

**Port of Skamania County**  
**Minutes of the Board of Commissioners**  
**April 26, 2016, 3:00 pm**

**Call to Order:** Commissioner Collins called the meeting to order at 3:00 pm.

**Attendance:** Commissioners Fran Breeding, Gail Collins, and Todd Kingston; Executive Director John McSherry, Attorney Ken Woodrich, Finance Manager Randy Payne, Facilities Manager Doug Bill, Auditor Monica Masco, Executive Assistant Julie Mayfield. Guests: Carrie Nissen (tenant), D. Medina, Dave Prosser, Davis Turpin, Dennis Morgan, Don Fisher (tenant), Ian Langdile (tenant), Jim Hunt, Jim Jordan, Joe Robertson, John Gittins, John Wright, Kathy Brown, Mark Mayfield, Mark Peterson, Mary Repar, Melissa Still, Officer Garrity/other Officer, Philip Watness (the *Pioneer*), Sandy Bacus, Thomas Meade (tenant), Tom Gallant, Wayne Coleman (tenant).

Randy Payne read a statement from Port Staff (attached). Commissioner Collins said he is sorry if staff took offense to comments made by commissioners about the Port at the last Port meeting; he said he let the conversation go on too long.

**Public Comment:** Commissioner Collins said the Port doesn't have to allow public comment at meetings by law, but that we usually do, and asked that commenters use only one minute to speak, since there were so many guests.

Jim Jordan: He said he has always admired John's work with the Port; he is stunned at Commissioner Kingston's tone, baiting and antagonizing the Port Director at Port meetings.

Sandy Bacus: She said the Commissioners need to read the Washington Public Ports Association's Guide for Commissioners, especially Commissioner Kingston, because everything he does is opposite of what he should be doing according to the guide; she said the Port Commission answers to Skamania County President Bob Hamlin, according to Washington State Auditor's office, which she called to inquire on how to file a formal complaint. She said Commissioner Kingston is a terrible commissioner.

Carrie Nissan: She said the Commission was elected by the people and asked that the Commission look around the room at the public present as the ones who elected them and acknowledge that these people support the staff; she said the Commission needs to not take this lightly whenever they are "behind closed doors."

Dave Prosser: He thanked Commissioner Breeding for being intelligent; he told Commissioner Kingston that it's not his job to micro-manage. He told Commissioner Collins that Commissioner Collins has had it out for John McSherry for 8 years now and that he is stumped by Commissioner Collins's comments about not knowing why he is a commissioner, especially since Dave said there were four other people who wanted the position; Commissioner Collins reiterated that he does not know why he is. Dave asked Commissioner Kingston if the position of commissioner is just a game to him.

Wayne Coleman: He said his company [tenant LDB Beverage/Jester & Judge Cider] looked at a lot of places to locate their company and they chose Stevenson largely because of the business acumen of John, Doug, and Julie. He said there is absolutely nothing he can complain about; they do an excellent job—he has not experienced anything less than that.

Tom Gallant: He said he is here to support John, he does an excellent job. He said the Commission needs to get over whatever their problem is. He said if the Commission fires

John they will be heavily sued. And then the Port will bear the burden because this Commission will not be here.

Mary Repar: She said she supports John McSherry. She said the Commission needs to understand how employee governance works for exempt employees—John doesn't need a timecard. She said the Commission needs to get a handle on the toxic environment here; we're all a community and a toxic environment is not healthy.

Mark Peterson: He said he knows of no other person in this County who has contributed so much to the financial successes here as John McSherry.

Mark Mayfield: He said he brings \$100,000 to the County in payroll annually and the only reason he is here is because of John.

Don Fisher: He said in the past 90 days he has put \$1.5 million into the facility he leases and \$100,000 in rent, none of which he would have done without John; in all his experience dealing with a small government staff, this has been his best experience. He said he actually likes the Commission so let's figure this out and move on.

Commissioner Kingston: He said before being appointed commissioner he didn't know any of the staff, except Monica as his tax preparer. He said he was appointed and then elected. He said he takes it very seriously. He said there are some misrepresentations here that he needs to speak publicly about. He said payroll and timesheets and business matters are not being taken care of and the Port is liable for this. He said the Commission has given John tasks and he's blown them off and they have to follow-up constantly. He said when an executive director isn't tending to the basics of what needs to be done there have to be questions asked. He said not all the Executive Sessions have been about John. He said this commission has to make sure the public is represented properly. He said there is a tenant who was yelled at last week. [The audience expressed exasperation at his comments.]

**Meetings and Seminars:** None.

**Minutes Approval:**

Commissioner Collins asked if it is OK for draft minutes to be handed out before being approved; Ken said they are draft minutes only until they are approved. He then asked if John had said at our last meeting that he was in favor of getting rid of the PIP (personal improvement plan) and that he wanted it on the record; no one was certain. Commissioner Breeding commended Julie on the minutes.

*---MOTION--- Commissioner Breeding moved to approve the **April 12, 2016 Regular Meeting Minutes**. Commissioner Kingston seconded; the motion carried.*

**Vouchers Approval:**

*---MOTION--- Commissioner Breeding moved to approve the **Pre-issued General Fund Vouchers numbered 17159 through 17166 in the amount of \$12,759.80 dated April 20, 2016**. Commissioner Kingston seconded; the motion carried.*

*---MOTION--- Commissioner Kingston moved to approve the **General Fund Vouchers numbered 17167 through 17185 in the amount of \$84,600.57 dated April 26, 2016**. Commissioner Breeding seconded; the motion carried.*

### **Administrative Approvals:**

John explained a business name modification for tenant Windy River Research LLC at Wind River Business Park.

*---MOTION--- Commissioner Kingston moved to ratify the Windy River Research LLC Lease Amendment 1. Commissioner Breeding seconded; the motion carried.*

Randy explained the Port interviewed 4 consultants chosen from the professional services list who responded to our RFQ (request for qualifications) for irrigation system design and engineering at Beacon Rock Golf Course. An irrigation well draw-down test may be required and is included in the design contract. Mark Mayfield commented that the current system is 46 years old and he can only find parts from a company in Texas.

*---MOTION--- Commissioner Kingston moved to authorize John McSherry to sign the professional services contract with Baer Design Group LLC, not to exceed \$15,000, for the Design and Engineering of the Beacon Rock Golf Course Irrigation System. Commissioner Breeding seconded; the motion carried.*

Commissioner Kingston asked for the completion date; John reported it is in the contract as July 31, 2016 for phases 1 and 2.

### **Staff Reports:**

**Auditor's Report:** presented by Monica Masco

March 31, 2016 Cash Balance was \$1,041,749.85.

Total revenue for March was \$120,713.11 and expenditures were \$93,265.35: netting excess revenue over expenses for the month in the amount of \$27,447.76.

First quarter total revenues were 10.6% of budget and expenditures were 11.9%.

Other note: Without project revenue (grants and loans) the revenue was 28% of budget at March's month end ~ \$335,062 actual vs. \$1,185,435 budget. Without project expenses the expenses were 31% of budget ~ \$391,598 vs. \$1,243,750.

**Unfinished Business/Director's Report:** Presented by John McSherry

1. *Improvements to Tichenor Suite 40:* John explained some walls need to be removed to make the space leasable and will result in more jobs in the space. There was discussion about having an executive session to discuss the rate at which the space would be leased or to discuss it in public session. Commissioner Breeding said public session was fine; Commissioner Collins said he wanted an executive session since that is how it is usually handled.
2. *Last Meeting Review:* John said he wanted to follow up on items from last meeting.
  1. Gorge Delights staff were reminded of their responsibility to maintain the landscaping at the Discovery Building; they mowed their grass.
  2. Sawnet/Wave equipment has been moved from the waterfront parking area as well as trucks.
  3. Cascade Avenue Boat Ramp: John spoke with the US Army Corps of Engineers, the lead agency for permitting—they said it may be possible to use a minimized

process under the Standard Local Operating Procedures for Endangered Species (SLOPES) Corps of Engineers protocol for minor dredging of the Boat Launch ramp area of about 20 by 50 feet. John consulted Brian Bair of Bair Consulting; to complete the required JARPA (Joint Aquatic Resource Permit Application) and required hydrographic survey and cultural resources consultation; Brian estimated his cost to provide these services at \$2,000. The dredging permit is reviewed through 5 regulatory agencies. Commissioner Kingston asked for a timeline for completion. John said the work may not be done until the next in-water work season, which is November 2016 through February 2017. John said he's not sure if a Washington State Department of Ecology (DOE) or a City Shoreline permit will be required. Commissioner Kingston said the public should know this has been going on since last summer.

3. *Cascades Business Park*: John presented a handout of background information about the Columbia River Research Lab's (CRRL) plans for building a \$40 million facility at this site. He said the Port has been working with CRRL for several years on this proposal. John said he will be meeting with representatives from the group on June 8, 2016 at 11:30 am, and invited the commissioners to attend. Commissioner Breeding will attend. There was discussion on the net-present value of the property and deed restrictions. Commissioner Collins asked about the status of the easement from the Corps of Engineers. John said the Corps of Engineers has received payment from the Port to review our easement application but the missing piece has always been for what use—the Corps will not proceed with the process until the use of the property that the road access is for is known by the Corps. The project is about 2 years out and Commissioner Breeding said it does not need to be a priority now.
4. *Discovery III/New Skye Building*: John explained that Slingshot Sports, who was the “bird in hand” tenant component required for the CERB funding for this project, is restructuring their business and cannot use the space now. He is meeting with tenant Silver Star Industries Thursday, who has expressed a need for more space.
5. *Timecards for Exempt Employees*: John explained how his timecard works with a handout for the commissioners. He is paid monthly and has to submit his timecard the day before the last commission meeting of the month, so he has to estimate the remainder and then adjust later. He said he has been filling it out this way for 17 years with the Port and this methodology has been reviewed in over 5 audits by the State Auditor; he asked the Commission to comment on this policy about the process. Commissioner Collins asked Randy to see how the City handles it. Monica explained how the City handles it—exempt employees submit timecards the day before the last day of the month. Commissioner Breeding said our current system works fine and we should move on. Commissioner Kingston said exempt employees are supposed to take time off in increments of 8 hours and that John has been taking increments of 4 hours. He asked if the Port is making exceptions for John. He said accrued vacation cannot amount to more than 240 hours yet John has more. Commissioner Kingston said he is liable for payroll. Commissioner Collins said we need a better system. Monica said as the Auditor she signs every single timecard and she explained the mathematical equation of pay for an exempt employee and that John is paid exactly the same every time. Commissioner Kingston asked how vacation time is scheduled and mentioned he had seen a calendar for staff. Randy explained staff schedules their vacation through John and then enters it on a joint Outlook calendar shared by all

staff. Commissioner Kingston said his concern is having 4 of our 6 staff on vacation on a Friday when people are asking for things. John said he let's the Commission know when he schedules a vacation.

**New Business:** None.


**Executive Session:** Commissioner Collins called for an Executive Session, including the Commission and John McSherry, Doug Bill, Ken Woodrich, from 4:20 pm to 4:25 pm for 5 minutes per RCW 42.30.110(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public; and again from 4:25 pm to 4:45 pm for 20 minutes, including the Commission, Ken Woodrich, and, for a portion, John McSherry, per RCW 42.30.110(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public.

The Commission said they made no decisions and directed John to continue in lease negotiations.

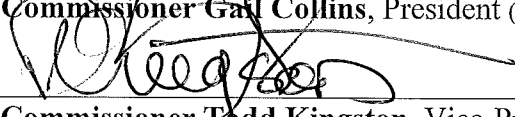
**Adjournment:** The Chairperson adjourned the meeting at 4:47 pm.

**Next Meeting:** The next regularly scheduled meeting of the Board of Port Commissioners is May 10, 2016, 3:00 pm, at the Port office conference room: 212 SW Cascade Avenue, Stevenson, Washington.


**APPROVED BY:**

  
\_\_\_\_\_  
**Commissioner Fran Breeding**, Secretary (District 1)

  
\_\_\_\_\_  
**Commissioner Gail Collins**, President (District 2)

  
\_\_\_\_\_  
**Commissioner Todd Kingston**, Vice-President (District 3)

**ATTEST:**

  
\_\_\_\_\_  
**Julie Mayfield**, Executive Assistant

## **Staff Presentation to the Board of Commissioners—April 26, 2016**

Our meetings were once a collaboration of ideas and thoughts on how the Port could maximize its limited resources to make Skamania County a better place to work, live and recreate. They now feel more like an interrogation, questioning the integrity, competency and core values of the staff. The minutes presented before the Board to approve today reference the Port as “ineffective and a laughing stock.” It is very disheartening that we have come to this point, all of which leaves the staff feeling confused, unappreciated and frustrated.

The staff for the most part was assembled by John, Executive Director. He has always given us the autonomy and resources to perform our duties at a high level. The successes of the team and Port are a reflection of John’s leadership. There is no one correct leadership style, but his is very well appreciated by the staff. It appears his leadership is a major topic of concern by the Board. The staff assures you John’s expectations of us are very clear.

We are all aware of the incident that occurred nearly two years ago. Unfairly, it has taken the Port hostage and the ramifications still exist today. They are disruptive, unproductive, and unnecessary and we ask they not continue forward. The staff has moved forward, community partners have not expressed any resentment, and most importantly tenants continue to praise the Port while continuing to conduct business. Formal mediation is being recommended; we are not interested in using an outside company to address the issues as we feel they can be resolved in house. The issues we would like to see resolved are:

- Restore the faith in John allowing him to perform his job at a high level
- Resolve the personal improvement plan
- Refrain from derogatory public comments
- Publicly support John and staff
- Conduct Port business in a professional and legal manner
- Acknowledge it’s time to move forward from the past

- Constructive criticism is necessary, but should be communicated in clear and professional manner
- Eliminate micro managing
- CPI increase for John as approved in the 2016 Budget

We have a great team, and for many years it's been a positive work environment we've all been proud to call our place of work. In many ways we are like a family. Our ability to achieve success, navigate through obstacles, and the pride we take in the facilities and services we provide only strengthen the team. It's painful for all of us to see this slipping away as we speak. All of this can be remedied by moving forward.

In summary, as elected officials you have been chosen to lead and set the tone of the organization. Our expectation is that the Board act in a professional manner working with John, Executive Director, to provide the support and autonomy necessary to lead the team at the highest level.

April 26 Meeting  
Record  
2016

The Port meeting of April 12 was disturbing, ~~and difficult to sit through~~. Commissioner Kingston was continually attacking Executive Director, John McSherry. ~~People in the audience were asking what is going on.~~

I recorded the most disturbing comments made by Commissioner Kingston in response to public comments and discussion of Port business. Rather than taking up time today reading this into the record. I have made an attachment to my comments today and I request both be entered the record..

After the meeting, I began research on-line. I wanted to discover the Washington State rules covering the proper role of Commissioners. I found the Washington State Commissioner's Resource Guide, the following are excerpts from this Guide.

In the Management Section under Commissioners Duties

Stick to the Commission's Duties

Commissioners often want to get involved in every activity of their port district, but not everything needs port commission input and/or action. Port commissioners should not micromanage the port. The day-to-day management of the port is the executive director or manager's responsibility. To have an efficiently run port, the commissioners must learn to delegate responsibility and respect delegated authority. Let the executive director/manager and port staff function in their areas of authority. Do not meddle in staff affairs. Spend time working on commissioners areas of responsibility— getting the job done at the policy level.

Conclusion

In order for any port to function at peak efficiency, there must be a teamwork relationship between the commission and the executive director/manager and among the commissioners themselves. These teamwork relationships are critical!

Public arguments within the port diminish the public's confidence in the port's leadership.

In the Guide under the How to conduct public meetings, you find the following.

Public Meetings Provide Opportunities to:



Give and get information, state positions, and engage the public in decision-making; applaud good work and build a team; provide a legal forum to make decisions to move ahead; and communicate and reinforce key messages to citizens, the media and port customers.

Meetings are the heart of citizen government. They are how we decide collectively what kind of port communities we want and how we will achieve our goals. Successful meetings don't just happen, they are the products of careful planning, a sound structure, a logical decision making process and a value system that fosters open, honest discussion to produce results that everyone can support.

While administration and management are usually one-on-one, behind closed door activities, governance is generally open and on the record. The public evaluates the performance of its elected officials to a great extent by what happens at meetings. The public perception of the local government as an institution will also be determined not only by what the board or council decides, but by the manner in which those decisions are made.

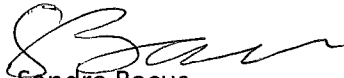
After discovering this Guide and witnessing the conduct of the Commissioners at the April 12, meeting, I decided to file a formal complaint with the Washington Secretary of State. I spoke with a Representative who handles Port complaints. She explained that the complaint process begins with our county Commissioners. Since Bob Hamlin is the current Chair of the Commissioners, she provided me with his contact information. She said if I was unable to receive an answer, I should contact her office again.

I spoke with Commissioner Hamlin and explained in detail what I witnessed at the April 12 meeting and what I discovered in the Washington State Commissioners Guide.

Hamlin told me he was aware of the problem and others had contacted him with their concerns. He acknowledged the success of the John McSherry and his team. He said the Commissioners are keeping track of what is taking place. I mentioned that it appeared the Commissioners were concerned about McSherry committing to a set work schedule. Hamlin said he did not understand that since McSherry is an exempt employee and a scheduled does not apply to him as it does not apply to certain other county employees. I told Hamlin I had seen John with clients in late evening and on occasion on weekends, his work requires his schedule be flexible. Commissioner Hamlin expressed concern about the potential damage to

the great teamwork that McSherry developed. Commissioner Hamlin requested that I continue to attend Port meetings and invite others to participate. I agreed not to file a complaint at this point; however, if the destructive behavior of the Commissioners continues I will not hesitate to file and follow through with a complaint. The current Port Director and his staff have brought jobs and money into this community.

I would highly recommend the Commissioners read the entire Commissioners Resource Guide and become a Commission that supports the success of our Port.

  
Sandra Bacus

91 Sprague Landing Rd.

Stevenson, WA 98648

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Public comments and portion of meeting 4/12/16 submitted by Sandra Bacus.

During the public comment period a new client, Tom Meade gave his thanks to John McSherry for assisting in making the move and opening of his new acupuncture as smooth as possible. He said he received everything he needed and it was a pleasant experience. He wanted to inform the Commissioners know how happy he was in how in his new location and how every request was satisfied. At first, the Commissioners did not respond; then as an afterthought, Commissioner Collins thanked Meade for his comments. No congratulatory comments provided to Mr. McSherry or the Port staff.

During Public comment, I spoke of the displeasure with many county residents of the numerous closed-door meetings with Mr. McSherry and people concerned that another was a plot underway to fire Mr. McSherry. I commented on the outstanding job the Director has done for Skamania County bringing businesses, jobs and funding large projects with grants. I do not recall a response to my comments other than Commissioner Collins thanking me.

Next, a woman spoke of needed repairs to her Port rental home. The woman said she was afraid to speak with John and she had been attempting to have her home repaired for two years. In addition, a few caregivers for this woman stated they had witnessed back up of plumbing in her home. These comments animated Commissioner Kingston he finally had what he believed to be ammunition to attack McSherry. However, the entire story revealed

- (1) Mr. McSherry had only spoken with this woman in one phone conversation and Commissioner Kingston was present with Mr. McSherry when this conversation took place.
- (2) When Port staff went to her home to make repairs she began angrily shouting insults and slammed the door in their face.
- (3) She had not called the Port regarding needed repairs since June of 2015 and Port staff repaired her plumbing at that time.

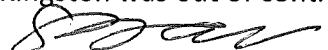
The Port was unaware of a continual problem until now. After much discussion, Commissioner Collins told John, we now know what the problem is and we need to install new pipes so we need to get the job done. Mr. McSherry agreed.

Later a discussion ensued regarding a Port property rental at the Wind River Nursery. There was mention of a problem with siding and attempts to protect the siding from heavy snow

stacked against the building. Mr. McSherry spoke of applying an epoxy to protect the siding. Commissioner Kingston responded by asking Doug (I believe Doug is in charge of the Ports maintenance and repairs) how do you feel about the Director telling you how to do your job, what do you think about the epoxy solution. Your Director is telling you what you should do.

This was the most egregious comment made by Commissioner Kingston. This was a clear and direct attempt to pit a Port employee against the Director. Doug did not pursue that direction. Doug said epoxy is one way to protect siding.

Commissioner Kingston needs to control his emotions before he speaks at an open public meeting. Hostility was apparent with all three Commissioners', however Commissioner Kingston was out of control.

  
Sandra Bacus April 23, 2016.

