



AGENDA

Special Meeting

Port of Brownsville Commission

Wednesday November 20th, 2024 at 6:00 PM

9756 Ogle Rd, Bremerton, WA 98311

And VIA ZOOM

1. Open Meeting / Call to Order

Commissioner Matt Messing called the meeting to order at 6pm on Wednesday Nov 20, 2024.

In attendance from the Port of Brownsville: Commissioner Matthew Messing, Commissioner Ken McEwen, Commissioner Dan Kieta, Port Manager Robyn Dally, Maintenance Supervisor Kat Segerman, Admin Stephanie Luther, Admin Joanie Parsons.

2. Pledge of Allegiance

Commissioner Matt Messing led the meeting with the pledge of allegiance.

3. Approval of Agenda

Commissioner Matt Messing made a motion to approve the Agenda as written.

3 aye, 0 nay

4. Approval of Consent Agenda

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

a. Meeting Minutes from October 2024

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

The following payments and checks are approved for payment from the Port's General Fund:

Payroll Checks	\$ 2,335.33
Payroll Direct Deposit	\$ 20,011.55
Payroll Liabilities	\$ 11,407.60
Electronic Funds	\$ 2,765.10
Accounts Payable Checks 51490-51535	\$ 75,798.65

For a Total Accounts Payable of: \$ 112,318.23

Commissioner Matt Messing made a motion to approve the consent agenda as written.

3 aye, 0 nay

5. Citizen Comments for items not listed on this agenda. LIMITED TO 3 MINUTES

a) Mike Williams, resident of District 2 and former moorage tenant of Port of Brownsville, read a statement prepared by the Brownsville Community Group. "This is in regard to a meeting that the Brownsville Community Group had with Central Kitsap Fire, held in the Brownsville Yacht Club on Saturday November 16, 2024.

This was to create a plan, within the tenants, of how to notify the other tenants of an emergency. This is what was decided:

1. Call 911
2. Sound 5 short blasts on boat horn, ship bell or hailing system
3. Use any other means necessary, such as yelling and banging on boats, to alert other occupants
4. Alert Port Management
5. The Brownville Yacht Club is the primary Muster Station

Also discussed items for future consideration, like

1. Determine status of stand pipes and firehose system on the docks and identify any testing or certification process in place
2. Make a list of people that might have difficulty evacuating in an emergency
3. Develop a list of tenants that would like their boat and / or boathouse to confirm there is not one on board
4. Request that the Port of Brownsville explore the feasibility of installing a fire alarm system, with a simple pull station and audible alert

We intend to continue to evaluate how the Community Group can contribute as the situation escalates and hope the Port will work with us and share what emergency response plans are currently in place."

Mike Williams handed copies of this to the commissioners and the Port Manager and stated that emails had been sent as well.

- b) Cheryl from the Deli asked if it was a new protocol to have all of the Port staff at the Commission Meeting; previously it had been Kat and one of the Admin (not both) to attend. Port Manager Dally and Commissioner Messing both commented that this has been the situation since May. Questions arose if this was noted in any meeting minutes or resolution, etc. Commissioner Messing responded that no official statement was made that this is how the Port is running its meetings. The question was brought up by Cheryl since "there has always been a financial push to reduce staff ours and this seems counterproductive.

6. Presentation to the Board

- a. None

7. Information, Staff, and Committee Reports

- a. Manager's Report

*Lots of bids getting ready to go out: Landscaping Bid, Divers Bid, Wave Attenuation Bid, Fiber Installation Project, Dock Electrical Project, HVAC Project, Standpipe Project, A dock bid, Shoreside Building, walkway for the breakwater, walkway out to the main docks, the main parking lot will cost several million dollars to redo, breakwater fingers Bid, bidding for a welder for a few projects.

*MOLO – working through bugs with the programmers at Molo

*SAGE – Cecelia working on reconciliation for October and should be done by end of this month

*ADP- Issues getting different retirements into the system

*STELLAR – Once rates are decided on, the new rates will be uploaded, and reservations will be open for 2025

*Documents – in 2023 we updated the Comprehensive Scheme of Harbor Improvements, in 2024 we reviewed and updated our bi-laws & basic procedures i.e. cash handling, treasury processes, check control, LGIP, refunds.

Updating Rules and Regs since it hasn't been done since 2020-2021. Derelict Vessel processes updated, Public Records Act Policy (on docket for tonight) has been fully updated. Trespassing process in place. Emergency phone numbers have been put in place, during the day always call office, after hours call the office and it will connect you to the on call emergency member. Update to employee handbook, SAO process, Port Emergency procedures.

*Financial: Jan – Nov = Net Income \$398,021.83. This is due to a drastic reduction in general and administrative costs. In 2024 budgeted net income was predicted to be \$114,000 and so we actually are netting \$512,000 over the expected. Reduced Accounting and CPA costs. We are in Pre-SAO audit, expected through the end of the year.

- b. Maintenance Report

*Standpipe testing was done that day (Nov 20, 2024). We were behind on that. This is supposed to be done annually and has not been done in 4 years. We passed "tentatively"; there are 4 standpipes that need to be fixed. They are yellow tagged, that's not a fail, they just have to come and fix. We are waiting for a quote in order to get that approved. He wasn't super concerned, the system is still holding 200psi as it is required to do, just some leaks to be fixed. The last record found for the Standpipe testing was in 2010. There was a discussion of a waiver but no details were able to be confirmed.

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*Electrician came out on Monday Nov 18, 2024 and checked B-dock and D-dock. They concluded that nothing is wrong with our transformers or our system. If a certain level of amperage is reached, that part of the dock will shut down. Electrician suggestion: put GFIs on each individual stanchion. He will get us a quote for us, we have 3 different types of stanchions. We may have to eliminate the 30s on the 50s if it comes down to it.

8. Old Business

a. Fiber Installation

*Luman ran fiber to Port. The county has not authorized closure of 303. Permits are all approved. Just need to plug in under 303. Going to start tiering service here at the Port. Guest Wi-Fi is horrible. Hard to make contact with staff if they are on the dock. The fiber will be divided – 1 group for the office, 1 for liveboards, 1 for guests, etc. Cameras can be upgraded as soon as fiber is installed.

b. Heat Pumps

*Notice to proceed. Everything is signed. Gets sent out next day Thursday Nov 21, 2024. Contact says 60 days for completion. The end date is Jan 31, 2025.

c. 24-28 Changes to Personnel Manual (Holidays)

*This adds 1.5 days off since no COLA or raise to staff in 2 years and doesn't have one scheduled for 2025.

*Adds Native American Heritage Day and ½ day for Christmas Eve.

*Adds for PT staff to get holiday pay if it falls on their normal workday.

Commissioner Messing made a motion to approve Resolution 24-28 for Personnel Policy. Seconded by Commissioner Kieta. 3 aye, 0 nay.

d. 24-29 Changes to Personnel Manual (Medical Coverage for Dependents)

*Increasing amount Port pays for dependent care. One of the issues currently is how to add dependent care into ADP. The calculations don't add up accurately in ADP. POB is not competitive in wages, and this is

*Commissioner McEwen stated that based on how we have reduced our administrative costs, and this will help us maintain quality employees, he thinks it's a good idea.

*Commissioner Messing made a motion to approve Resolution 24-29. Commissioner McEwen seconded the motion. 3 aye, 0 nay.

9. New Business

a. 24-30 Approval of Rules & Regulations of Port of Brownsville

*NOT for approval tonight. This is a complete overhaul to bring us in line with the larger ports of Kitsap County and Washington

*Added – a number of new policies created in the last year in addition to others previously not added.

Removing Grievance procedure for the moment. Will bring that back to attention at the Dec 2024

Commission meeting to be addressed and approved on its own. Then it will get added back into Rules and Regs.

*Updated Liveboard section – more similar to what Port of Brem has & updating the definition that liveboard is a privilege, not a right.

*Updated the Vendor process. Right now, a lot of tenants have contractors coming down to their boats without letting the office know. Or passing codes to vendors. Creating security issues.

Peter Ruffalo spoke toward the Grievance process, stating it didn't allow for a lot of resolution and unrealistic timeline and didn't appear to have been used previously. This will allow the Port to have some more leeway in resolving grievance issues. The technical grievance process creates a burden and is best resolved in a less formal way.

Peter also spoke about the Special Event provisions. What was recently adopted by the commission in terms of donating in-kind or monetarily, has been inserted into the Rules and Regs. Port Mgr would need to see if insurance is required for non-Port sponsored events.

b. 24-31 Extension of Clarke Whitney Contract 1 year to end on December 31, 2025

*Would like one more year with Clarke Whitney before going out for a formal bid – implementing Sage and have coded all of our general ledger to a specific 'Bars manual code' for the SAO manual report. Clarke is the one who really understands what goes into the Bars report and ensure we have continuity of the process before we bring someone else into it. Waiting for the official quote from Clarke, which is due to be \$175.00/hr. Quite a bit of savings from the previous year.

c. RFA Commission to take action by selecting a CERB option to move forward with for Maul Foster Alongi.

*Needed sooner than later

d. 24-32 PRA Policy: Public Records Act.

*To be read in detail by the commissioners for the next meeting. Lots of details to proceed through.

e. 24-33 Resolution to modify the Tariff

*Commissioner Messing made a motion to approve the resolution modifying the tariff. Commissioner McEwen seconded the motion. 3 aye, 0 nay.

f. Events at the Port

*Commissioner Messing led with info that earlier this year, the Port updated the rules and policies for clarification regarding events held at the marina. Needed guidance in determining what could be an abuse of public funds, what type of events would be good economically for the community to hold here, i.e. allowing POB to offer comped moorage for Haunted Harbor. Matt commented on the negative light that is being shined on POB through social media, specifically about the Polar Bear Plunge ("PP"). Stated that he is excited to approve and have the event. The Port now has a Special Event application. Our insurance company, Enduris, won't cover us. We require the Event to have their own insurance. Commission suggested the PP partner with the BVYC for insurance. Jenna Reiselman is in charge of the PP and stated that she was told No by the YC. Paul Rulifson: The BVYC has not been formally asked but told PP that they can check to see if the event would be covered. Libby in audience: Problem is What defines "an event"? This is just a small group trying to raise money for FishLine but they are not an entity that can obtain insurance. Comm Messing: the group is publicizing and encouraging people to come and jump in the water, making it an "organized event". Audience stated that anyone could trip and fall at any time on any day. Commissioner McEwen explained that Enduris would cover that because it is NOT an EVENT. Best way is to fill out the event form and call insurance to see about getting insurance. Tension was increasing in the room as the audience tried to talk over Comm McEwen and was told not to interrupt him and give him the respect that he had just shown by listening without interrupting the audience. Per Ken "A conversation is only a conversation if they are not talking over each other". Comm McEwen stated that he has seen the commotion on social media and takes umbrage over the accusations that the commissioners and Port Manager and destroying the community. The event form allows a spot to ask the Port to help pay for insurance if it is justified. These rules and regs were approved by Commission in May 2024. Libby continued to ask what defines an event and doesn't understand how to obtain insurance as individuals, not an entity with a TIN or business license etc. Unknown person in audience (sounded like Comm Messing called her Maya) asked: beginning the 1st of the year, how is the Port going to "police" the event? If people show up for the event but there is no insurance, how are we going to keep people out of the water? This guest stated that she is definitely going to come with her family and friends to jump in the water – how will the Port stop her from that? Comm McEwen: Are you trying to challenge us? Guest "Maya": Maybe, yeah maybe I am. Argument continues. Comm Messing: If they have an event called Polar Plunge and you are publicizing the event, it MUST BE INSURED. If a person comes to the beach with their family and jumps in the water, that is NOT an Event. Please take the forms and ask questions! Comm Messing called on Terry Asla next. Terry: Maybe it is time to put the whole Jan era to bed and see if we can start working together, the community and the Port. Added that is posted around the marina that there is NO swimming. But main thing is, why are we arguing? Comm Messing called on Steve Neuhauser who asked about a comparable event at Port of Bremerton. Yes, that event would need insurance well. Audience (Jenna?): 'What was missing was the backstory of the need for this policy, felt personal from the Port Manager and was not aware the Port could be asked to help. Comm Kieta asked if it was clear that we are transitioning from everyone "freelancing to get the Port back in line and to do so, policies and regs are being updated and need to be enforced. Jenna said yes and asked if the Port did assist, would that be in cash or in kind? Port Legal Counsel Peter Ruffatto: IF legal and the Port decide it is a good use of Port resources, the help from the Port can be financial or in kind. This policy was written to prevent potential future audit issues. In Peter's experience, individuals can and do get insurance policies for all kinds of events like a wedding. Both parties wish to have this NOT be contentious and try to start fresh together.

*Port Manager Dally stated that the BVYC will NOT be hosting Santa at the Lighthouse this year. Hope to get support from the commissioners for the Port to host Santa this year. No details or decisions made at this moment.

*Port Manager Dally has obtained the Party Planner that organized Whaling Days. After the 1st of the year and the audit, Port Manager would like to get together with that person to help plan more events this year and expand Haunted Harbor like a "Harvest Festival". Terry Asla mentioned that in Australia every year, there are scarecrow competitions and prizes. Mid-January the BVYC will be having a meeting for the next Haunted Harbor if anyone would like to participate and join. Robyn Dally is calling event party rentals, looking into pricing and requirements for us to hold events in the upper parking lot with potentially a large event tent and stage (after the derelict vessel Maya has been removed). After 12.31.24, the Port will be able to have food trucks anywhere on the property.

10. Public Comment for items listed on the Agenda. No response from the Port during this period.

*Mike Williams: Thank you for the CERB response email. It was nice to see and read through all of the responses. Caused Mr. Williams to wonder why POB is investing \$75,000 in heat pumps when "we're not even sure of what the Fire Hall and Historic House have in the future of the Port, based on the CERB responses".

*Mr. Pat Oneill read a letter written by Brian & Kelli Johnson on 10.05.24 regarding their vessel, Kelli Ann on the breakwater). It was stated that this letter was sent to the Commissioners in October, and no one had responded. The letter addressed many concerns about records the Port has or doesn't have. Including: credit card had expired; no record of insurance; no record of the Johnsons' requests to move their boat from the EBW to the space El Capitan left and now Balto is in it. Stated that the requests started while Jerry Rowland was here and that the Port now cannot locate them. Tenant is not happy that they are not getting more response from the Port and provided what the tenant felt were examples of bad communication, misfiling and why a particular boat was moved to a very specific slip that the Johnsons had requested. "In closing, you have her concerns. Pleased review them and hopefully can take action."

~Mr. Oneal provided each commissioner with a copy of the letter just read. In addition, he provided a second email sent by Kelli Johnson; the commissioners' addresses are on the email but apparently it was not received. This was not read to the room.

*At this point, the wife of Pat Oneill stood up and asked if there was anyway to resolve the slip / mooring location for Kelli Ann that same evening, so that when the Johnson's return from their trip in Italy they can move right over. Commissioner Matt Messing responded that a decision like that can't be made that evening. Unknown voice in the background sarcastically said "Surprise".

(Mr. Oneal's comment began at 1 hour and 31 mins. End of comment was at 1 hour and 40 minutes.)

11. Executive Session

- a. The Commission will now adjourn into an executive session to consider the minimum price at which real estate will be offered for sale or lease – RCW 42.30.110(1)(c)

*Commissioner Messing read that the executive section will be discussing the BVYC and the Deli leases. Min price that real estate can be offered or leased for. Considering factors to be discussed include location of the individual spaces, the proposed use of said space and improvements needed. Executive Session expected to last 30 minutes. Will let audience know if the commission needs more time. They reconvene before adjourning and will discuss any factors that may bear upon the price. No action intended directly after the Executive Session. **Per audio recording, recess for Executive Session was at 7:42pm. Audio stopped. Not sure what time the meeting officially adjourned.**

12. Close Meeting / Adjourn



Commissioner



Commissioner

Commissioner