Port of Brookings Harbor / Regular Meeting

June 16th, 2015

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1. **CALL TO ORDER AND ROLL CALL**

The Regular Meeting of the Port of Brookings Harbor Board of Commissioners was held on June 16th, 2015 in the Best Western Beachfront Inn meeting room, Harbor, Oregon. Chairman Roy Davis called the meeting to order at 7:00pm. Other Commissioners present were Sue Gold, Tim Patterson, and Jim Relaford. Mike Manning was not in attendance. Also present was Executive Director Ted Fitzgerald.

1. **APPROVAL OF AGENDA**

Jim Relaford moves to approve the agenda as written. Vice Chair Gold Seconds the motion. Vote Yes: Unanimous.

1. **APPROVAL OF MINUTES**
   1. Regular Meeting – May 19th, 2015

Vice Chair Gold moved to approve the minutes as written, seconded by Jim Relaford.

VOTE YES: Sue Gold, Roy Davis. VOTE NO: Tim Patterson.. ABSTAIN: Jim Relaford

Vice Chair Gold moved to table the minutes. Tim Patterson seconds the motion.

VOTE YES: Unanimous

**4. OPERATIONAL AND FINANCIAL REVIEW**

Revenues from operations were $261,780. Normal expenses were $205,790. The two categories together after property tax revenue, grant expense and debt service resulted in a net operating profit of $56,009.

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Marina/moorage revenues came in at $60,217.

RV Park Revenue was $49,400.

Fuel sales were $63,079.

Cold storage revenues were $1,873.

Yard activity revenue was $13,137.

Rental revenue was $33,432.

The ice plant generated $36,123.

Repair and maintenance expenses were $39,160.

Fuel purchased for resale was $54,817.

Utility expenses were $18,878.

Office expense was $8,580.

The launch ramp parking lot was paved and put into operation. The new launch ticket machine was put into service, allowing the port to better regulate and track parking lot usage. We are now working on the complications related to businesses adjacent to the parking lot that have been using the grant-funded facility to provide parking over the many years since the parking lot was last improved.

Work at the RV park continues and May saw a substantial amount of traffic.

Negotiations with the IFA regarding re-payment of the Port’s outstanding debt are currently on hold as we explore the possibility of re-financing the outstanding debt with another lender. Because, under our current arrangement with IFA, it is not feasible to borrow additional funds, developing a long-term strategy of adequately maintaining and improving the Port is not possible.

Working with the reality of the Port’s need to re-finance its debt and secure an ongoing relationship with a business lender going forward, during the first quarter of the upcoming fiscal year the port will be focusing on improving its efficiencies both

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at a bookkeeping level and in the field, as well as increasing revenue in areas where there is room for increase, as advised by our current lender.

Additionally, I have a Refinance Update. I contacted the IFA several times regarding the Debt Refinance deal that the IFA wants to modify. Their proposal was to raise our quarterly payment, which is $62,500 per quarter until 2030, to roughly $150,000 per quarter. In total, this would be an annual increase from $250,000 to $600,000. Alternatively, the IFA

would like to see the Port refinance its debt with another lender. To that end, we have met with various lenders including the Rural Development Department of the USDA last Friday in Portland. We submitted copies of our strategic plan to the USDA to let them get a snapshot of where the port is and where it hopes to go in the next several years. Initial reactions from the USDA are positive with some reservations. Early suggestions are to get as much of the interest discounted as possible, perhaps towards a general obligation bond to take out part of the financing and verify community support. This Thursday the appraiser will be on site to work on appraisal of the Port as a whole.

The Commissioners had no questions.

Vice Chair Gold moves to approve the Operational and Financial Review. Jim Relaford seconds the motion. VOTE YES: Unanimous

**5. PUBLIC COMMENTS**

**Regarding: The Flag Not Being Raised. Tom Wheeler**

Tom Wheeler: I am a U.S. veteran from the town of Brookings Harbor. I am a representative of the veterans of America asking why the American flag is not flown down on the dock. They tell me they can’t afford to fly it. That’s what the office told me. And I said ‘how many lives do we have to give to get it flown on a daily basis?’

Chairman Davis: Do you have verification of this Mr. Wheeler? Who told you that we can’t afford to fly the flag?

Tom Wheeler: Yes, they told me to come to this meeting if I have a complaint, that they could care less. They don’t want to fly the American flag on a pole every day, that we earned a right to have.

Chairman Davis: I agree with you, Ted do you know anything about this?

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Exec. Director Fitzgerald: I don’t know anything about that. I’ve always supported the veterans.

Chairman Davis: Jeremy?

Jeremy Galvez: I spoke with him at that time, and I told him I didn’t know why we aren’t flying the flags. That I thought the high winds had something to do with it and that I would check into it for him. We are planning on flying the flags.

Exec. Director Fitzgerald: They do get shredded when there are high winds and we take them down. And we generally fly them up front and that does add up to a lot of flags. When they are shredded we do take them down to get new flags.

Jeremy Galvez: We did just purchase all new flags for the poles, and we are in the process of fixing the poles so that the flags can fly on them. And we do plan on putting them up.

Chairman Davis: Can you give us an estimated time, Jeremy?

Jeremy Galvez: I don’t know how long it takes to get in the materials. We need to fix the remaining poles. We only have 3 or 4 out of 8 poles.

Chairman Davis: Would it be appropriate to put up a separate pole specifically for the American flag?

Exec. Director Fitzgerald: Two of them already are. (specifically for the American flag)

Tom Wheeler: They just said it costs too much because that wind beats em up too much.

Comm. Relaford: I don’t think that is the problem. The problem is the halyards are broken, and we haven’t figured out how to get up high enough on the pole to put new halyards on the pole to raise the flag. On two of the poles on the boulevard, the two large poles, the halyards are broken.

Tom Wheeler: I think it should be a priority.

Comm. Relaford: I think so too.

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Tom Wheeler: They told me they fly it on holidays only, that the winds beat them up too much. That’s what I was told.

Chairman Davis: Sure. Well Mr. Wheeler we will work on that.

Exec. Director Fitzgerald: We will get a flag up tomorrow, it probably won’t be up one of those poles, it will have to be short, but we will get it up tomorrow one way or another.

Chairman Davis: Thank you Mr. Wheeler.

Vice Chair Gold: Thank you for your service.

**Kathy Hall, Regarding Poundage Fees.**

Kathy Hall: So I’ve been looking over the minutes, and for all of those that remember me, thank you. I used to be a port commissioner. And Mr. Patterson brought something up that I thought is very noteworthy, and thank you for mentioning it for the minutes. The agenda was available at the port office since Wednesday, he saw it for the first time today. The minutes were only just typed up today, that’s disrespectful to the commissioners, they have a job to do. And the same is true when you agree to pass a poundage fee onto the commercial fisheries without doing your own research.

When Mr. Manning, according the minutes, says he hasn’t worked anywhere else that doesn’t pay a poundage fee, I’m wondering what ports in Oregon he works out of. He’s not here to answer that. I did talk with a commercial fisherman that was able to have a conversation with Mr. Fitzgerald. Ten years ago before he moved to Brookings, he says he came from a Port that charged a landing fee. And every other Port he had worked in, we are talking about Ventura south, they are not conducive to commercial fishing. If you don’t know about Ventura, California, I would strongly encourage, suggest, that you find out what it’s like to be a commercial fisherman down there, if you know what I’m saying.

There are other people that will address the action that I believe was a rush to judgment by this commission. I can only say shame on you! Shame on you for not doing your homework!

Exec. Director Fitzgerald: I have a question.

Kathy Hall: I was addressing the Commission, not you. I will not answer your question.

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Exec. Director Fitzgerald: O.K. Just to clarify things: Winchester Bay has a poundage fee; Charleston has a poundage fee; Bandon has a poundage fee; Port Orford has a poundage fee; Gold Beach has a poundage fee; Crescent City has a poundage fee. Our poundage fee mirrors Crescent City, and we picked it because it is a port that is fairly analogous to what goes on here in our Port. That’s the actual facts, you can go and check. There are various factors that impact the use of that. For example, Charleston is primarily privately owned, so that poundage fee only applies to their public hoist but it does apply to both hoists. You can call them, call the office.

Willy Goergen: I know the fees in Charleston, that you are referring to… The hoists leased by Tyler?

Exec. Director Fitzgerald: I don’t know which hoist it is. If you call them and say, “I want to hoist fish across the dock using their hoist, what do I do?” They say you buy a $10 business license, you get a card to run the hoist at $20/hour, and 2 cents per pound for salmon, and a cent or half a cent on everything else.

Willy Goergen: There is a big difference between a fee on a public hoist and a port-wide landing fee. Pac. Choice, Hallmark, every other company that buys product out of Charlston is not charged a landing fee.

\*Unknown\*: Bornstein used to and we didn’t pay one, we paid a monthly fee.

Willy Goergen: I want to clarify that to the Commissioners, because there is a big difference between a public hoist fee and a port-wide landing fee.

Exec. Director Fitzgerald: I understand that the public hoist fee is not the landing fee. That’s what a landing fee is. The reason that the landing fee only applies to the hoist is because that is the only thing that is owned by Charleston where you can unload fish. Everything else is privately owned. There is actually not a difference. If we had areas that had been sold to private businesses, they would not be subject to that tax. For example, Newport does not have a landing tax, they are talking about it, they are considering it, but in order to do it that they are in a situation with Charleston where in order to do that they also sold all of their property. So, the landing fee, the only way to get that would be to have a port district wide vote to get that tax implemented. They are discussing it, I don’t know how that would work. It might work, it’s a way to generate revenue. They figured it would generate something like $600,000 in revenue.

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Willy Goergen: There are going to be a lot of people talking about this, we are kind of beating it up. But the one thing I found out in all my research, is that every port...you cannot compare one port to another.

Exec. Director Fitzgerald: I agree.

Willy Goergen: Every port is completely different, and we have a very unique situation where the port owns 100% of the property.

Exec. Director Fitzgerald: Like Port Orford.

Chairmen Davis: You can keep going Willy, you are on the list.

Willy Goergen: I just have something to say about the minutes, because I wasn’t able to come to the last meeting. So I came to the office so I could just read the minutes. I understood from Kathy that you could read the minutes that you just couldn’t take them with you because they weren’t approved yet. Well...I have the minutes in my hand and they aren’t approved, but I can take them with me now. But I was denied access to the minutes in the office. And I don’t understand why there isn’t transparency in this port, I mean, if somebody wants to prepare for a meeting, I think they should be able to. So I don’t know if there is something we can do to help with that. I understand that if the minutes aren’t approved…

Exec. Director Fitzgerald: Look, I am sorry they weren’t done. She was supposed to have completed it. I only found out this morning from Jeremy that they weren’t done. I put somebody else on the job, you know you have to sit there, it took a couple of hours.

Willy Goergen: I understand that, there are a lot of minutes. But I was under the impression… I was told that I wasn’t able to view them until they were approved.

Vice Chair Gold: Is there a way we can get the minutes on the web?

Chairman Davis: Not until they are approved

Comm. Relaford: If you try to make decision, based on minutes that are not approved. There could be major conflicts between how the microphone worked and what the minutes actually say.

Exec. Director Fitzgerald: I think your idea of the audio file is a good idea. We can put it on a thumb drive.

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Jeremy Galvez: I can put them on the web, but the Commissioners said we can’t post the minutes until they are approved.

Comm. Relaford: We just have to have the caveat that says that that is not the final, official minutes. Were you not able to get the audio recording? (asking Will Goergen)

Willy Goergen: Well, I talked to Roy about it, he didn’t know if there was one, and I didn’t go back in there to check. I’m busy, you know.

Comm. Relaford: We didn’t refuse you the audio recording, did we?

Will Goergen: No, you did not.

Comm. Relaford: Would we have refused him the audio?

Exec. Director Fitzgerald: No, I wouldn’t have, if we had it. I wasn’t aware that you can put it on the website. I would have thought you could do it with a thumb drive.

Comm. Patterson: Can we do it?

Jeremy Galvez: Yes, we can.

Willy Goergen: The other thing I wanted to talk about the sign that was posted to the top of the ramps, about using the fish permit was sorted out. But my concern with the commercial offloading, is there a reason that it says no commercial offloading on the sign?

Exec. Director Fitzgerald: Yes, because the (Port) ordinance says that. There is no commercial offloading unless approved by the Port.

Willy Goergen: Is there a reason for that?

Exec. Director Fitzgerald: Yes, so that when people are on your property, like the fish buyer, those people have insurance, because they are performing work activities, we need to verify insurance, workman’s comp insurance.

Willy Goergen: Its been done since this port has existed. I don’t know if you know much about salmon fishing, I’m sure you know some, but there are very slow days out there.

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People make deals with legal buyers to sell product, it’s totally legal. It’s not any different then a person coming down to buy a fish off the boat when somebody has a limited fish selling permit. And...those people don’t have any insurance. And I hope you aren’t going to put a stop to that, but, we’ve been selling fish…

Exec. Director Fitzgerald: So you think there are certain areas of labor that are excused from workman’s comp?

Will Goergen: I don’t know…

Exec. Director Fitzgerald: That’s what you are saying… I see Lance and Dean back there...do you have insurance? If not I have to close you down.

Lance/Dean: No, we have insurance.

Exec. Director Fitzgerald: So, normally, when you are performing work, you insure that your employees are safe. Boats/ fishing boats are a little different because you have special deals where you can, you know, sidestep a lot of that. However, on the Port we are not excused from any of that stuff. So if you are going to perform work on the Port, then you will be providing insurance. And if you are an out of town buyer, I don’t care who you are, you better check in with the Port and get that straightened out. That’s what we require. And its going to be hard, I can think of some people here on the Port who refused, Ted Silin (sp?), never gave me what I wanted. I don’t want to do business with that guy, maybe you do, I don’t think so!

Willy Goergen: He actually stiffed me for some money…

Exec. Director Fitzgerald: Trust me, I spent a lot of time trying to get him to give me insurance. Other companies, like Fishermen’s Rec. want to come down, they need to call the Port office, get it straightened out.

Willy Goergen: If they have the proper insurance does that have to happen over the hoist?

Exec. Director Fitzgerald: No... personally, I kind of think its not the smartest move to be dragging your fish up the docks. But I don’t know what you want to do. But if they have insurance then that's all cool, that can happen in the parking lot. But the thing is, he is going to have to contact us or he can’t do business with the Port. That’s the way it’s gonna be.

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Willy Goergen: The thing is, we are in the KMZ, Klamath Management Zone, we have to offload everyday.

Exec. Director Fitzgerald: I understand

Willy Goergen: Maybe you got somebody who will come buy your fish... alright so your saying if he works it out ahead of time its all good?

Exec. Director Fitzgerald: IF he contacts us he is in for good, and if you got anybody else that’s what they should do. That out-law in and out, that puts everybody at risk, so that’s gotta stop.

Willy Gergen: Ok, thank you

Comm. Patterson: I have a question for Ted. So if I, a citizen, who doesn’t have a license, want to buy from Willy, I can’t do that?

Chairman Davis: As a citizen you don’t have to have a license.

Exec. Director Fitzgerald: Willy can’t sell to you if *he* doesn’t have a license.

Willy Goergen: We have to buy a permit, to sell to you, from the office.

Exec. Director Fitzgerald: Well, you have to buy a permit to sell in the parking lot. Like one year John Terebesi was selling fish out of his pickup, so he got a permit for that. Mostly people sell off their boats.

Comm. Patterson: At one point do I need insurance?

Exec. Director Fitzgerald: You are what is called an invitee to a business, like if I walked into your movie theater. Now if I slip on the dock, or on the way to the movie theater, I sue you. Now if I slip on the dock on the way to Willy’s boat, who do I sue? Probably Willy, and the Port.

Comm. Patterson: So if a restaurant wants to buy fish from Willy…

Willy Goergen: I can’t sell fish to a restaurant. I don’t have the licenses, I can only sell to the end user with a limited selling license.

Exec. Director Fitzgerald: I think you can sell to a restaurant.

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Willy Goergen: As far as I know I cannot.

**Mark Smith passes on his public comment, for now.**

**Daniel Fraser**: I have a question, What legal rights do we have, Ted, as fishermen or visitors to the beach and what hours can we use it?

Exec. Director Fitzgerald: The RV park closes at 10, so we like to get people off the beach so people can enjoy themselves. Now, fishermen like to go out and look at the bar, do you want to do that from the beach or from the bar?

Daniel Fraser: Well, wherever is easier. Drive down across that beach right there, and it gives me a pretty good idea before I get to the bar, if it’s before daylight.

Exec. Director Fitzgerald: We close that at 10 O’clock (PM) for a variety of reasons. Its been pretty wild and out of control, every week it can devolve down into that. We have to run people out of there for drug sales, etc. Fishermen have an opportunity to go down there, normally they go park down by the jetty, check it out, have never had a problem.

Daniel Fraser: But Oregon law gives the rights to the public to access any beach at any time.

Exec.Director Fitzgerald: Well, you can go park and go to the beach at any time, they can’t make you leave. But they can...the property where the fires are set is actually Port property. The Port owns that beach down to the high tide-line

Daniel Fraser: I think you should go look at the law a little closer. The Oregon and U.S. Supreme Court has backed that up to the vegetation line is public domain. So you should check that because it could get the Port into some legal trouble/ ramification. At least Knight Security will, if they continue with their antics. I’m not real happy with them, the way they have been treating my son and others that I’m hearing about. Fishermen coming down here to check the bar, check their boats, on legitimate business.

Exec. Director Fitzgerald: You’ve got an opportunity to go to your boat, if you have moorage here. But there are limits, for example if you have fire throwing paint cans in it, like the previous issue, Knight Security had a problem with your son based on previous interactions. I guess we can pretend like he was down there looking at the surf. But there was a lot of action and belligerence.

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Daniel Fraser: Well, I can understand that. But what I don’t understand is that the night he was down there with a fire and was asked to leave, the Sheriff’s Department got a very different report of what was going on, from Knight Security. So I’m trying to figure out what’s going on.

Exec. Director Fitzgerald: I don’t know, I wasn’t there and youweren’t there. I know that the Sheriff’s Department went down to talk to him and Knight Security didn’t.

Daniel Fraser: I was told that Knight Security did talk to them, and then called the Sheriff’s Department and told them a different story. They told them they are paying 70 80 dollars to park down there.

Exec. Director Fitzgerald: For parking?

Daniel Fraser: Well, for staying at the RV Park.

Exec. Director Fitzgerald: Well, they are paying whatever rates they are paying.

Daniel Fraser: I don’t believe they are paying that because they could stay at a hotel for a few bucks more.

Exec. Director Fitzgerald: So that’s what we are arguing about? I’m not sure where we are going with this.

Daniel Fraser: I’m just saying we need a legal definition if we the public have a right to be on that beach.

Exec. Director Fitzgerald: Ok, I’ll get the Port attorney and get a definition for you.

Daniel Fraser: The next question I have is the dock repair, I have found walking down to my slip where there are parts where the dock rocks back and forth. I‘ve had to re-secure the electric near my boat because it was about to fall off. I’ve had cleats loose, who I talk to to get these things fixed.

Exec. Director Fitzgerald: Well, normally you talk to me, but, this is the first I’ve heard of it. Your son complained about the docks on Facebook.

Daniel Fraser: Well, my son had some complaints and he was saying you seemed aggressive towards him and those accompanying him.

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Exec. Director Fitzgerald: Well I went down there because he complained on Facebook, so, I shouldn’t do that?

Daniel Fraser: You were aggressive and…

Exec. Director Fitzgerald: You don’t get to tell me how to act, I went down there, I was surprised because it’s a brand new dock, and then he said ‘Oh, its not my dock, its other docks’. We went down and... the fact is I think that those docks are in the best shape since I got here.

Chairman Davis: Daniel go down to the Port and fill out a form, can we do that?

Exec. Director Fitzgerald: You can do that, the fact is I already walked down and surveyed all those docks last week. We made note of the repairs that need to be made, which are pretty minimal. There are a couple of areas on the main dock where the bolts get rubbed and so forth. There are a few, not many. We spent substantial time last summer on those docks, just a couple of small areas.

Daniel Fraser: Well I’m just curious, because I went down and talked with a few of your employees and it hasn’t been done yet.

Exec. Director Fitzgerald: Who did you talk to?

Daniel Frazier: I don’t remember, one of the guys who works on the fuel dock over there.

Exec. Director Fitzgerald: Normally you talk to me or the Operations Manager, Gary (points to Gary Dehlinger in meeting).

**Lance Duey: On this tax thing**… It says here you talked to Mike Manning, but nobody talked to me.

Exec. Director Fitzgerald: Back when Bornstein signed the lease, I talked to your boss, and I talked to Hallmark.

Lance Duey: Nothing was said to anybody, it would have been nice about the last meeting and get a heads-up regarding what was going on.

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Exec. Director Fitzgerald: So, you want me to go out and meet you in person? One thing that happens with a public entity like this is everybody needs to be involved. If

you want me to go out and tell everybody what is coming...that is going to be a lot of time.

Lance Duey: Well, this is a pretty big issue.

Exec. Director Fitzgerald: Well, I thought I already talked to your boss.

Lance Duey: Two years ago, and when its time for the vote nothing was said.

Exec. Director Fitzgerald: They said as long as it was evenly applied it would be no problem. Hallmark negotiated around it, they have a landing fee but it’s capped, because they negotiated.

Lance Duey: I’m just saying, I don’t know how many distants(sp?) you have here…

Chairman Davis: Hey Lance, I’m going to ask Jeremy a question and have you to listen to him please. The agenda was up for that last meeting when?...There are notices on the website.

Exec. Director Fitzgerald: In the newspaper.

Jeremy Galvez: On the website and in the newspaper, posted last Wednesday.

Lance Duey: I don’t live in Brookings.

Jeremy Galvez: I can give you the web address, just see me after the meeting, and we are also going to start putting it in the Curry County Reporter as well.

**Brad Pettinger:** As an idea, you could get a list serve going so we can send out this information to everyone who signs up. It is cost effective and efficient. My name is Brad Pettinger I’m the director of the Oregon Trawl Commission and I’m here on behalf of Oregon’s 4 Seafood Commodity Commissions, besides the Trawl Commission is the Oregon Salmon Commission, the Oregon Albacore Commission, and the Oregon Dungeness Crab Commission. I’m here to speak against the landing fees. At a meeting last month, we discussed the landing fee at length... I have copies of letters for you, including a letter from the West Coast Seafood Processors. Basically let’s focus on the

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reality that this action will push business away from Brookings and surrounding ports. This will have a negative impact on this Port and the entire community. This fee may violate the fish company’s leases, which have already agreed on a set amount, and this would be an additional fee that is not planned. Also it is not good policy to add additional costs on lease holders and this could have serious long term implications for the Port’s ability to do business in the future. If people know that the Port has imposed additional taxes and additional fees, this could make people think twice about dealing with the Port of Brookings. The Trawl-fish letter also looked at the suggested value of landing fees, and they are way off. I looked over the numbers on the ODFW website and the additional cost to the lease holders would be $80,000, not $37,000. When you set your fees...if you are going to make a decision of this magnitude, as Commissioners you need to have good information.

Exec. Director Fitzgerald: Are you going by 2013?

Brad Pettinger: 2012 is $70,000, 2013 is $135,000, and 2014 is $46,000.

Exec. Director Fitzgerald: We figured based on 2014, we figured a little low.

Brad Pettinger: Well they go by year…

Exec. Director Fitzgerald: You gotta go by the all time record in 2013, you’re right, let’s go with that 5.5 million pounds...a lot of it from California.

Brad Pettinger: We aren’t competing against Winchester Bay, or Port Orford, or Florence. This port is competing with Eureka, Coos Bay, and Newport. This a shrimp and drag port. To think that you are going to encourage people to come here and increase the value of your port, it’s going to be the exact opposite. Its hard to get there...the large boats they got wheels, they can travel, my boat can land in Eureka and Coos Bay just as easily as it lands here. And as far as the Poundage Fee, its one thing to have a poundage fee for a port hoist. But you are leasing the ground, the dock, for a set amount. And they signed a lease for that amount, and all of a sudden there is taxes on top of there, that’s a different animal than what you are talking about in Coos Bay. Its one thing for someone to come in here and negotiate that lease.

Exec. Director Fitzgerald: Coos Bay doesn’t lease anything, they have all that owned property. Very different.

Brad Pettinger: How much fish come off those docks? (In Coos Bay)

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Exec. Director Fitzgerald: Very little, there is only one… I was going to ask you, is it cheaper then, would it be a good business decision to relocate to...well if you were selling to Bornstein it would be Astoria by boat.

Brad Pettinger: There are boats that will fish (inaudible) Island from Crescent City (Port of). Boats travel, and so, maybe not everybody will leave, but what if you lost a third of those boats?

Exec. Director Fitzgerald: What does it cost, say, to truck a pound of a shrimp to Charleston?

Brad Pettinger: I can guarantee that the trucks come down to truck it to Astoria to get delivered, that’s probably a little bit better for them (Bornstein).

Exec. Director Fitzgerald: You think it’s better for them? Only if the boats are paying for it…

Brad Pettinger: Well who do you think is paying for this lease? The boats are gonna pay for it (if they stay here).

Exec. Director Fitzgerald: Well there are two schools of thought on that. If you look at the actual trucking costs and decide if the fishermen unload in Brookings its cheaper than truck it to Astoria than take it by boat can we agree on that?

Brad Pettinger: Hard to say.

Exec. Director Fitzgerald: Well it’s about 6 cents to Newport, 3 cents about to Charleston. It’s a math problem. I did the math, I think they will still be unloading the stuff here. And there is one thing that you left out of that; I agree that the fishermen are integral to the whole process, so are the processors, but one group that is also integral is the Port itself. Have you taken a look at those docks?

Brad Pettinger: Yes

Exec. Director Fitzgerald: Well what do you think of them?

Brad Pettinger: Which part?

Exec. Director Fitzgerald: Everything except our steel wall. Just tell me, what do you think?

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Brad Pettinger: I haven’t been on the docks…

Exec. Director Fitzgerald: Well maybe you should have come and taken a look. Look at the Pac. Choice dock, see where it is separating and moving…

Brad Pettinger: How much money have you made from the Cold Storage last year?

Exec. Director Fitzgerald: Very little.

Brad Pettinger: How much money were you leasing the cold storage facilities to hallmark fisheries before you left and put raw product in the contaminated…

Exec. Director Fitzgerald: Oh, that’s why they left? They never told me that.

Brad Pettinger: How much money a month were you…$8,000 a month for that facility?

Exec. Director Fitzgerald: Ya

Brad Pettinger: Thank You

Exec. Director Fitzgerald: I was gonna ask you, when you had that Trawl Commission meeting, did you announce your conflict?

Brad Pettinger: What conflict?

Exec. Director Fitzgerald: That you unload in this Port, your boat does.

Brad Pettinger: Everyone understands that…

Exec. Director Fitzgerald: No, everybody does not understand that. Did you disclose it? And who else was in the room?

Brad Pettinger: My commissioners…

Kathy Hall: He doesn’t even vote on that issue!!

Exec. Director Fitzgerald: Did you talk on it?

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Kathy Hall: No, I did!!

Exec. Director Fitzgerald: Did you disclose your conflict?

Kathy Hall: What’s my conflict Ted!!

Exec. Director Fitzgerald: What is your conflict? What’s your relationship to people on…

\*Chairman Davis brings order with the mallet\*

Kathy Hall: You know the thing that bothers me the most is that I came to try and help the Commissioners understand the ramifications of the vote that you made. I didn’t come to have a conversation with Mr. Fitzgerald. I came to try and help you understand the ramifications of your decision. Mr. Fitzgerald has taken over the whole conversation of what we are trying to educate *you* about. Thank you Roy for letting me speak.

Chairman Davis: We aren’t going to get personal here.

Comm. Patterson: I want to ask Brad Pettinger a question. Brad, during our vote, we were informed that virtually all the Ports had this fee in one form or another, similar to this fee. From what I’ve heard you say, this isn’t the case. Can you reconcile, I don’t know what they are called in, I’m not a fisherman so I don’t know all the terminology. The issue is competitive, are you saying that we are not going to be competitive because other ports do not have this fee, or tax, whatever you want to call it. Can you enlighten me to as what ports do not have this fee?

Brad Pettinger: Newport doesn’t have it. Astoria tried to put it in and it got turned down. My understanding is that Crescent City has it, but Crescent City is in tough straits.

Brad Pettinger: ...we don’t want to go where California is going, we can all agree on that. But none of the major ports have that fee...Astoria, Newport, Coos Bay, and Brookings. Those are the 4 major ports in this area.

Chairman Davis: For drag and shrimp.

Comm. Patterson: Drag and shrimp, as opposed to salmon or some other…

Brad Pettinger: And crab

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Comm. Patterson: So those ports don’t have it and we do?

Brad Pettinger: Yeah, we will...in 2 weeks.

Comm. Patterson: Ok, thank you.

**Bernie Lindley Regarding Poundage Assessments**

Bernie Lindley: Roy is it possible for the commissioners to overturn the motion from last month, and these poundage fees could be eliminated, is that possible?

Chairman Davis: Probably so Bernie, I think things have been overturned before, it can be revisited.

Bernie Lindley: Because one of the things I noticed when looking through my records on, over the course of the last 12 years. We average 2.2 million pounds on crab, and that would be $44,000, $45,000 just on crab. And right now we are having a hard time tracking out of town buyers and stuff, that more often than not we are the lowest paid per price average. We are talking about those 4 ports, because there is no crab to speak of in Gold Beach, Bandon, or Winchester Bay. Those harbors essentially, the commercial business those harbors do when it comes to fish is negligible. They have salmon but they aren’t landing any kind of volume as far as product goes.

Exec. Director Fitzgerald: What about Port Orford?

Bernie Lindley: Well, Port Orford brings in about half of what we do.

Exec. Director Fitzgerald: Port Orford, somebody told me, brings in about $90,000 dollars on this thing (the landing tax).

Bernie Lindley: Well, obviously, Port Orford is not one of the major harbors. And the other thing is that they have all sorts of dredging issues, they can only launch their boats on high water and there is all sorts of problems with Port Orford. And when we think about who we are trying to attract for buyers who we are trying to be competitive against, Port Orford doesn’t come on the radar at all. We are thinking about Charleston, Newport, and Astoria. Anyway, the fee would generate significantly more money than initially discussed, the $37,000, probably double that accounting for Bradley’s numbers. Also, most boats do land their shrimp on other harbors. You’ve noticed that Hallmark

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doesn’t buy a lot of shrimp. Because they would rather have their shrimp delivered into Charleston. This gives them even more reason not to buy product in Brookings. Which, unfortunately, Hallmark, my understanding is that Hallmark is on the fence whether they want to stay in Brookings anyway. And maybe Dean can speak to that or maybe he would rather not...He’d rather not.

Exec. Director Fitzgerald: Why doesn’t Hallmark unload shrimp here?

Bernie Lindley: Cost, I don’t think that trucking has lot to do with it. Charleston is close enough that it isn’t a super big deal to unload it there.

Exec. Director Fitzgerald: So the boat pays?

Bernie Lindley: Well, yeah. But what reason are we giving Hallmark to buy when they are already reluctant to, out of this port. And another issue to is that as the season winds down. Pacific buys a certain amount, and as the season wears down they quick buying. And I imagine they may cut back sooner so they don’t have to deal with an assessment, they can go to Charleston, Newport, and Astoria. My hope is, Roy, that the Commissioners will reconsider this tax, and, at the very least delay the implementation until more information is gathered. And ultimately my request is that it is not implemented.

Comm. Patterson: Bernie, my assumption is that the Port needs money to repair the commercial docks, and that is part of the reason for this fee/tax. How would you recommend us accomplish that if we can’t raise this (money) in other ways?

Bernie Lindley: So, specifically we are talking about the Hallmark dock and the Pacific Seafoods dock?

Comm. Patterson: Well it did not get targeted, it’s supposed to go to the general fund.

Bernie Lindley: It would be a lot easier to swallow if we had known it was going specifically for those two docks. But we are only talking about 2 docks out of the 4.

Exec. Director Fitzgerald: No, look at BC docks and the other docks that we have.

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Bernie Lindley : One other thing I would say to (Comm.) Tim before I get off topic is that is this something we never addressed in the past? I would suggest that however we funded the maintenance of those docks in the past would be how we continue to fund it, perhaps.

Comm. Patterson: So you are saying they are in good shape?

Bernie Lindley: No I’m not saying they are in good shape, I’m saying that for maintenance there is...it appears that the money went somewhere else.

Comm. Patterson: So other than this tax you are saying we should get it from somewhere else?

Bernie Lindley: Obviously the budget for the Port of Brookings Harbor is complex, and maybe, all budgeting is about priorities. And perhaps something moves down to a lesser priority and something moves up to a higher priority. That’s the way I think everybody makes decisions.

Comm. Patterson: If (the Hallmark/Pac. Choice dock) were targeted would it have helped?

Bernie Lindley: It would have helped, i think that it would have caused me to be less against it, but even still though, the problem is that it puts us at a competitive disadvantage with other ports.

Comm. Patterson: Ok, so all of the fishermen...for you all it’s a competitive issue.

Bernie Lindley: And you are certainly right, maybe we should have been here last month. Maybe we could have stopped this from being implemented in the first place, or at least weighed in on it. Things being how they are, we are here now. You’re clear that the issue... I want to make clear that the issue with these public hoists is different than the leases like how Bradley described.

Comm. Patterson: Unfortunately I am not, but that’s my problem and I’ll try to solve that.

Bernie Lindley: Ted, I wanted to finish my conversation with Tim, but what were you saying?

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Exec. Director Fitzgerald: One thing, it was my idea to target it towards the infrastructure, but maybe you heard that our creditors want to increase our payment from $250,000 to $600,000 per years. And then I got to thinking that there are a lot of costs that I brought to you personally before that revolve around commercial fishing that go uncompensated by the fisherman. For example, crab season, the dumpsters and dumpsters full of refuse and pallets that we dispose of. And I came to you as President of

Fisherman’s Market Association and you told me that there was nothing you could do. And that is between $15,000 and $20,000 per year.

Bernie Lindley: Wait a minute, so you are specifically talking about the boxes and packaging for the bait?

Exec. Director Fitzgerald: No, I’m talking about pallets, and, all the stuff leftover, all the areas that we have to go clean up. There were major refuse dumps. Remember 2013 when we made such a big deal about garbage, that cost us a whole lot of money, (cleaning up) after the fishermen. That’s why I had the article, the blog, because we were spending $7,000 to $10,000 per month on garbage. That was generated primarily by commercial fishermen that people leave on the docks. All the stuff that’s left on the top of the docks, that’s our job to clean up after you. We don’t get paid for that.

Bernie Lindley: Well, obviously we do pay moorage.

Exec. Director Fitzgerald: The port doesn’t get paid to clean up after you

Bernie Lindley: One of the things when we had the town hall meeting with you and the fishermen, we talked about the Bay garbage, that bay garbage, it looked like people responded by taking their plastic back to the…

Exec. Director Fitzgerald: The issue is a lot bigger than that one small thing.

Bernie Lindley: When I walk to my ramp I don’t see refuse

Exec. Director Fitzgerald: Everyday, at the top of your ramp I see refuse, we take pictures of it.

Bernie Lindley: Well, we do generate garbage there is no doubt about that, but we pay moorage.

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Exec. Director Fitzgerald: If you look at your moorage agreement...look I’m glad you are doing business, we are trying to stay *in* business.

Bernie Lindley: Well, that is something that needs to be clarified, if the Port is a business or not, because it *is* a public entity.

Exec. Director Fitzgerald: Well I agree, I think that is a major misunderstanding.

Bernie Lindley: Can I tell you what I think the Port of Brookings Harbor is?

Exec. Director Fitzgerald: Sure!

Bernie Lindley: We are talking about a tax district that is for the purpose of generating and infrastructure for economic opportunities for our community.

Exec. Director Fitzgerald: I agree with that. It is the lowest tax base in this county, compared to the other ports.

Bernie Lindley: Which obviously can be addressed with the voter base.

Exec. Director Fitzgerald: Oh, so I can ask the voters to clean up after you, they’ll go for that!

Bernie Lindley: So this (poundage fee) is for garbage?

Exec. Director Fitzgerald: For that, for infrastructure damage due to your operations, that’s part of it, yeah. You try those $7k $10k garbage bills right in the middle of winter.

Bernie Lindley: I think as a fleet we are working on the garbage issue. And if you need me to rally the troops again I can…

Exec. Director Fitzgerald: Well you didn’t rally them before Bernie, we still ended up with... So I gotta tell everybody what’s on the agenda and I gotta keep on being responsible for your stuff.

Bernie Lindley: Well, for one it would be good if the agenda and minutes actually showed up on the website. I understand that you are working toward that, but at this particular moment though, there has been a lack of communication. And so, if we can

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talk about these issues, we can probably come up with constructive solutions, I would hope. But certainly the garbage issue is better than the previous year. Even before that there were bigger issues, we used to have dumpsters at the top of the ramp instead of those two little trash cans. And that was being abused so they switched that out. So there is progress being made. One of the things that you’ve implied in the past is that we should be responsible for all of our garbage at all times and that the Port of Brookings Harbor should not be responsible at all, is that correct?

Exec. Director Fitzgerald: No, the ordinance says that *if* the Port provides garbage cans, it is responsible for what is put in the garbage cans.

Bernie Lindley: So you put two little garbage cans out there and if the person happens to have more than that too bad for the person who has the garbage?

Exec. Director Fitzgerald: Right, right, because, this is the issue, if you go to any state park why do they only have one little garbage can with a lock? Because they don’t want to be responsible for your garbage.

Bernie Lindley: Ok, so, the commissioners, do you want this tax to be used towards the garbage? Is this what you are trying to do, generate revenue so we can address this issue, or are there other more important issues?

Comm. Relaford: Well, that’s one of the issues.

Chairman Davis: That’s one of the issues, Bernie, but I think there are way more important things. I’m hearing what you are saying, and I think the board is hearing what you are saying, loud and clear. I don’t think that it should be a personal battle between commercial fishermen and the Port, or sport fishermen and the Port, or Jim and the Port, or me and the Port. I think maybe after this I will ask the board if they want to put a hold on implementation of this for a period of time, and see what the board has to say, and review. I don’t have a problem with that and Ted indicated that he wouldn’t have a problem with that. So who was asking whether they could get information, was that Daniel Fraser? Go to the office, Jeremy printed out *fifty* copies of Port Ordinances, he has 49 copies left.

Jeremy Galvez: I brought them with me, they’re in the back.

Bernie Lindley: Well I think he passed them out today. I know you have said that the Port is not my enemy, or the commercial fisherman's enemy. Sometimes it feels like

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we are running counterproductive to each other, and it feels like a constricted

environment. I would hope that we can re-establish ourselves as an economic engine for our community, and not shackle or handcuff the people trying to generate revenue.

Chairman Davis: Right. One thing I would like to say, we have these issues arise, and everyone comes and we have an angry meeting. I’ve asked year after year after year, *please* come to the meetings. They are the third Tuesday of every month, they have not changed. If you want invites put out on Facebook, Jeremy is gonna post it. I can’t do that with the agenda I can barely use Facebook but... call the office. And these tales of the horror calls at the office... I don’t see it.

Bernie Lindley: One of things I appreciated about you Roy over the years is that if there was an issue that you knew was going to affect me you would call me up and make sure the information got to me that I needed to be in attendance, and I’ve been in attendance. I don’t think there was a time when you requested my attendance and I wasn’t there. If we can continue to do that, then I think...I can’t be at every meeting. One of the reasons I voted for you Roy is that so you can represent me on the Board, to represent my interests. So when you call me up and tell me to come to a meeting because I think you might be interested, that’s very valuable. And then I spread that around to other folks to, and let them choose if they want to come out.

Chairman Davis: Ok, thank you Bernie. John Marrington, you had your hand up earlier?

John Marrington: As a fisherman, we go fishing, and we buy a permit, so while I’m at sea I call Roy, and we got 200 fish on the boat. You buy 2 the next buy guys 3 the next guy buy 10 whether they are family or people who have known me since I was a little kid, how do you get them to buy insurance to get their tuna down on the boat that they have.

Chairman Davis: You are misinterpreting the insurance issue John, the general public does not need to have insurance to walk down to your boat to buy fish. If you are selling fish to the parking lot to a buyer, that buyer must have called the port to give insurance information.

John Marrington: What about the little sign…

Exec. Director Fitzgerald: We have to put the signs up, if you totally open things up, you are going to have liability, we are always going to put whatever kind of screen

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we can. That sign comes from Bodega Bay. In fact, most people who have boats don’t want random people down on the docks, if they have equipment there. We just had 3 reports of theft on the A dock, sport side, today. Those are issues that are real, and they affect people. They just explained how you can get a permit so people can buy fish off your boat.

Chairman Davis: Do you understand now John? Ask questions...

John Marrington: Well, whether I take the fish up the dock. I got 3 fish, I go underneath Hallmark or whatever...No, it’s easier to pull into your slip, take it up, drive it up the dock. 90% of the time just like Bernie says, if you want to lowest price for Salmon on the Coast, BC Crab will try it. Go to Gold Beach for a dollar more, Fisherman’s Direct. Beyond all that, a few weeks ago I sold all my fish and wanted fuel, luckily I had a big enough boat so I drove it back to Coos bay for 17 cents less a gallon and put 900 gallons of fuel on the boat. Different things like that, one time I paid for security, a storage deal, some guy comes down and steals 48 traps. They don’t care, I ask about fuel, they don’t care. I went up and ask, as a commercial fishermen, when moorage goes up, when fuels goes up, whatever, all these little pissing contests, it’s like they target me. What do I get out of those 2 cents, 3 cents, Johnny don’t do this and Johnny don’t do that, it just creates a bunch of negative stuff. And more boats unloading in this Port is going to generate more revenue, but then we sit here and socking it for what little you have left, all you is doing is emptying out this poor place.

Exec. Director Fitzgerald: Hey John, what happened with that Diesel leak on your boat?

John Marrington: You did help me Ted, but…Mike Manning made a phone call to you and...

Exec. Director Fitzgerald: What happened?

John Marrington: You hauled me out.

Exec. Director Fitzgerald: Who paid for it?

John Marrington: The Port did.

Exec. Director Fitzgerald: No, I did, because the Port doesn’t pay for people like you. I paid for it out of my own check book. That’s the reason I kind of resent some of the stuff being said here...

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\*Chairman Davis brings order\*

Chairman Davis: Both of you are out of order. Do you want to talk about anything on the poundage fees John?

John Marrington: No, I don’t...

Chairman Davis: I get it, but we aren’t getting personal here.

John Marrington: I’ve run a lot of salmon and I run a lot of tuna delivered into Coos Bay, I’ve never paid a penny. $20 for a card, then I just do what I want.

Exec. Director Fitzgerald: Who do you sell the fish to? You are selling the fish to a buyer, and the buyer pays the poundage fee. Again, I kind of expect you to be a bit up front with me John, we are supposed to be friends. But if you are taking coaching from over there I guess I understand where we stand.

John Marrington: It’s just like this if you really want to know the truth, they give us a little, same thing as the fish buyers, and when I sell a fish, to whoever, you’ve gotta pay a poundage fee to the state. It has nothing to do with the Port. Then you do the pounds when you sell it to whoever you sell it to, and it goes to the Albacore Commission gets theirs, and so on down the road.

Lewis: We have a dock in Charleston, and we unloaded salmon, and we never paid a poundage fee on top of our lease.

Jimmy Day: I think there was a little bit confusion about the sign that was posted. I talked to Ted and Roy, and I was upset to begin with until I got clarified. If I have three salmon that I want to unload to Fishermen’s Rec, I can unload them in my truck and drive them up there and there is no fee, no nothing, it’s not illegal. And I think that settles John’s big question. I can still unload the fish and the buyer can come in the parking lot, and he has to have an OK with the Port to show his insurance. As long as you want to take your tuna off your boat. If they want to unload them to whoever, it’s OK. I was riled up but the confusion was clarified.

Willy Goergen: So can we change the sign to say what it actually means? Would it be possible to do that? Because he is saying he can’t commercially offload on Port property.

Exec. Director Fitzgerald: Yeah that’s a good idea.

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John Marrington: It’s just like the other day, I brought the boats with me and I had that buyer that got whatever across the dock, I understand that. I’m not gonna haul, it wasn’t a lot of fish, but I’m not going to wheel them across the dock in a garbage can.

Dave Pettinger: Can anything be done in the PAC Choice dock with the steel pilings, when the water goes underneath the pilings while you are unloading, my boat comes back against it. It crushed my 6 inch bow rail flat across my boat, I think you’ve seen it.

Chariman Davis: I’ve seen it.

Dave Pettinger: I”ll be in my stall tomorrow if Ted will move the sailboat.

Exec. Director Fitzgerald: We moved it already, and we’ve had 2 in there since then.

Dave Pettinger: Thank you, its really causing.. the water goes under. The Hallmark docks, when the tide goes out and comes in it slams the...we’ve cut tires in half. Its flat right against the bow rail, it’s flat in 2 spots. Can something be done?

Exec. Director Fitzgerald: We’ve talked about that, with a possible fix. We talked about using some of the dredge pipe, what it would do, it’s just as hard.

Chairman Davis: You’ll need that rubber bumper Ted.

Dave Pettinger: I think the only way to do it is to get 3 big tires, suspend them from the top, they would cover the full range of the tie, because they will stay there. I built a special tire the other day, with a half inch bolt that was holding the tire on. Like a small tractor tire.

Chairman Davis: Thanks David. Everybody has spoken, and expressed their opinion on the poundage fee. Would anybody like to speak on the poundage fee? Ok, I’m going to ask the board, as a board, do we want to make a motion to delay the implementation of the poundage fee until we can get other information from the manager of our Port, managers of other Ports, other information. Do we as a board elect to make a motion?

**Vice Chair Gold: I’ll make that motion, I think we should together look more closely.** Tim Patterson seconds the motion.

Vote YES: Vice Chair Sue Gold, Chairman Davis, Comm. Patterson.

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Abstain: Jim Relaford

**Motion carries.**

Exec. Director Fitzgerald: What kind of information are you looking for?

Chairman Davis: I just honestly think we may have jumped the gun a little too soon Ted. And some of the information I would like to see that was brought up tonight like we can’t compare to Port Bandon, Gold Beach, Port Orford, because they don’t have…

Exec. Director Fitzgerald: Well I think we said that you can’t compare any port to one another, I think that Willy said that.

Chairman Davis: That’s the information that I’ve heard tonight. We won’t put a time frame on it, no further discussion.

Comm. Patterson: Can we put that on the agenda for next meeting, to have some input from the public?

Chairman Davis: We can do that, yes, we can put it in the agenda for next meeting.

Willy Goergen: Some of these discussions would be a lot easier to do, and would get better attendance, if they were in the off-seasons. We got salmon season going. People say go to the meetings but we can’t always come to the meetings.

Chairman Davis: That’s putting a time restraint on it Willy. There can be representation though. Not everybody is out shrimping, out crabbing. If you can make it, make it. Get the agenda.

Willy Goergen: Believe me I try to. This discussion in Astoria has been going on for several months.

Exec. Director Fitzgerald: I’ve talked to Astoria and they are going for a poundage fee again, because its one of the best ways... it’s a clear use fee and its a great way to get revenue based on the people that are actually using it. Where we’ve had some suggestions tonight to go out and ask the tax payers to pay for activities within the port environment, that’s not a very efficient use. That’s what Astoria is doing because they have long term funding issues that they need to address.

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Willy Goergen: Alright, well, if we aren’t here to provide input there may be a reason, we may be ofishing. Right now its mid summer, everybody is…

John Marrington: If you get your tax, and Hallmark Fisheries pulls out, what are you going to do? And you are sitting there with BC Crab, and you are so high nobody comes in, what do we do now?

Chairman Davis: We talked about that at length this evening.

Vice Chair Gold: That was one of the considerations last time.

**6. ACTION ITEMS**

Chairmen Roy Davis: There are no action items tonight.

**7. DISCUSSION ITEMS**

Chairman Roy Davis: There are no other discussion items tonight, the discussion was left for the comment forum tonight.

**8. COMMISSIONERS REPORT**

Jim Relaford: I don’t have much to report, I missed the last two meetings. It was an interesting meeting. I just want to thank all you commissioners for all of the time I’ve served on this commission. Thank you for the time you elected me to represent you. And you’ll have a very good commissioner sitting in this seat next month.

Chairman Davis, Vice Chair Gold, Comm. Patterson, and Exec. Director Fitzgerald all thank Comm. Jim Relaford for his service to the Port.

Vice Chair Sue Gold: Nothing to report.

Comm. Tim Patterson: First I would like to thank Jim for his service as it were, its going to be a challenge, just with all those hours he put it in his office, he’s going to be hard to replace. But I know Roger’ll do a great job. Secondly, I missed...I was down at the port, down at the RV Park the other day, there are two signs. One says you can get in there at 5, the other says you can get in there at 10. What time does the RV Park road open?

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Exec. Director Fitzgerald: 7:00am, the 5-10 is the RV Park office.

Comm. Patterson: The sign that says cafe that we need to get rid of down there. Otherwise, I’m done.

Chairman Davis: Thanks everybody for coming tonight. This meeting is adjourned.

**9. ADJOURNMENT**

The meeting was unanimously adjourned at 8:29 p.m.

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