

Port of Skamania County
Minutes of the Board of Commissioners
May 10, 2016
Regular Meeting 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; Attorney Ken Woodrich, Executive Director John McSherry, Executive Assistant Julie Mayfield, Finance Manager Randy Payne, Facilities Manager Doug Bill. Guests: Steve Hansen, Ann Lueders, Sandy Bacus, Melissa Still.

Public Comment: Commissioner Collins stated that the Port does not by law have to allow public comment, but that each commenter could have one minute to comment.

Sandy Bacus: She said she is concerned about the tone of what's happening with John McSherry and the Port staff by commissioners Kingston and Collins. She said it seems it would be hard to work in this environment. She said many in the community are very happy about the work the Port staff has done. She said several people are starting a recall on Commissioner Kingston.

Steven Hansen: He said it is the prerogative of the commissioners to set an agenda for the Port Director and that he is here to support the job of the commissioners.

Ann Lueders: Read from a statement, attached (the Commission allowed more than one minute after Sandy Bacus reminded only 1 minute was allowed to Sandy).

Melissa Still: She said she is a local business owner and partner of another local business that Commissioner Kingston has been disparaging publicly. She said he is no friend of the business community and he should resign from Port Commission (statement attached).

Meetings and Seminars:

Ken reported attending the Washington State Municipal Attorneys Association conference. He reported new information about the Open Public Meetings Act. He reminded the commission not to partake in serial meetings, which can be a series of emails taken altogether viewed as a meeting with a concerted intent to take action.

John reported on the upcoming New Tenants Open House, being hosted by the Red Carpet Team, of which the Port is a member. Julie and Kari Fagerness of the EDC have been meeting and planning it. Commissioners Kingston and Collins asked about insurance coverage. Ken noted the Port should have coverage and that the Use Permit should be used.

---MOTION--- Commissioner Kingston moved to waive the Park Use Permit fee of \$50 for the New Tenants Open House May 19, 2016. Commissioner Breeding seconded; the motion carried.

Minutes Approval:

Commissioner Kingston said he wanted more time to review the minutes; approval was postponed to the next regular meeting.

Commissioner Collins said he wants it in the minutes that John agreed during the April 12, 2016 meeting that he wanted the Commission to get rid of the Personal

Improvement Plan that was discussed. There was discussion on whether he said that at that meeting.

Vouchers Approval:

*---MOTION--- Commissioner Breeding moved to approve the **Pre-issued General Fund Vouchers numbered 17186 through 17196 in the amount of \$16,159.92 dated May 6, 2016.** Commissioner Kingston seconded; the motion carried.*

*---MOTION--- Commissioner Kingston moved to approve the **General Fund Vouchers numbered 17197 through 17222 in the amount of \$24,022.96 dated May 10, 2016.** Commissioner Breeding seconded; the motion carried.*

Administrative Approvals:

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

Staff Reports:

- **Facilities Report:** Doug reported working on improvements to Tichenor Suite 40; he reported another round of cleanup of downed tree limbs at Beacon Rock Golf Course (BRGC); he replaced lights at Tichenor Suite 65 (Phloem), replaced a toilet at Wind River Business Park residence rental (notified by tenant of problem) and Randy is seeking estimates for replacing the septic tank and contacted the WA State Aging and Long-Term Support Administration who said they would perform a site visit. Commissioner Kingston asked if other residences could share a septic tank so the Port could save money by combining systems; Commissioner Collins said that is not allowed by law. Ann Lueders asked if subletting of a residence is allowed. Randy explained it could be by prior approval of the Port. Commissioner Collins asked for a letter from the plumber stating the work done and any recommendation. Doug reported he is installing a light at the boat launch; it was decided the light would stay on instead of using a motion sensor.
- **Attorney's Report:** See Meetings above.

Director's Report/Unfinished Business:

1. **Tenants Update:** John reported Phloem (Tichenor Ste. 65) is attending an international furniture show in New York but will be back same day for new tenants Open House May 19. Sawnet is now Wave. Slingshot is still interested in leasing the old Skye Building in North Bonneville or recently vacated office space at Teitzel building. John reported Silver Star Industries needs an additional 8,000 square feet with loading dock to the Evergreen Building in North Bonneville and that he's been working on a plan and he estimates it to cost \$80 to \$90 per square foot; they prefer a 3 year lease. The Port spent around \$19,000 in planning for the new Skye Building (tenant Slingshot's business model changed significantly and cannot use that much space now and planning has halted on *new* Skye building/Discovery 3). Commissioner Breeding requested the Skye Building be leased on a month-to-month basis.

There was extensive discussion on Cascades Business Park and the Commission

requested the Port contract with a real estate broker to find a tenant for the site. John said there are 6 to 8 acres available for development if Columbia River Research Lab (CRRL) takes the upper portion. Commissioner Collins asked if the Port could not secure the Corps of Engineers Ft. Cascades Road access, would CRRL still be interested in the site? John believes they would. Commissioner Kingston asked what current marketing is being done for the site. John cited marketing by Greater Portland Inc. (of which marketing meetings Julie attends), Washington State marketing website, the Port's website, MCEDD (Mid Columbia Economic Development District) website, Skamania County EDC website, print ads in *Hood River News* and the *Green Living Journal*, and a physical sign on the site.

Commissioner Collins said we've discussed the broker idea before. John noted the Port made a policy with which to respond if a broker brought a deal to the Port. John said it would be good to advertise for a broker and evaluate their qualifications before contracting, although as Ken noted it is not required since it is a personal services contract. Commissioner Breeding said she was directing John to develop a request for qualifications from brokers; the Commission agreed. John discussed local Gorge agency histories with using brokers and suggested the commissioners consider cost. Randy will prepare a draft Request for Qualifications within a month.

2. *Planning Workshop*: John noted three binders with properties information specific to North Bonneville, Stevenson, and Wind River Business Park were created for use in the workshop. The Commission set **June 7, 2016 from 1:00 pm to 5:00 pm** for the planning work shop. John and Commissioner Breeding will meet May 25, 2016 to do site visits. Ken recommended the agenda be very general and not for decision-making with minimal minutes for an open framework. The Commission agreed they want Ken to attend.
3. *Wind River Business Park*: John has been working on the water system with Tenneson Engineering; they have determined Windy River Research LLC and Wind River Biomass LLC's water needs. Commissioner Kingston asked about fire protection water supply. John said the hydrants are part of the Forest Service system and will continue to serve the 1111 Hemlock Road (old Processing Plant Building 2130—new tenant Windy River Research). Ken reminded ports can be water purveyors if necessary using a municipal water right. John noted the Port's \$220,000 state grant has been extended to December 2016.

Commissioner Breeding asked how the Port/Skamania County agreement is progressing and that she met with Skamania County Commissioner Brong earlier today. John said he and Ken are working on it. John recommended that the Chairs of the two Boards hold a pre-meeting with their attorneys and a technical person before convening the two Commissions together for a meeting. Ken said the County is waiting on the Port.

4. *Voucher Approval Policy*: John and Randy explained the process for approving the vouchers. He said the commissioners need to understand the process since they are responsible for approving the vouchers at each meeting and that since they are all relatively new Port commissioners that maybe staff took it for granted that they understood the process. He noted the checks are not signed before the meeting and that we use a one-over-one accounting method with a certification process by our contracted auditor who also approves each voucher; this process is approved by the Washington State Auditor. John encouraged the commissioners to check each voucher to make sure

that the employees timesheets are signed by the appropriate signatories and that the timesheets (per diem) for each commissioner are signed as well. Commissioner Breeding concurred it is all standard AP process.

New Business: none.

Commissioner Collins called for an Executive Session under RCW RCW 42.30.110(g). Commissioner Breeding objected saying she did not know anything about it or why he would call for it. Commissioner Collins asked Commissioner Kingston if he wanted it, to which he replied yes.

Executive Session:

Commissioner Collins called for an Executive Session 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, with the Commission and Ken Woodrich from 4:45 pm to 5:05 pm for 20 minutes and again, with the Commission and Ken Woodrich from 5:05 pm with John McSherry called in toward the end of 5:23 pm for 17 minutes.

Commissioner Collins said no decisions were made. John McSherry said nothing.


---MOTION--- Commissioner Kingston moved to accept John McSherry's resignation effective July 1, 2016, with an 18-month severance package. Commissioner Collins stepped down and seconded; Commissioner Breeding voted no; the motion passed.

Julie asked what the status of her complaint investigation is. Ken said John would advise her of the status.

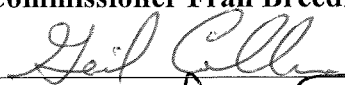
Adjournment: The Chairperson adjourned the meeting at 5:25 pm.

Next Meeting: The next regularly scheduled meeting of the Board of Port Commissioners is May 24, 2016 at 3:00 pm at the Port office conference room: 212 SW Cascade Avenue, Stevenson, Washington. A special meeting is set for June 7, 2016, planning workshop.

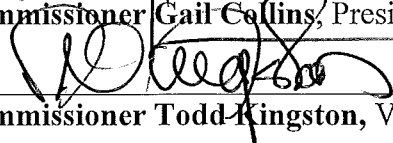
APPROVED BY:



Commissioner Fran Breeding, Secretary (District 1)




Commissioner Gail Collins, President (District 2)



Commissioner Todd Kingston, Vice-President (District 3)

ATTEST:



Julie Mayfield, Executive Assistant

5-10-16

Todd Kingston

I'm Melissa Still. Owner/Operator of Bigfoot Coffee Roasters

I am part owner of Gillco Automotive Stevenson Chevron & Bingen Texaco

Mr. Kingston was unsatisfied with service we provided. Mr. Kingston was very hostile and aggressive in our place of business

He yelled at our employee who walked away.

Jesse Gilman, my business partner came out from working on a car to see what the issue was. Mr.

Kingston yelled & threatened to do all he could to ruin our business that we just started here. Jesse did have a small wrench in his hand when he came out from

working on a car. Todd then accused Jesse of threatening him with a wrench. This is not the case.

Jesse threw the wrench away from him & tried to reason with Todd. Todd took us to court and the case

was thrown out. Yet it cost us to hire a lawyer. Todd is true to his word. The rumor is that Jesse threatened

Todd with a wrench. This is not true. Our reputation is damaged. Todd is no friend of the Business Community and has serious anger & hostility issues. I think Mr.

Kingston should resign from his position. At his age, he should have more maturity and be able to rectify situations in a calm professional manner.

Ann Lueders 5-10-16

Thank you for allowing Public Comment at your meeting today. I know it is not required that the Port Commission do so, but I believe it is considerate and shows that you do want to hear from your constituents.

In recent news articles, social media posts and copies of a group employee letter to the Port Commission, one would get the sense that things are not "business as usual" at the Port of Skamania County. As you can imagine, this onslaught of media attention caught my eye, and I wondered what I had missed in my review of the Port minutes and meeting agendas. I've reviewed those items since, and while I can draw a personal conclusion or share my perception on what the Port Commission and staff may or may not be doing - I can't say with certainty that a plan or project has been presented.

Here is what I can say about the recent hubbub:

Fact: in a bare bones description, the Port Commission's job is to oversee port business. This includes oversight of their hired professionals, fiscal management, port policy, contracts, budgeting and the like.

Regarding the Pioneer's editorial, which ranged from employee performance, to commission transparency and a multitude of other swings, jabs and insinuations: our scornful editor failed to report that the employee or employees under scrutiny have the option, under Washington State Law, to require the investigation of any complaints be in open public meeting. According to the Port meeting minutes from April 12th, at least one (1) employee "preferred" not to take advantage of this option. All of this considered, one cannot expect transparency from the Port Commission if the employee does not present them the opportunity.

Fact: as an employee of the Port you do not lose your right to voice opinions about Commission policy or actions. However, you do gain a responsibility to voice those personal, non-business opinions professionally and on your own time.

Regarding the employee letter submitted to the Commission: I applaud the unity of the Port employees but question your drive since the presented letter mentions many items specific to one employee. Are you, as a group, united for the greater good or for the benefit of one? I also question how much individual interaction each employee has with the Port Commission. If there is a lot of opportunity for employee interaction with the Port Commission, I will further applaud the Port Commission for being involved, being active and NOT being "rubber stamps."

Finally, after again reviewing the last few months of meeting minutes and agendas, I draw the conclusion that the Port Commission is traversing many paths. Each path leads many ways and each choice will present even more opportunities and perhaps, more challenges. What choices and projects the Port Commission may decide to take on as a part of their oversight remain unclear to me, but I do believe the Commission is being thoughtful, diligent and diverse in their work.