



PORT OF BROWNSVILLE

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

Commissioners:
Mathew Messing
Shaun Nye
Kenneth McEwan

September 28, 2022

Special Meeting Minutes

CALL TO ORDER

Commissioner Messing called the special meeting to order at 5:00 PM. In attendance were Commissioner Shaun Nye, Commissioner Kenneth McEwan, Executive Director Jerry Williams, CPA Jan Fancher, Attorney Peter Ruffatto, and Auditor Joseph DaBell, and Administrative Assistant Cross.

APPROVAL OF AGENDA

Commissioner Messing motioned amend the agenda to include public comment sections before the items listed on the agenda and before Executive Session. Commissioner Nye seconded the motion. All approved and none opposed. The agenda was approved as amended.

PUBLIC COMMENT

Jack Bailey commented that these sections are for the public to have to opportunity to voice their thoughts, not for discussion. Talks can get mired and dragged out. He commented that the resolutions on the last agenda were not read and there was no discussion of the changes being made. The commissioners should be more thorough and read the changes out in meetings.

DISCUSSION ON STATUS OF PORT'S REAL ESTATE ASSETS

Commissioner McEwan wanted to start the process to make the public aware that the Port is looking at their facilities and reviewing costs to repair and break even over time. The CERB Grant will hopefully help the Port examine what can be done. Commissioner McEwan wanted it placed on the agenda to talk about what are we doing with the fire hall and house. The Port has a sub-application to allow for surveys. Bids have been received on the house. The least expensive bid to bring the house up to code is \$160,000. It could take many years to break even on the repairs. Demolishing the house and repurposing the land is one possibility. The conversation will continue.

2023 BUDGET DISCUSSION

CPA Fancher greets everyone. She states there is some exciting capital projects upcoming. CPA Fancher discussed the draft 2023 Budget for the Port of Brownsville. The Port would need to advertise by October 3rd to pass the budget on October 12th. This would allow the Port one month to finalize the tariff and have it ready before December 1st and to notify all customers.

Executive Director Williams went over the Capital Assets Budget Draft – included were an environmental consultant, I-dock gangway ramp repairs, water loo repairs, no-wake buoys, fuel system improvements, whaler boards, main pier walkway improvements, north entrance wave attenuator, mailbox replacement, shop storage and shelving, restriping parking lot, security cameras, new technology/internet, CERB



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Planning Grant, firehall, and rental house buildings. Commissioners want to increase the budgeted capital labor costs to \$20,000.

Executive Director Williams states we're expecting to get the CERB planning grant. The Port would have to put in \$12,500 to satisfy the grant requirement.

Seattle CPI for June is at 10.1%. Proposed moorage increase is 8.5%. Fuel costs per BLS site are up 44% over the previous year.

The county has informed the Port that they should levy with the intent to cover both new construction and utility tax revenues.

Budgeted increase in cash and investments is at \$89,619.

In 2023 the port will make final payment on the 2013 GO Bond.

CPA Fancher asked if the Commission would be willing to commit to passing the budget on October 12th with an additional workshop on October 5th. Commission agreed on a workshop on Tuesday October 4th at 5:30 PM. The commission agreed to set October 12th as the date to advertise.

RESOLUTION 22-14: ACCEPTANCE OF MAIN PIER PILING REPAIR PROJECT

Acceptance of Main Pier Piling Repair Project: TIKAR has completed work on the project and provided their daily work log. Intent and Affidavit have been submitted and approved. Commissioner Messing motioned to approve the resolution. Commissioner McEwan seconds.

The Vote:

Messing: Aye

Nye: Aye

McEwan: Aye

The motion passes and Resolution 22-14 is adopted.

RESOLUTION 22-15: ADOPTION OF AMENDED PERSONNEL POLICY:

The proposed changes were discussed in detail at the August 24, 2022 Special Meeting. Changes include updates per RCWs and WACs, removed an illegal pay structure, and the sexual harassment policy was renamed to anti-harassment. Commissioner Messing deferred the vote on this resolution until after the Executive Session.

RESOLUTION 22-16: ADPOTION OF MODIFIED 2022 BUDGET COUNTY VERSION

The dedicated fees were approved in open session for the budget in the previous year, but the budget that was sent did not include these items. The updated budget is the same as currently passed but includes the dedicated fees. Commissioner Messing motioned to approve the resolution and waive the first reading as time is of the essence. Commissioner McEwan seconded the motion.



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The Vote:
Messing: Aye
Nye: Aye
McEwan: Aye
The motion passes and Resolution 22-16 is adopted.

RESOLUTION 22-17: ADOPTION OF MODIFIED BY-LAWS

Changes were discussed at the August 24, 2022 Special Meeting and changes tie together with updated personnel policy and purchasing policy. Attorney Ruffatto noted that the documents are voluminous and require additional proofreading and formatting. But given time is of the essence they should be passed in substance and cleaned following approval. Commissioner Messing motioned to approve the resolution and waive the first reading as time of the essence. Commissioner Nye seconded the motion.

The Vote:
Messing: Aye
Nye: Aye
McEwan: Aye
The motion passes and Resolution 22-17 is adopted.

RESOLUTION 22-18: AUTHORIZATION TO WRITE OFF BAD-DEBTS

CPA Fancher commented that most of these accounts have been turned over to collections. On a yearly basis this will be brought to the Commission for approval. Executive Director Williams clarified that these amounts reflect all costs accrued before the Port takes custody. Commissioner McEwan commented that state law does cause the process of seizing a vessel to take about 6 months. Commissioner Messing motioned to approve the resolution. Commissioner McEwan seconded the motion.

The Vote:
Messing: Aye
Nye: Aye
McEwan: Aye
The motion passes and Resolution 22-18 is adopted.

REQUEST FOR ACTION: PROMOTIONAL EXPENDITURES FOR HAUNTED HARBOR

Executive Director provided a Request for Action to the commission for promotional expenditures for the Haunted Harbor event. Estimated fiscal impact is 1 free night of moorage for participating decorated boats, use of the pavilion, and patio heaters. Life jackets in storage will be made available for underage visitors. Commissioner McEwan asked legal counsel if this would count as a gift of public funds. Attorney Ruffatto responded that through this RFA it ratifies that the Port has assessed it, calculated as a promotional event for the Port. Commissioner Nye motioned to approve, Commissioner Messing seconds. All approved, none opposed. The motion passes.



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PUBLIC COMMENT

Sally Hass commented that the contractors on the piling project were very courteous to the public coming through their work area and were very safety conscious. She suggested adding a note to the contractor's file saying as much. She also commented that the Brownsville Community Group will be meeting October 5, 2022 at 6:00 PM at the Brownsville Yacht Club room and invited the commissioners to attend.

EXECUTIVE SESSION

At 6:07 PM Commissioner Messing recessed the meeting to go into Executive Session for 1 hour pursuant to RCW 42.30.110(1)(i)(iii) to discuss potential litigation. The commission came out of Executive Session at 7:06 PM.

Commissioner Messing made the motion to waive the first reading and approve Resolution 22-15: Adoption of Amended Personnel Policy. Commissioner Nye seconded the motion.

The Vote:

Messing: Aye

Nye: Aye

McEwan: Aye

The motion passes and Resolution 22-15 is adopted.

At 7:10 PM Commissioner Messing recessed the meeting to go into Executive Session for 30 minutes pursuant to RCW 42.30.110(1)(g) to review the performance of a public employee. No decisions will be made. The Commissioners came out of Executive session at 7:41 PM.

CLOSE MEETING / ADJOURN

Meeting was adjourned at 7:41 PM.

A handwritten signature in black ink, appearing to be "Mathew Messing", written over a horizontal line.

President / Commissioner

A handwritten signature in black ink, appearing to be "Shaun Nye", written over a horizontal line.

Secretary / Commissioner

A handwritten signature in black ink, appearing to be "Shaun Nye", written over a horizontal line.

Treasurer / Commissioner

Recording Secretary