

**THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND
REGULAR MEETING**

Held at South Whidbey Parks & Rec District, 5475 Maxwellton Rd, Langley WA
Wednesday, November 12, 2014 at 7:30 p.m.

AGENDA

7:00 PM PUBLIC HEARING: **THE PRELIMINARY BUDGET FOR 2015**

WORKSHOP: Commission review of vouchers and recent correspondence (follows immediately after Public Hearing)

REGULAR MEETING CALL TO ORDER and PLEDGE OF ALLEGIANCE

Consent Agenda

Approval of November 2014 Vouchers in the amount of **\$56,871.76** and approval of Minutes from the Regular Meeting of August 12 and the Special Meetings of August 13 and August 19, 2014.

PUBLIC COMMENT – Items not on Agenda: Please limit comments to 5 minutes

FINANCIAL UPDATE

September 2014 Financial Statement and Executive Director Report

Approval of 2015 Final Budget

Levy Certification and Ordinance/Resolution No. 14-07 to Establish 2015 Levy

2011-2013 State Audit

Marine Exchange Financial Monitoring Visit

STATUS REPORTS

Port Operations

Maintenance & Operations Supervisor Report

Island County Fairgrounds

Review of Draft MOU with County, South Whidbey Parks & Rec District, City of Langley

South Whidbey Harbor

Phase 1 Project

- Outside Mooring; Survey

Harbor Operations

- Harbormaster Report

Possession Beach Waterfront Park

Boat Ramp Renovation Project

Cell Tower Lease

ACTIVITIES/INVOLVEMENT REPORTS

Gordon: Council of Governments (COG), Skagit-Island Regional Transportation Policy Organization (RTPO) Technical Advisory Committee (TAC), Washington Public Ports Association (WPPA) and Clinton Community Council (CCC)

Gregoire: Economic Development Council (EDC), Langley Shoreline Master Plan (SMP) Committee and Island County SMP Committee

Halloran: Marine Resources Committee (MRC) and City of Langley Council Meetings

OLD BUSINESS

Food Shed in Clinton

NEW BUSINESS

ADJOURNMENT

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting

November 12, 2014

Langley, Washington

Commissioners Present: Curt Gordon (Clinton), Ed Halloran, (Langley) and Dennis Gregoire (Freeland)

Others Present:

Port Staff: Angi Mozer (Interim Executive Director), Molly MacLeod-Roberts (Port Clerk), Maintenance & Operations Supervisor Wayne Nance and Duncan McPhee (Harbormaster); **Others:** Bruce Allen (Langley City Councilmember), Justin Burnett (South Whidbey Record), Chris Williams (Langley resident) and Clinton area residents: Dale Christensen, Clyde Monma, Marcia Monma, Doug Struthers, Wayne Morrison and Laura Nance

MEETING CALL TO ORDER: Following the Public Hearing on the 2015 Preliminary Budget from 7:00 p.m. to 7:33 p.m., the Regular Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on Wednesday, November 12, 2014, at the South Whidbey Parks & Recreation District Meeting Room at 5475 Maxwelton Rd., Langley, Washington. Commissioner Curt Gordon (President) called the Regular Meeting to order at 7:33 p.m., followed by the Pledge of Allegiance.

PUBLIC COMMENT – Items not on Agenda

Wayne Morrison asked if there is any activity on the Whidbey Airpark. Halloran explained that Island County sent out flyers to property owners in the vicinity of the airpark regarding the Open Forum held today at Deer Lake Grange from 4-7 p.m. The County is conducting assessment of the access road(s) in that area.

CONSENT AGENDA

Approval of Current Vouchers: 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 have been recorded on a listing which has been made available to the Board, and have been presented to the Board for review. The vouchers so listed and presented are summarized on the attached Voucher Listing (**EXHIBIT A**).

Approval of Minutes: Minutes from the Regular Meeting of August 12 and the Special Meetings of August 13 and August 19, 2014.

ACTION: A Motion was made by Commissioner Ed Halloran and seconded by Commissioner Dennis Gregoire to approve the Consent Agenda as presented, including the authorization and acceptance of Vouchers dated November 2014 as signed today in the amount of \$56,871.76. The Motion passed unanimously.

FINANCIAL UPDATE

September 2014 Financial Statement and Executive Director Report: The Commission acknowledged receipt of the September 2014 Financial Statement (**EXHIBIT B**) which was distributed to them previously. Executive Director Mozer reported the Port received \$38,000 in tax, operating and grant revenue and incurred \$53,000 in operating and capital expenses during September 2014. Ending cash balance at 9/30/14 was \$358,000.

Approval of 2015 Final Budget (EXHIBIT C**):**

ACTION: A Motion was made by Gregoire and seconded by Halloran to approve the 2015 Final Budget as presented.

Gregoire noted that \$20,000 has been set aside in 2015 for the Harbor Master Plan. He thinks 2015 might be premature because that planning effort will consume a huge amount of time and the Port has enough on its plate to keep busy through 2015. Gordon said it's more important to him that the Harbor Master Plan update occurs before the Port does another project at the South Whidbey Harbor, so it's fine if that doesn't occur until 2016. The City of Langley and the Port need to be in complete agreement of what the terms and conditions will be for the next phase and all phases after that. Gregoire said Langley needs a public access plan for the shoreline, and maybe the City should do that first. Gregoire did not request any change to the budget; he just wanted to make note of the issue.

Gordon called for a vote on the Motion. The Motion passed unanimously and Gordon provided his signature as President.

- **Levy Certification (EXHIBIT D) and Ordinance/Resolution No. 14-07 to Establish 2015 Levy (EXHIBIT E):** The Ordinance/Resolution No. 14-07 states that the actual levy amount for the previous year was \$509,814.78 and authorizes a 1% increase over that amount to be collected in the 2015 tax year. The Levy Certification requests the levy amount to be collected in 2015 as \$525,000.00 for Regular Levy and \$2,623.72 for Refund Levy. Port Clerk Molly MacLeod-Roberts read the Resolution aloud.

ACTION: A Motion was made by Halloran and seconded by Gregoire to approve and adopt Ordinance/Resolution No. 14-07 as presented, providing authorization for the levy to be collected in the 2015 tax year. The Motion passed unanimously.

Mozer provided her signature as Auditing Officer on the Levy Certification.

2011-2013 State Audit: Mozer said the audit went well and she doesn't expect there will be any findings. The Exit Conference is scheduled for Friday morning and the Port will receive the draft Audit Report prior to that meeting. As previously agreed, Halloran will attend the Exit Conference.

Marine Exchange Financial Monitoring Visit: Mozer reported that the financial monitoring visit for the surveillance cameras project and the fire vessel project also went well.

STATUS REPORTS

Port Operations

Maintenance & Operations Supervisor Report (EXHIBIT F): Wayne Nance was on hand to present his monthly report. At Clinton Beach, the park has been winterized and Greenbank Metalworks repaired the failing/damaged welds on the docks. The docks moving independently cause concern and he will monitor them closely this winter. A "Caution – Do Not Enter" sign has been posted on the door to the gangway for the season. The water heater in the Bush Pt. residence was replaced, and Greenbank Metalworks is scheduled to repair the floats and hoops for that dock. At Possession, Nance met with engineers and surveyors from Cornerstone; the Port should have a new survey from them shortly. The park has been winterized and Nance continues to work on the damaged end cap of dock #2.

Island County Fairgrounds: The Port's Application for Rural County Economic Development Funds (RCEDF) for Island County Fairgrounds Renovation Feasibility Research (EXHIBIT G) was submitted to the Council of Governments (COG) on October 31st. The application requests \$135,000 now (\$40,000 for due diligence/feasibility research; \$95,000 for 1 year management starting April 1, 2015). She will present the project to the COG on November 26th.

Review of Draft Memorandum of Understanding (MOU) with Island County, South Whidbey Parks & Recreation District (SWPRD) and City of Langley (EXHIBIT H): Gregoire explained the MOU is a tool allowing the partners to work together to achieve mutual goals more efficiently, including coordinating on the maintenance of facilities by providing mutual aid to one another in the form of expertise and

resources. He added that an MOU would be needed before the County and Port can work on updating the InterLocal Agreements (ILAs) on their jointly owned properties (Dave Mackie Park, Freeland Park & Mutiny Bay Boat Launch). Halloran asked if the intent is that it will be binding – what will be the binding mechanism if it is signed? Gregoire said it is a commitment to engage in a consistent dialogue, probably involving a quarterly meeting attended by one elected and one staff from each entity. Gordon noted that at a recent Washington Public Ports Association seminar, ports were advised to stay away from MOUs in general and use ILAs when ready for specifics. He would like the Port Attorney to have a look at it. Regarding the draft MOU, Gordon said, *“It’s very general and I’m not sure what we’re signing up for.”* He noted that Gregoire has talked about collaborating on major projects, meeting quarterly, discussing problems, etc. but he read the draft twice and didn’t see any of that in it. Gordon said the Port needs to know what its commitment will be and that is not clear in the draft. The Commission agreed the MOU needs to be revised to be more specific and the Port Attorney will be consulted regarding the issue of using an MOU instead of an ILA.

South Whidbey Harbor

Harbor Operations

- Harbormaster Report (**EXHIBIT I**): Duncan McPhee was on hand to present his monthly report. The water levels in the compartments on Docks D & E have remained consistent since the pump-out on October 9th. He will continue to monitor the water levels and provide updates as needed. The Everett Yacht Club had 16 boats moored at the Harbor November 7-9, and 313 ft. of boat has been reserved for the upcoming weekend. The Staff Captain from Clipper Vacations is interested in bringing the Clipper III to Langley several times in March & April when they are unable to make their regular stop in Coupeville due to low tides. McPhee received contact information for an individual interested in operating a water taxi service between Camano Island and Langley in the summer. He sent an introductory email and is waiting for a response. Halloran said the monthly newsletter that McPhee sends out to boaters, etc. is absolutely great and he thanked him for his efforts.

- Annual Moorage: One of the six annual moorage customers has terminated their lease. Per the Harbor Regulations, priority for the available slip will be given to “proposals for commercial opportunities which enhance the marine recreational experience and/or advance economic development in accordance with the Missions and Goals of the Port’s Comprehensive Scheme.” Mozer and McPhee would like to solicit proposals in the local newspaper for commercial ventures that would fit. Mozer would then like the Commission to review any submitted commercial moorage proposals during the regular December meeting. If no proposals are received or if the proposals do not meet the requirements within the Regulations, McPhee would then go to the waiting list and go through it in order until a match is found for the available space. The Commission agreed to advertise the available moorage as discussed.

Phase 1 Project

Outside Mooring - Survey: Mozer reported that on October 24, Collins Engineers had provided an electronic version of the Draft Structural Condition Assessment Report (on file and available upon request at the Port office) and she had forwarded the file to the Commission. The Commission also acknowledged receipt of the 60% Preliminary Design Plans and the Basis of Design documents for the Outside Mooring Project that were submitted by Collins Engineers on November 10th. (Both documents are also on file and available upon request at the Port office.) The documents are pretty detailed and one is very long. The Commission agreed to schedule a Special Meeting the first week of December to meet with the engineer and review the plans before going to 90% design.

Possession Beach Waterfront Park

Boat Ramp Renovation Project: The Recreation & Conservation Office (RCO) published the Preliminary Evaluation Ranked List for the Boating Facilities Grant program (**EXHIBIT J**). The Port’s application for construction of the Boat Ramp Renovation Project was ranked #13 out of 21 applicants and scored just below the “definitely funded” line. Mozer has requested a team meeting with Coast & Harbor

Engineering to discuss the impact of the ranking, in particular the effect on the permits if there is no funding. The Port can reapply in 2016. Gregoire noted that the Port did not score well on "site suitability." Mozer had also noticed that and asked the grant manager about it, but he wasn't very forthcoming with any helpful information on that. She will continue to look into it.

Cell Tower Lease: Halloran & Mozer will meet with the owner of Ryka Consulting (AT&T's hired consultant) next week to find out what their project plan is, where they are in the process, and get more details about what is going on.

Clyde Monma said, *"I specifically asked last time that you contact your lawyer and ask if there was any legal liability by the Port given that the lease required you to approve the permit application before it was submitted. And the three of you have indicated (to use Ed's words) that the application was 'amateurish', so if the Port approved it...what does that mean? So, have you talked to the lawyer or not?"* Gordon said they did not discuss that specifically with the lawyer, and he read the lease as stating the Port has "the right to approve" anything that was submitted for the property. Monma interjected, *"No, that's not what it's about. But I specifically said it, and I'm not asking for your opinion. I'm asking for your lawyer's opinion."* Gordon asked Mozer if the Port Attorney had been contacted regarding his question about when and under what circumstances the lease could be terminated. Mozer said she was able to review the lease and provide the information to the Commissioners herself as the terms and conditions of the lease were clear. Monma criticized the Port's signing of the lease in spite of his efforts to show it was all in favor of AT&T and not the Port. Gordon reiterated his view that the lease gives the Port the right to review the application. Monma said, *"Again, I'm not looking for your opinion. I'm looking for an answer from the lawyer. Would you like to read the email I sent you? Do you have it? Do you want me to read it? I specifically asked that you talk to the lawyer about these issues and you can't just ignore a request from an individual when he's asking about the legality or the responsibility or the liability of something you're doing. There's no excuse and you should do it right away. And I want to hear about it for the next meeting. And if you don't want to do it and have a reason for not doing it, then tell me now. Don't wait until a month later when I come to the next meeting and tell me you haven't done it. There's no excuse at all for that. There may be liability here and you should figure it out."* Gordon said, *"I think the liability has been figured out. I think it's covered."* Monma responded, *"Okay, what's the resolution on liability? Are you liable or are you not liable?"* Gordon said he did not want to get into "this back & forth" as they have for the last 3 years. Monma said, *"Yeah, and I'm sick of it, frankly. I asked you specifically to check with your lawyer about this liability and get back to me on it. I'm not asking you to make a decision – talk to your lawyer."* Gordon said, *"I am acknowledging your request..."* Monma interjected, *"Then do it before the next meeting like I asked last time."* Gordon continued, *"...that doesn't mean I will act on your request."* Monma replied, *"Well then you're being an ass like you've been for the last three years."* Halloran interrupted him and asked that he mind his language and keep it professional.

Monma asked the Port to provide the most recent contact information for AT&T or its representatives. Mozer said she would forward that information to him.

Chris Williams wondered about the possibility of putting an "Osprey Cam" on top of the cell tower when it is built. She noted that the Washington State Dept. of Fish & Wildlife has a "wildlife watching" program. She's sure the Port will end up with an osprey sitting on the cell tower anyway, and asked if it would not be a possibility to build a platform on the tower deliberately for an osprey nest and a camera for public viewing. The Commission thought it was a very interesting idea.

ACTIVITIES/INVOLVEMENT REPORTS

Gordon: Council of Governments (COG) and Skagit-Island Regional Transportation Policy Organization – Technical Advisory Committee (RTPO-TAC), Washington Public Ports Association (WPPA), and Clinton Community Council (CCC)

COG: Topics at the recent meeting included RCEDF applications, and general discussions about Island Transit and emergency preparedness. Next meeting is the day before Thanksgiving.

RTPO-TAC: Meeting cancelled; no report.

WPPA: Gordon, Halloran and Mozer attended the Small Ports Seminar in Leavenworth. Gordon said it was very educational. Gordon and Halloran attended a second course on the Open Public Meetings Act and Public Records Act. During an informal discussion session, Gordon learned there is an IRS filing that port districts are supposed to do for the Securities & Exchange Commission to continue with the type of bond the Port of South Whidbey currently has. He added, *“And nobody knows about this requirement until you go for the next bond and your bond rate might be affected if you haven’t filed it.”* Halloran thought the seminar was terrific.

CCC: In addition to discussing the Food Shed, the group also discussed the possibility of a roundabout in Clinton.

Gregoire: Economic Development Council (EDC), Langley Shoreline Master Plan (SMP) Committee and Island County SMP Committee:

EDC: Gregoire will not be able to attend the meeting next week, so Gordon will take his place.

Langley & Island County SMP: No report.

Halloran: Marine Resources Committee (MRC) and City of Langley Council Meetings

MRC: The recent meeting included member updates on projects as well as introduction of the new coordinator. Halloran provided confirmation to the group that he intends to continue as the Port’s representative on the MRC. The president of the MRC has asked both ports (Coupeville and South Whidbey) to provide monthly activity reports and Halloran will do so.

Langley: Unfortunately, the City did not advertise its recent meeting (agenda packet was not emailed, no information on the city’s website or calendar, etc.) so he missed it.

OLD BUSINESS

Food Shed in Clinton: No additional discussion.

NEW BUSINESS

Port-dedicated Communication Devices for Commissioners: WPPA recommends port commissioners have communication devices (laptop, tablet, etc.) that are completely separate from their own personal devices and 100% dedicated to Port business. The Commission agreed the Microsoft Surface 2 would work well at an estimated cost of \$500 each.

Notice of Resignation: Gregoire announced that December 20th will be his last day as a resident of Whidbey Island and he is therefore resigning from the Port Commissioner District 1 position effective that date. He explained he has had two dreams since the 1970s – one was to be a port commissioner and the other was to live in a house that his dad built. In 2013, his mom moved out of the last house his dad built (and that Dennis helped build). Seeing his chance to fulfill his dream, Gregoire has sold his Whidbey home and will be moving into that Everett home. He will miss working with the Commission and the Staff. Gordon thanked him for his advice and perspective based on his experiences which were very helpful. He particularly appreciated Gregoire’s focus on the process and the big picture. Gordon asked Gregoire to continue to help with the Joint Parks MOU, and Gregoire agreed to do so. Halloran added his thanks.

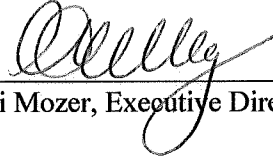
ADJOURNMENT: The Meeting was adjourned at 9:11 p.m.

Approved:



Commissioner Curt Gordon, Clinton

Minutes reviewed by:



Angi Mozer, Executive Director

Commissioner Dennis Gregoire, Freeland



Commissioner Ed Halloran, Langley

- Exhibit A: Voucher Listing
- Exhibit B: September 2014 Financial Statement
- Exhibit C: Final 2015 Budget
- Exhibit D: Levy Certification
- Exhibit E: Ordinance/Resolution No. 14-07 to Establish 2015 Levy
- Exhibit F: Maintenance & Operations Supervisor Report
- Exhibit G: RCEDF Application for Island County Fairgrounds Renovation Feasibility Research
- Exhibit H: Draft MOU with County, SWPRD, City of Langley
- Exhibit I: Harbormaster Report
- Exhibit J: RCO Preliminary Evaluation Ranked List: BFP - LOCAL