



## PORT OF BROWNSVILLE

9790 Ogle Rd • NE Bremerton, WA 98311  
Office: 360-692-5498 • FAX 360-698-8023  
[pob@portofbrownsville.org](mailto:pob@portofbrownsville.org)

### Commissioners:

Fred Perkins  
Jack Bailey  
Shaun Nye

August 11, 2021

### CALL TO ORDER

Commissioner Fred Perkins called the regular session of the on-line meeting to order at 6:03 PM. In attendance were Commissioner Jack Bailey, Commissioner Shaun Nye, CPA Jan Fancher, Port Manager Carol Ehlinger, Maintenance Manager Jerral Williams, Auditor Joseph DaBell and Attorneys Jon Sitkin and Peter Ruffatto of Chmelik Sitkin and Davis.

### PLEDGE OF ALLEGIANCE

Commissioners led the Pledge of Allegiance.

### APPROVAL OF AGENDA

Commissioner Perkins asked to amend the agenda and add items 8.d) New Moorage Agreement and 9.d) Budget Work Session September 1, 2021. Commissioner Bailey motioned to approve the agenda as amended. Commissioner Nye seconded. All approve and the motion passed.

### APPROVAL OF CONSENT AGENDA

The consent agenda included Meeting Minutes for July 14, 2021 Commission Meeting, July 28, 2021 Special Meeting, vouchers audited and certified by the auditing officer as required by RCW 42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090, which have been recorded on a listing and have been made available to the public. Those checks approved for payment are included in the audited and certified list and further described as follows:

#### Accounts Payable:

Voucher Numbers	50271 – 50276 & 50278 - 50297	\$213,874.16
Electronic Payments	7/23/2021 – 8/11/2021	\$30,339.32
Total Accounts payable		\$244,213.48

#### Payroll & Payroll Liabilities:

Voucher Numbers	50277	\$241.61
Electronic Payments	7/23/2021 – 8/11/2021	\$47,611.97
Total Payroll & Payroll Liabilities		\$47,853.58

Total General Fund checks and electronic payments in the amount of \$292,067.06

Motion made by Commissioner Nye to approve the consent agenda. Commissioner Bailey seconded. Motion was approved unanimously.



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### **Commissioners:**

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### **PUBLIC COMMENT** – Citizen comments for items not on the agenda.

Commissioner Perkins spoke shortly on how the Port has come a long way from where it was. There have been trials and tribulations over the past two years, but the Port now has great staff to help continue in a positive direction.

Commissioner Bailey apologized to Port Manager Ehlinger and the staff for his lack of control on August 6, 2021, after finding out a customer's tires had been slashed in the parking lot next to the office building.

John Morrison spoke about having his tires slashed and his exasperation over having to buy 8 new tires in a few weeks. He encouraged the Commissioners to add more cameras to help protect customers and staff.

Wesley Parsons stated that cameras should be a high priority and spoke about having taken steps to resolve the current tire slashing issue as a former police officer.

Terryl Asla, representing the Brownsville Community Group, made a request of the Port to research placing cameras in the parking lots, research the quality needed to capture faces, and create a plan to install satisfactory cameras.

### **PRESENTATION TO OR BY THE BOARD**

There were no presentations.

### **FINANCIAL REPORTS**

CPA Fancher gave an update on cash and investments ending July 31, 2021, and year to date cash and investments. The Port has had \$68,882 in capital expenditures this year that have gone directly into marina items. Fuel revenues currently show as about \$110,000, but there is an \$89,000 payment going out in the current payables run. Employee timesheets have been broken out to better capture how much time employees spend pumping fuel and doing other tasks to track total expenses. The Port's current debt is \$2,020,000 for GO Bonds and \$995,000 for the Revenue Bond.

Commissioner Bailey commented that the hourly breakdown for employees that resulted in a rate of \$170.00 hour in the tariff and disagreed that it is possible for employee costs to be that high even considering benefits.

### **INFORMATION, STAFF AND COMMITTEE REPORTS**

- a. Manager's Report – Attached. The Kitsap County All Ports Meeting was held on July 26. The Commission held a work session on July 28 to work on the Delegation of Authority and Purchasing Policy. There is now an internet connection at the Rental House, but VPN access is still in process. There has been difficulty getting contractors to provide estimates for needed projects. The Port is continuing to work with DNR and DES to remove derelict boats from the marina. The Kitsap Transit



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Ferry arrived at the Port and will be mooring here until December. Comprehensive scheme meetings are planned to begin August 12, 2021 and every Thursday until the September Commission meeting.

Commissioner Perkins stated that the Rental House should be referred to as the Office Extension going forward.

- b. Maintenance Report – Maintenance Manager Jerry Williams presented the Maintenance Report. There were continued issues with people flushing items in the waterloo that block the pump from functioning. The main ramp on the Breakwater pier is failing and the ramp has been closed for use. They have checked all power stanchions in the Port and were able to find and repair many issues. Seaworthiness checks have begun. A and B docks have been completed and halfway through D-dock. The sinking finger pier on the East Breakwater was removed and disposed of below the estimated costs provided. Driver shortages have lead to the recycling dumpster not being emptied as scheduled.
- c. Comprehensive Plan for Harbor Improvement.  
Commissioner Bailey stated that the meetings will be available both in person and online through Zoom. He stated that they should have a presentation approximately one week before approval to allow for any additional changes.
- d. Commissioners Report – Commissioner Perkins stated that a lot of input and work was done at the Work Session on the Purchasing Policy and Delegation of Authority and they are still in progress.

### OLD BUSINESS

- a. Tariff Review – Tenant Service Fee: Carol Ehlinger stated that this item was covered by Commissioner Bailey earlier and is under further review.
- b. Tariff Review – Commissioner Perkins spoke on the Tariff changes passed at the Work Session. The Denizen fee was set at \$75.00 + Leasehold Excise Tax as of September 1, 2021; Propane Purge was removed; and Portable Holding Tank Pumpout was removed.
- c. Comprehensive Scheme – Meetings are to being August 12, 2021, and each Thursday following that.
- d. New Moorage Agreement (Added to agenda before approval) – Commissioner Perkins spoke on the new Moorage Agreement. The goal is to ensure that all customers' addresses, contact information and registrations are up to date.

### NEW BUSINESS

- a. Resolution 21-06 – Modification to the Port's Emergency Response Plan to include Slips and Falls as well as an incident report for staff to complete. This was treated as the first reading and will be moved forward to the next meeting.
- b. Resolution 21-07 – Rules and Regulations. This Resolution changes the work "tenant" to "customer" throughout the current Port of Brownsville Rules and Regulations. Commissioner Perkins motioned to approve the Resolution and Commissioner Nye seconded. Commissioner Bailey questioned the attorneys regarding the change. Attorney Sitkin stated that it is to create a distinction between the Port and the Landlord/Tenant act. Attorney Ruffatto stated that whether the individual is called a tenant or customer their rights are determined by the moorage agreement.



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It is a license rather than a lease. Attorney Sitkin stated that the Attorney General too the word tenant over the past year to bring ports under the effect of the eviction moratorium. This will be treated as the first reading and will be moved forward to the next meeting.

- c. OESD 114 Contract for IT Services – Commissioner Bailey moved to approve this contract so that it will be in effect as of September 1, 2021. Commissioner Nye seconded the motion.

The Vote:

Commissioner Perkins: Aye

Commissioner Bailey: Aye

Commissioner Nye: Aye

Motion Carries

- d. Budget – Work Session Planned for September 1, 2021 from 2-4 PM.
- e. Haunted Harbor – Terry Asla spoke on Haunted Harbor. The first one was held in 2015 to raise food and money for the Bremerton Food Bank. Boats are decorated and children are led down in groups of 10 to Trick-or-Treat. In the past the Port has provided children floatation devices, the pavilion space, patio heaters and a free night of moorage to participants. Haunted Harbor is planned for the Friday before Halloween, October 29, 2021.

### PUBLIC COMMENT

Commissioner Bailey Motioned to amend the agenda and move Public Comment to before the Executive Session. Commissioner Nye seconded. Approved unanimously.

Kim Brennan – Liveboards should be considered as tenants. A distinction should be made between the groups.

Jana Brown – Regarding the customer/tenant discussion, Commissioners' goal should be to protect the Port. She would like to see the Comprehensive Scheme meeting information on the website. She suggested the rental house be referred to as the Port Annex to allow for more possibilities.

John Morrison – Commented that there should be an additional moorage agreement for liveboards that provides them legitimate protections.

Wesley Parsons – Thanked Jerry Williams and the staff for their work.

Joanie Parsons – Questioned the Commission why she is the only customer being charged for having a third vehicle. Questioned if there are any benefits to go along with the additional charge. Commissioner Perkins asked that Ms. Parsons resend her request to the Port to be directed to the Commission to address her concerns.

### EXECUTIVE SESSION

Commissioner Perkins recessed the meeting to go into Executive Session for 45 minutes starting after a 15 minute recess at 7:35PM pursuant to RCW 42.30.110(1)(i) to discuss the legal risk of current and proposed action and RCW 42.30.110(1)(g) to evaluate the performance of a public employee. No action expected.

Out of executive session at 8:24PM.

**CLOSE MEETING / ADJOURN**



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Next Regular Meeting is scheduled for September 15, 2021 at 6PM.

Meeting was adjourned at 8:25 PM.

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President / Commissioner

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Secretary / Commissioner

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Treasurer / Commissioner

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Recording Secretary

