



Meeting Minutes

Regular Meeting

Port of Brownsville Commission

Wednesday, May 10th, 2023, at 6:00 PM

9756 Ogle Rd, Bremerton, WA 98311

And VIA ZOOM

1. Open Meeting / Call to Order

Commissioner Mathew Messing calls the meeting to order at 6:00 PM.

In attendance are Commissioners Kenneth McEwan & Shaun Nye, CPA Jan Fancher, Interim Port Manager Joseph DaBell, Administrative Assistant Heidi Cross, and Attorney Peter Ruffatto via Zoom.

2. Pledge of Allegiance

Commissioner Messing leads the Pledge of Allegiance.

3. Approval of Agenda

Commissioner Nye motions to approve the Agenda, Commissioner McEwan seconds, all approve, none opposed.

4. Approval of Consent Agenda

All matters listed under Consent Agenda have been distributed to each member of the Commission for reading and study, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussion. If separate discussion by a Commissioner is desired, that item may be removed from the Consent Agenda and placed under New Business.

a. Approval of the April 12th, 2023 Meeting Minutes, April 14th, 2023 Special Meeting Minutes, and April 19th, 2023 Special Meeting Minutes.

b. The following checks and electronic payments are approved for payment:

Accounts Payable:

Voucher Numbers	50890 - 50915	\$73,711.06
Electronic Payments	4/21/2023 – 5/12/2023	<u>\$38,084.83</u>
	Total Accounts Payable	<u>\$111,795.89</u>

Payroll & Payroll Liabilities:

Voucher Numbers	-----	\$-----
Electronic Payments	4/21/2023 – 5/12/2023	<u>\$32,177.86</u>
	Total Payroll & Payroll Liabilities	<u>\$32,177.86</u>

Total General Fund checks and electronic payments in the amount of \$143,973.75

Commissioner Nye motions to approve the Consent Agenda as written, (Commissioner McEwan asks if it includes CPA and Legal fees. It does, per IPM DaBell.) Commissioner McEwan seconds, all approve, none opposed.

c. Public Comment

a. Citizen Comments for items not listed on this agenda

Paul Rulifson states the Yacht Club voted to increase the dues to cover the new lease amount and it's going well. The current lease is unfinished. For example, it appears to say the Port would pay for damages caused by the YC. Would like to review the items of question. He states they want to start the new lease amount in June, while working through the lease details. Property tax refund – IPM DaBell requested a letter and Mr. Rulifson will provide it based on the needed specifics.

Sally Hass – Greets all. Her comment was discussed by the Brownsville Community Group and the Yacht Club but there was no formal vote. Ms. Hass states the groups are excited about the

opportunity of the CERB grant and would like to have the opportunity to express the ideas and desires of the Community. She asks that the Port advertise the opportunity to meet with the consultant team (offering two times of day), so the consultants have, as a backdrop, the input from members of the Community. They are also requesting a presentation to the Community in a forum, with a full report of the consulting. They believe it is worth the cost to have community involvement. Ms. Hass thanks the Commission.

d. Presentation to or by the Board

- a. (None)

e. Financial Reports

a. Financial Picture

CPA Jan Fancher – welcomes all. The Port received half of the property taxes for the year in the amount of \$177,670, about a half of a percent over last year. RFQs were put out with a deadline of May 26th. One applicant has applied. The Port earned \$2067.06 in interest from accounts, almost 5%. Net fuel revenue is up from last year. Fuel system repairs costs account for a loss. CPA Fancher reads from the YTD highlights and charts (available upon request). Total Cash and Investments compared to the prior year; the Port is trending upwards. The growth chart shows the Port making progress toward the 2-million-dollar goal. CPA Fancher reads from the operating, fuel, and non-operating budget to actual sheet. Kiosk training is scheduled for tomorrow, at 1 PM. She covers the dedicated fee recap. One thing that was implemented this year is that the dedicated fee is now being added to transient moorage charges. Kiosk covers are still up for discussion. CPA Fancher reviews the graphs.

Commissioner McEwan asks what the training consists of and who is going to be trained. CPA Fancher states everyone that wants to attend, Maintenance Staff, IPM DaBell, AA Cross and Herself. If two or more commissioners will be present IPM DaBell is to announce that. The communication between the computer system and the Kiosks will be covered.

f. Information, Staff, and Committee Reports

a. Manager's Report

IPM Joseph DaBell – All brush has been removed and disposed of from the parking lot. The showers to be ready for use, soon. There will be visiting yacht clubs in the next three weekends. Fuel sales are doing well. He speaks about job openings and the kiosk training tomorrow, maintenance and software training. There was a response in the SWR for the RCO Grant. Maintenance picked up hanging flowerpots and started putting them up. Commissioners Nye and McEwan will be at the financial seminar in Early June.

Commissioner McEwan asks about the lighting for the parking area, asks the status. IPM DaBell says nothing has been decided but a lift will be needed, and nobody has been contacted. Commissioner McEwan asks about the brush that was removed, is staff being scheduled or using their own initiative to decide on projects. Would it be cheaper to get an arborist's chain saw? IPM DaBell states he is relying on them to decide actions.

Commissioner Nye brings up getting a regular car for the Port's errands to keep liability secured by the Port's insurance umbrella. Commissioner McEwan doesn't see the need. To be added to New Business for the next meeting.

b. Commissioners Report (none)

g. Old Business

a. Review of Procedures to Remove Derelict Vessels

The contract has been drafted by DNR and is waiting for a supervisory signature to remove the vessel from the main parking lot. Commissioner McEwan has reviewed the policy. He states the Port is not protected as the language reads now. If one has a boat on the property, it needs to be

charged to leave a boat on the premises. He wonders if the boat owner in question was given permission to leave the boat on the premises. The policies need to be reviewed to better address the derelict vessel issues. Training on the issue needs to be addressed, as well. The boat in the parking lot will be removed by the end of this month. Insurance pays the insured rather than the Port in the case of a total loss. The Port needs to set an amount per day for a vessel left on the property after a loss.

- b. Resolution 23-05: Rules and Regulations – Section VIII: Liveaboards
Commissioner Messing reads the Resolution with the rule changes – Commissioner Nye motions to approve the resolution, Commissioner McEwan seconds, all approve, none opposed.
- c. Resolution 23-06: Personnel Policy Manual – Vacation Leave Usage
Commissioner Messing reads the Resolution with the rule changes – Commissioner Nye motions to approve the resolution, Commissioner McEwan seconds, all approve, none opposed.
- h. New Business
 - a. RFCA – Brownsville Yacht Club Lease
Per Attorney Ruffatto, there are issues to resolve before finalizing the lease. There may be a need for another Special Meeting. The current term is expiring May 31st. The Special Meeting is to be scheduled with Commodore Rulifson to finalize the lease before the expiration date of the previous lease.
 - b. RFCA – Request authority to issue payment for Kiosks
IPM DaBell states once the programming and training is completed, the RCO Grant prohibits issuing payment to the vendor. He asks for approval to process the 90% retainage, plus sales tax, so long as the other agreements are met. CPA Fancher said this would normally happen at the meeting following the completion of the contract. Commissioner Messing would like it to be operational before approving the payment. The Commission agrees. Attorney Ruffatto recommends reading through the RFA. The contract does allow for progress payments. He asks for clarification if the payment will be made, on the condition that the kiosks work. Commissioner Messing motions to pay the 90% + tax on condition of satisfaction, to be paid on met conditions. Commissioner McEwan seconds the motion. Attorney Ruffatto asks if you can assign one Commissioner to sign off on the satisfactory completion. All approve, none opposed. Commissioners Nye and McEwan will be attending the training. This will be a public meeting at 1 PM, on May 11th, 2023; no actions will be taken.
 - c. RFCA – Public Records Policy and Procedure Manual – Updates
To be extended to another meeting since there was not enough time to prepare this item. Attorney Ruffatto speaks about two things, for legal to review the policy and procedures for Public Records Requests. The second thing being whether all requests should be sent to the legal team for review. IPM DaBell states there are fairly few requests, normally, to be cost-conscious. If there is any clarification that needs to be requested, or if certain items are exempt from public records and if so, why the request item is exempt. Commission will discuss in Executive Session.
- i. Public Comment – Steve Neuhauser will ask the earlier question after the meeting. Vessel condition, per the rules, vessels will be seaworthy and running. The one in the parking lot did not meet the requirements. He recommends the owners of non-seaworthy vessel owners be notified and given 30 days to get their boats up to the standard that is required. Commissioner McEwan suggests having the owners come down and prove the vessel runs. IPM DaBell states the rule exists but needs to be enforced. The manager can, upon request, per the rules, require the owner of the boat to check for seaworthiness. Commissioner McEwan suggests having it scheduled annually. Nye says we should change the language.

Paul Rulifson states that some people who have liveboard status don't utilize it, which isn't fair to those waiting for liveboard status. Commissioner Messing states it's a touchy subject and some may be waiting for retirement to use it.

Jack Bailey – Thanks the Commission. Requests speakers use microphones so Zoom attendants can hear better. He speaks of the repeated failures of the Roles and Responsibilities of the Commission. He says they have the responsibility to hire a great Executive Director to run the Port. That person needs to be a professional skilled in government, management, environmental and public service. You give them the responsibility to hire, fire and manage, stepping out of the way to allow the Manager to manage, allowing the Manager deal with all the small things. Mr. Bailey suggests the Commissioners ask at the WPPA conference about setting policy and letting the Manager run the day-to-day operations of the Port.

Commissioner McEwan states the website doesn't have the most current mission statement. The mission statement was changed back in March. AA Cross is to make the change tomorrow.

j. Executive Session

- a. Recess into Executive Session pursuant to RCW 42.30.110(1)(i) to discuss litigation or potential litigation.
- b. Recess into Executive Session pursuant to RCW 42.30.110(1)(g) to evaluate the qualifications of an applicant for public employment.
- c. Recess into Executive Session pursuant to RCW 42.30.11(1)(g) to review the performance of a public employee.

Commissioner Messing recesses into Executive Session for one and half hours, until 8:30 PM. No decisions are expected.

Commissioner Messing adjourns the Executive Session at 8:30 PM.

k. Close Meeting / Adjourn

Commissioner Messing adjourns the meeting at 8:30 PM.



Commissioner



Commissioner



Commissioner