



PORT OF BROWNSVILLE

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

Commissioners:

Fred Perkins
Jack Bailey
Shaun Nye

September 15, 2021

CALL TO ORDER

Commissioner Fred Perkins called the regular session of the on-line meeting to order at 6:02 PM. In attendance were Commissioner Jack Bailey, Commissioner Shaun Nye, CPA Jan Fancher, Interim Port 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 Agenda item 8.a “Tariff Review – Tenant Service Fee” to include Interlocal Services as well. Commissioner Nye motioned to approve the agenda as amended. Commissioner Bailey seconded. All approve and the motion passed.

APPROVAL OF CONSENT AGENDA

The consent agenda included Meeting Minutes for August 11, 2021 Commission Meeting, August 19, 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	50298 – 50349	\$213,874.16
Electronic Payments	-	<u>\$-----</u>
Total Accounts payable		\$213,874.16

Payroll & Payroll Liabilities:

Voucher Numbers	-	\$-----
Electronic Payments	8/20/2021 – 9/17/2021	<u>\$56,410.49</u>
Total Payroll & Payroll Liabilities		\$56,410.49

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

Jim Holmes stated that he will be acting as the new Port liaison of the Brownsville Yacht Club. He also announced that Laurie Irvin has been appointed as the new Commodore of the Brownsville Yacht Club.

Jana Brown requested that ordinances be attached to the agendas. Jana stated that so far this year the Port has paid over \$200,000 for CPA services. She advised the Commission to put out an RFQ for an accountant with the savings from that going towards paying a CPA for financial reports.

PRESENTATION TO OR BY THE BOARD

There were no presentations.

FINANCIAL REPORTS

CPA Fancher gave an update on cash and investments ending August 31, 2021, and year to date cash and investments. The Port was operating in a deficit this time last year. Revenues are at 63% of the budgeted amounts for the end of August even without the expected rental income from the Port Annex or Rental House. Fuel revenue shows at \$96,000 on the report, but this doesn't include a \$79,000 payment going out this month. The Port is also doing a much better job of tracking employee hours to better calculate fuel expenses. CPA Fancher made note that the principal and interest payment on the Port's bonds is coming up. She also noted that the Port paid their insurance premium of \$51,000 in August which has decreased from the previous year. Lastly, that the final check to the State Auditor's Office for the 2017 – 2019 Audit was sent out for about \$7,000.

INFORMATION, STAFF AND COMMITTEE REPORTS

- a. Manager's Report – Attached. Interim Port Manager Jerry Williams gave the Manager's Report. He has been working on tariff items for the upcoming budget. The Port currently has three bonds in place that amount to about \$4,700,000 in payments over their life. There are still many people that have not completed a new moorage agreement. Comprehensive Scheme meetings have been lively and productive. Many people are pulling their boats out for Winter, so not every empty slip isn't being paid for. The Port has agreed to allow Haunted Harbor this year pending further announcements by Kitsap Public Health.
- b. Maintenance Report – Jerry Williams gave the Maintenance Report. He is currently pursuing bids to replace the Breakwater chains, looking to change fuel suppliers and gathering information from other Ports, and gathering bids for replacement or wrapping of the main pier pilings. Seaworthiness Month is dragging on, but progress in continuing. A dock cart quote has been provided to the Commission. The Commission approved the purchase of new dock carts for less than \$4,000. One estimate was received for repairing the North Breakwater ramp, but the Commission requested additional bids before a decision is made. Tree trimming quotes for the Upper Commons were provided to the Commission coming to about \$3,900 for pruning and removal of some trees. Commissioner Bailey expressed concerns about the tree at the corner of the Port Office building on Ogle Rd.



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Commissioner Perkins spoke on the new moorage agreement. There were items in the new version that needed to be clarified, but those have been addressed. He requested people contact the Port office to make sure they receive the most recent version.

Jerry stated that the new terminology in the agreements serves to protect the Port from people falsely claiming denizen status. He added that customer and licensee better describe the agreement between the Port and the customers as the Port only provides the space and does not enter boats or inspect them. Attorney John Sitkin affirmed Jerry's clarification is accurate and that it serves to protect customers from being treated as tenants.

c. **Comprehensive Plan for Harbor Improvement.**

Commissioner Bailey stated that progress is being made on the Comprehensive Scheme. He stated that it can sometimes be difficult to get everyone to understand what needs to be done and that this must be done for the Port to receive grants and bonds for projects. It is easy to focus on current needs while ignoring long-term tasks. Commissioner Bailey stated the September 23 meeting is cancelled as he will be out of town attending the WPPA Environmental Seminar. New items are being added to the Comprehensive Scheme. The Port District population is up to about 20,000 now with 12,000 registered voters.

d. **Commissioners Report – Commissioner Bailey stated that he will be attending the Northwest Marine Trade Association meeting in Bremerton September 30 – October 1. He recommended Jerry also attend.**

Commissioner Nye stated that he is working with the Port's bank to reduce staff time spent traveling to and from the bank by setting up remote deposits for checks.

Commissioner Perkins stated that two items are still tied to the Boat Launch project, the Kayak ramp and main pier. Permits will be expiring at the beginning of next year. Large amounts of mitigation are required to receive any permitting currently. He stated the Commission needs to look for professional help to navigate the permitting process.

OLD BUSINESS

- a. **Tariff Review – Tenant Service Fee & Interlocal Labor Fee:** The current fee amount is set at \$170.00 per hour. The new rate calculated by Interim Port Manager Williams is \$70.00 per hour which includes administrative time and maintenance wages. Commissioner Perkins requested this change be made retroactive to July 1, 2021. Commissioner Nye expressed concerns that amount doesn't cover the costs of employee benefits. Commissioner Perkins motioned to reduce the current tenant assistance rate and interlocal rate from \$170.00 to \$70.00 per hour. Commissioner Bailey seconded the motion.

The Vote:

Commissioner Perkins: Aye

Commissioner Bailey: Aye

Commissioner Nye: Nay

Motion Carries

- b. **Resolution 21-06 Emergency Response Plan:** This Resolution adds Slips, trips, and falls and an Incident Report Form. Commissioner Perkins mentioned the contacts page could use some



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updating. Commissioner Bailey stated he would like to see additional scenarios included in the plan such as people coming into the Port under duress and that the plan could be amended further after this Resolution. Commissioner Bailey motioned to approve Resolution 21-06, Commissioner Nye seconded the motion.

The Vote:

Commissioner Perkins: Aye

Commissioner Bailey: Aye

Commissioner Nye: Aye

Motion Carries

- c. Resolution 21-07 Rules and Regulations: Commissioner Perkins stated this item will be moved to the next meeting.
- d. Budget Work Session: Commissioner Perkins stated that plans for a work session the previous month fell through. The Commission needs to coordinate available dates and times and prepare a notice for the upcoming public hearing for the budget.
- e. Haunted Harbor: Commissioner Perkins stated that the Port has approved the event. The Port will be providing the pavilion space, child life jackets, and a free night of moorage to participating boaters.

NEW BUSINESS

- a. Redistricting: Attorney Peter Ruffatto stated that legislation in May this year provided districts additional time to complete redistricting. The deadline for Port districts is possibly now November 15, 2022. One option for redistricting is to hire a consultant. Peter added that there is a public notice requirement for the meetings on redistricting.

PUBLIC COMMENT

Tammy Cox stated that she stopped two transients that had loaded up two dock carts and brought them towards the woods. There may be more carts over there.

Sally Hass thanked Jerry for his explanation of the bonds earlier. She is interested in the annual increase to the Port over time rather than the overall liability. She said that she would like the Port to order some smaller dock carts for ease of use. Sally Hass also agreed with what Jana Brown said earlier on the amount being paid to the Port's CPA. She then asked the Port's attorney to state if there was no difference in the rights of liveaboards by changing the wording to customers in the new moorage agreements. Attorney John Sitkin stated that changing the wording changes no rights under the current agreement.

Jana Brown commented that the Comprehensive Scheme is just a plan, not a budget or commitment. It allows people to show what they want prioritized and developed.

Jim Holmes asked Attorney Jon Sitkin if the situation would be similar to a trailer in a trailer park. Attorney Jon Sitkin responded that trailer parks have their own statutes.



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Commissioner Bailey commented the pandemic has been getting talked about in the past tense lately. He mentioned that St. Michael Medical Center in Bremerton is not accepting more patients because it is filled with COVID patients.

Jerry Williams commented that one of his goals is to streamline office operations and bring more tasks in house to reduce CPA Fancher's hours spent on fixing disorganization and simple items.

EXECUTIVE SESSION

Commissioner Perkins recessed the meeting to go into Executive Session for 15 minutes starting after a 10 minute recess at 7:35PM pursuant to RCW 42.30.110(1)(i) to discuss potential litigation. No action expected.

Out of executive session at 7:59 PM.

CLOSE MEETING / ADJOURN

Next Regular Meeting is scheduled for October 13, 2021 at 6PM.

Meeting was adjourned at 8:00 PM.

Handwritten signature of Fred Perkins in black ink.

President / Commissioner

Handwritten signature of Jack Bailey in blue ink.

Secretary / Commissioner

Handwritten signature of Shaun Nye in black ink.

Treasurer / Commissioner

Recording Secretary

