employment. Urged that there is only one reasonable decision to be made tonight and that is a decision to bring him back to work for the port as in the best interest of the port's staff, best interest of the port itself and the best interest of the constituency that he serves.

Mr. Coffey wanted to make it known that the information that is contained in the letter he obtained from other members of the commission and did not know anything about this and didn't have any

involvement with any of this until after the January 5th meeting when Mr. Dehlinger was originally asked to resign.

Mr. Coffey gave the board one of four options.

Comm. Davis made a motion to rehire Gary Dehlinger back immediately, no restrictions or no alterations to his original contract as of January 5th and no restrictions placed upon him as of tonight. If this board still votes to rehire Gary, he will continue to do his job as he was doing it and serving January 5th. No second. Motion dismissed due to lack of a second.

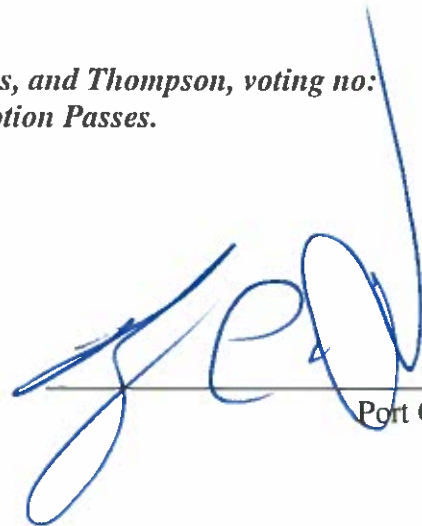
Treas. Thompson made a motion since he's not really employed. He's had his time to speak to us now to terminate Gary Dehlinger's employment as of tonight. Seconded by Pres. Christian.

Vice Pres. Barbas tried responding to Mr. Dehlinger's response letter and sees that he is admitting to the information provided to the Pilot was incorrect. That he put together resolution 447, but didn't recall that two years later, which Vice Pres Barbas was unsatisfied about. Mr. Dehlinger refers to motions made at the December 13 meeting, which was an executive session. Mr. Dehlinger basically said that he didn't know anyone, but Vice Pres Barbas had concern about Resolution 447, but Vice Pres. Barbas felt that several members of the board expressed strong concern. still have significant concerns and trust in Mr. Dillinger going forward.

Vote: 3-2, voting yes: Christian, Barbas, and Thompson, voting no: Davis and Martin. Motion Passes.

4. **Adjournment:**

The meeting was adjourned at 6:45 p.m.



Port Commissioner