Port of Brookings Harbor Board of Commissioners

Commissioners Meeting Minutes

Tuesday, January 23, 2018 6:00 pm

Port Office: 16330 Lower Harbor Rd, Brookings OR 97415

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

President 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: Foreman Travis Webster and Operations Brent Ferguson. By phone, Port Council, Jim Coffey.

1. **Approval of Agenda:**

***Vice Pres. Barbas made a motion to approve the agenda as written. Seconded by Treas. Thompson. Voting yes: unanimous.***

1. **Agenda Related Public Comments:**

**Gary Klein:** believes that appointing a subcommittee regarding Mr. Dehlinger’s firing is just another way for the board to hide its actions from the public. Doesn’t thinks any of them should be allowed to compound their mistake by being on the subcommittee.

**Bill Wood:** requested to speak during non-agenda related public comments.

No other agenda related public comments.

1. **Approval of Minutes:**
2. **Special Meeting – Wednesday, December 13, 2017:**
3. **Regular Meeting – Tuesday, December 19, 2017:**
4. **Special Meeting – Wednesday, December 27, 2017:**
5. **Special Meeting – Friday, December 29, 2017:**

Vice Pres. Barbas suggested that since the commission is just now looking at the revised minutes he would like to table all four meeting minutes until next week.

***Vice Pres. Barbas made a motion to table all minutes until the next meeting. Seconded by Sec. Martin. Voting yes: unanimous.***

1. **Operational Report:**

Mr. Webster read his operational report to the board and public.

Mr. Webster read Mr. Dave Gowers email to the board and public.

Mr. Webster gave the board an update on the fuel dock.

Mr. Webster gave the board an update on the purchase of the telehandler, and what Umpqua Bank is requiring. Mr. Ferguson also suggested to investigate financing with M2, who financed the purchase of the travelift.

***Vice Pres. Barbas made a motion to authorize staff to proceed with negotiations with M2. Seconded by Comm. Davis.*** ***Voting yes: unanimous.***

***Vice Pres. Barbas made a motion to authorize President Christian, to talk to Umpqua Bank and determine if we can get that loan going, while staff also works on M2. Seconded by Treas. Thompson.*** ***Voting yes: Christian, Barbas, Thompson, and Martin. Voting no: Davis. Motion passed.***

***Treas. Thompson made a motion to authorize the hire of Jack Akin and Dave Gower to come look at the Pac Choice dock with one commissioner being there with them at that time. Seconded by Sec. Martin.***

Sec. Martin asked Mr. Webster’s opinion on what the status of the dock is now. Mr. Webster informed him that in his opinion, that dock is not safe to be on under any circumstances. Does think it's going to be a waste of our Port's money to bring in an engineer to give us the same opinion, and another engineer that can't render an opinion on the dock.

***Treas. Thompson withdrew his motion.***

***Vice Pres. Barbas made a motion that we cancel the inspections with Mr. Akin and Mr. Gower. Seconded by Sec. Martin. Voting yes: unanimous.***

Vice Pres. Barbas mentioned that there has been communication with our attorney Jim Coffey and he had suggested that, Pres. Christian, Vice Pres. Barbas and staff meet with Mr. Dehlinger to determine which keys are his. Vice Pres. Barbas still wants to discuss with Mr. Coffey regarding his concern related to HR records or other things that should be held until there is an interim manager.

Pres. Christian mentioned getting the manager’s phone unlocked. Treas. Thompson suggested to have the phone remain in commissioner hands and have a commission go through the phone. Mr. Webster tried to explain to the commission that staff needs the phone for multiple reason to properly function. Pres. Christian wanted to remind staff that they work for the commission since the current manager is on administrative leave.

1. **Old Business:**
2. **Temporary Duties / Staff:**

Vice Pres. Barbas believes the board needs to do a better job with communicating through Mr. Webster and making sure he knows what each commissioner is doing.

Mr. Webster volunteered to accept a temporary managers position until the board can find an interim manager. Explained to the board that things have been very confusing with all the liaison’s, we need to take a step back, let him have control over staff, and then he’ll report to board like the commission is designed to do. Mr. Webster made it clear that he does not want to be the permanent manager but is willing to help until the board can find someone that’s suitable for the position.

The board asked Mr. Webster if outside operations will be affected? Mr. Webster stated that yes, things are going to take a little longer due to the added extra work load. The board wondered if Mr. Webster would be willing to do this just for regular wages plus overtime. Mr. Webster informed the board that his workload is going up and isn’t saying no to a pay raise, but he isn’t going to give himself a raise. Mr. Webster reminded the board that other staff members also deserve raises due to their added extra workload. Mr. Coffey suggested that someone look into the Bureau Labor rules and how many hours a person can work in a give time period. Also, suggested that the board, give their blessing, for Mr. Webster to continue with what he is doing until there is in interim manager. Pres. Christian would like for Mr. Webster to continue with what he is doing outside and to oversee the office staff, the board wouldn’t give the interim manager full control and isn’t comfortable giving that to Mr. Webster. Mr. Webster asked for clarification that staff still will not be receiving raises, which he was informed that that is correct, and to follow what the board directed last week.

***Vice Pres Barbas made a motion to authorize Travis Webster to oversee the office staff in addition to what he’s already doing temporarily until we have an interim port manager. Seconded by Sec. Martin.***

Sec. Martin mentioned that the board is asking Mr. Webster to go above and beyond what he’s normally doing and should be compensated for that.

***Vice Pres. Barbas amended his motion to Travis Webster supervisory authority over the office staff in addition to what he is already doing, and a 10% temporary duty pay increase until such a time as we get an interim manager. Voting yes: unanimous.***

The board agreed that these adjustments would be retroactive to when duties started.

1. **New Business:**
2. **Interim Manager:**

Pres. Christian informed the board that Mr. Coffey has provided a temporary interim managers’ employment agreement, and that she plans on taking this to the candidates tomorrow, the candidate wants her attorney to review it.

***Vice Pres. Barbas made a motion to adopt or authorize Pres. Christian to enter into this contract with the candidate.***

Mr. Coffey recommended not to make that motion since Pres. Christian isn’t entering into the contract, the Port Commission as a whole is entering into the contract and suggested different wording.

***Vice Pres. Barbas withdrew the motion.***

***Vice Pres. Barbas made a motion to authorize Pres. Christian to proceed to present this offer to the candidate and to bring it back to the board for approval. I do see a couple of typographical errors. On the last page, I see something about a water board. President Christian's title is president, but those are very minor, and I would like to see this go forward. Second by Treas. Thompson. Voting yes: unanimous.***

1. **Appoint Subcommittee to interact with issues surrounding Mr. Dehlinger’s Employment:**

Mr. Coffey warned the board that things will be moving rapidly in dealing with all the issues surrounding Mr. Dehlinger’s employment. Mr. Dehlinger’s attorney is still waiting for a letter from the Port explaining the reasons for the Port’s decision. Mr. Dehlinger may request a hearing in front of the Port Commission. The Port Commission is going to make the ultimate decision.

Mr. Coffey suggested to have a sub-committee to interface with him, the sub-committee can follow his recommendations, and at least, give authorization to get things done, speed up communication, and just help with the whole process.

Vice Pres. Barbas read the proposed motion given to them by Mr. Coffey: I move to appoint commissioner and commissioner as the sub-committee to communicate with the port's attorney, Jim Coffey and the SDAO attorneys, Spencer Rockwell and Ron Downs, about matters involving the potential claim to be made by Gary Dehlinger. The communication referenced in this motion would involve providing the information to the port's attorneys, providing responses to any discovery request from Mr. Dehlinger’s attorney, Lauren Collins, to the port attorneys, answering questions from the port attorneys, providing information regarding the status of the Dehlinger claims, to the balance of the port commission and otherwise, moving forward with all issues arising out of the Dehlinger matter.

***Treas. Thompson made the motion to adopt the motion as red by Vice. Pres. Barbas and inserting President Christian and Vice President Barbas. Seconded by Sec. Martin.*** ***Voting yes: Christian, Barbas, Thompson, and Martin. Voting no: Davis. Motion passed.***

The Board and Mr. Coffey discussed what dates would work for them to have the hearing on, February 5th, 12th, 14th, 27th, or 28th.

Mr. Coffey informed the board that if they have anything else to add to the draft letter that is going to be sent to Mr. Collins, to email him no later than 11:00 AM January 24. And, he will also be looking into overtime for hourly employees.

1. **Appoint a subcommittee for the BC Fisheries and Pac Choice dock issues:**

Mr. Webster explained to the board that Mr. Gowers allowed Dave Hoover to drill three holes in the BC Fisheries dock, which turned out to be 6 ½ to 8 ½ inches thick at its lowest point.

Mr. Webster suggested to let this come to a conclusion until we get the as built, which than will tell us if anything was done incorrectly or not.

Pres. Christian would like to see a sub-committee based off conversations with council.

Mr. Coffey agreed that there should still be a sub-committee and thinks that this matter needs to continue because once the contractor leaves you aren’t going to see him again.

Mr. Coffey also informed the board that if they are not satisfied with the engineer who originally looked at the dock and recommended that the cracks be filled with epoxy. And, if there is the defect in the dock and you ever intend to make a claim for that defect against the contractor, then the port needs to have done now, and have a knowledgeable engineer investigate that dock and render an opinion.

***Pres. Christian made a motion to appoint commissioner Barbas and Commissioner Martin to sub-committee overseeing the BC fisheries dock. Seconded by Treas. Thompson. Voting yes: Christian, Barbas, Thompson, and Martin. Voting no: Davis. Motion passed.***

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

**Bill Wood:** declined to comment.

**Connie Hunter:** Informed the board that this is a matter of public trust, and asked Treas. Thompson what day where you notified of the ethics violations? When did you sign the plea agreements? When did you apply to be on the Brookings City Council? Mrs. Hunter also replayed a walk-through that happened with Alex Campbell, Regional Solutions Team Coordinator, at the green building, which Mr. Thompson made her feel disrespected. Mrs. Hunter is still putting together all the things that can or cannot be done to the green building.

**Doug Lewis**, Manufacturing consultant: Very concerned with BC Fisheries dock, there are some very minor cosmetic blemishes, which will add about 5 to 10 years to the lifespan of the dock. Port staff has done a very good job with minimal finances but has been seeing lately that they're being interfered with completely unbelievably incompetent things. The manager gets fired for some bizarre reason and then rehired, but he isn’t doing anything. We've got this so-called issue that the project engineer who would be the one that has the issue because it's his heinie on the line if there is an issue.

**Dave Hoover:** I’m the guy all of you are saying did something wrong or that something is misled. I have told you all that you have the most competent engineer in Oregon on your staff. How much money are you going to waste? Not coming in and talking to me or doing an inspection instead of hiring engineers. You have a guy right here who’s competent in running this whole place and all the outside operations here. I've got a contract, I know where I stand on that contract. Mr. Gower also has a contract and he's named in the contract. The dock is great. I'll stand behind it forever and I'm damn proud of that dock and everything I've done for it.

**William Manning**, local fisherman: We the people of this community, vote and bring commissioners in to take care of our harbor and our port. I'd say I'm really disappointed in what's happened. We have a hostile work environment for our people. They're not happy. Our workers out here, they're afraid to come talk to you guys on most stuff because they don't know how you’re going to react. It's not a good work environment, it's not productive, it is not what we wanted when we voted people in. I want to make one other comment on the phone issue. It was brought up, why is it so important for you guys to have it? I don't know about anybody else in this room, when my phone rings, I don't have to unlock it to answer it. You just push and answer it. That's all I have.

**Patty Anne Da'Cunha:** I'm not a fisherman but I do live here. I'm a concerned taxpayer. Our port is obviously in trouble, it's been in trouble for a long time. We have a group of new people that were going to come in and hopefully, help turn things around. Now, there's all this business of recall. As a concerned taxpayer, I don't want to see any money needlessly spent. There's been enough needlessly spent already. Doesn’t understand why we're having a recall until we the public, have some of the facts. I'm upset because I don't want my tax money going down the drain. I would just ask everybody to stop and think about all the money that's going out on recall until we get the facts. Let's just get the facts, please. Thank you.

No other non-agenda related public comments.

1. **Commissioners Report**

**Comm. Davis** informed the board of the health of port staff and how beat down they are, and one that is probably going to quit. If anyone from the public wants to talk to staff he is sure they would be glad to answer any questions. Livid over the phone issue. Informed Mrs. Da’Cunha that Mr. Dehlinger was the best thing the port ever had and why. “My report is, I'm sitting up here with a four to one vote, I'm not going nowhere and I'm sure their going to try to get some dirt on me, as well as anybody else. Let them dig. I will tell the public the truth and it's time.”

**Treas. Thompson** wanted to commence Mr. Webster on how nice the road and RV park looks.

**Vice Pres. Barbas** would also like to thank staff and Mr. Webster. Thinks that we need to move forward on becoming more cooperative and working together better as a port and as staff and believes with the changes tonight that should help improve communication issues. Asked Mr. Coffey regarding a rumor he heard that port staff was circulating a recall petition from the port office on port time. Which Mr. Coffey informed him that it's a condition of their employment. They're not employed to circulate recall petitions while they're working, during their work hours for the port. Certainly, any port employee, when they are not working, just as for any other employer, they can go out on their own time and circulate petitions either in favor of or against recall, that's fine.

No other commissioner reports.

1. **Adjournment:**

The meeting was adjourned at 7:45 p.m.

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Port Commissioner

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Date