

**AGENDA**  
**THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND**  
**REGULAR MEETING**  
LOCATION: Freeland Library Conference Room, Freeland WA  
DATE: November 12, 2008

7:00 PM – 7:30 PM    WORKSHOP

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1. 7:30 PM - REGULAR MEETING

- A. Call to Order
- B. Pledge of Allegiance

2. BUSINESS MEETING

- A. Consent Agenda:
  - 1. Minutes on file: Minutes from Special Meeting on September 25, Public Budget Hearing on October 8, and Regular Meeting on October 8, 2008.
  - 2. Vouchers: Vouchers #3593 through #3626 (as signed today) for a total amount of \$30,554.34.
- B. Staff Contracts
  - 1. Financial Coordinator Dane Anderson

3. PUBLIC COMMENT – Including Items not on Agenda.

4. ACCOUNTANT REPORT:

- A. September 2008 Financial Statement (mailed earlier)
- B. Final Action on 2009 Budget: Levy Certification and Ordinance/Resolution No. 08-04

5. PROJECT ACTION ISSUES - Staff Report, Public Comment, Commissioners' Discussion

- A. South Whidbey Harbor
  - 1. City Coordination
    - 1. Property Transfer Process
    - 2. DNR Status
    - 3. Draft ILA Amendment (for December action)
  - 2. Harbor Operations
    - 1. Harbormaster Start-up
    - 2. Harbor Regulations: Draft discussion (for December approval)
    - 3. Harbormaster Office: Unit C in Drake's proposed
  - 3. Project Scope and Design
    - 1. Commission Direction for Project and Design/Permit Scope
    - 2. Engineering Design Team Direction
    - 3. Permit Specialist Confirmation

4. Funding Opportunities
  1. RCEDF Status
  2. Federal Opportunities: Dane to attend 11/17 Workshop with Murray & Cantwell staff
  3. Is. Co. Hazard Mitigation Plan Update:
    - a. 11/13 Kick-off Meeting (Dane to attend)
    - b. New Initiatives: Deep-water access, Facility Monitoring, Emergency Coord.
  4. Is. Co. Coordinated Public Transit / Human Services Transportation Plan for '09

- B. Freeland Park
  1. Dock Repair / Replacement Coordination with Island County
- C. Webcam and/or Website Upgrade
  1. Funding Opportunities
  2. Webcam and/or Website update: Temp hold pending plan & funding review
- D. Bush Pt Boat Launch
  1. Manager Hiring Status (Also note overall work assignments under review)

## 6. ACTIVITIES/INVOLVEMENT REPORTS

- A. Economic Development Council (EDC)
- B. Council of Governments (COG)
  1. Next Meeting TBD!
- C. Skagit-Island Regional Transportation Policy Organization (RTPO)
- D. Marine Resources Committee (MRC)
- E. Washington Public Ports Association (WPPA)
  1. Designation of 2009 WPPA Trustee and Alternate
  2. Seminars:
    - a. BARS Accounting for Small Ports: Molly's summary
    - b. Small Ports Seminar: Dane's summary
    - c. Annual Meeting: Wed & Thurs Nov. 19-20, Tacoma (Commissioners?)
    - d. Vital Legal Tools (Legal Param for Econ Dev, Port Legal Protections: Tues pm Nov. 18, Tacoma (Dane)
    - e. AWS/WPPA Seminar of Open Meeting & Public Records Compliance: All-day Dec 3 in Mt. Vernon (Ed)
- F. Community Trade & Economic Development (CTED)
- G. Holmes Harbor Shellfish Protection District
- H. Puget Sound Partnership
- I. Ctr. For Wooden Boats Cama Beach/Whidbey Summer Event (Sept 5, 2009)

## 7. OLD BUSINESS

- A.

## 8. NEW BUSINESS

- A.

## 9. ADJOURNMENT

**PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Regular Meeting

November 12, 2008

Freeland, Washington

**Present at the meeting were:**

Commissioner Lynae Slinden, Clinton  
Commissioner Rolf Seitle, Langley  
Commissioner Geoff Tapert, Freeland  
Ed Field, Port Manager  
Chuck Edwards, Port Accountant  
Dane Anderson, Port Financial Coordinator  
Molly MacLeod-Roberts, Port Clerk  
Rick Brewer, Port Harbormaster

Ed Halloran, Langley Resident  
Don McArthur, South Whidbey Yacht Club  
David Powers, Clinton Resident  
Jeff VanDerford, South Whidbey Record  
Jim Recupero, City of Langley Councilman  
Ron LaCour, Freeland Resident

**Absent:** None

**1. MEETING CALL TO ORDER:**

The Regular Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on November 12, 2008, at the Freeland Library Conference Room in Freeland, WA. Commissioner Seitle, President, called the Regular Meeting to order at 7:30 p.m., followed by the Pledge of Allegiance.

**2. BUSINESS MEETING – THE CONSENT AGENDA:**

**A. Consent Agenda:**

1. Minutes: Minutes from the Special Meeting on September 25, Public Budget Hearing on October 8, and Regular Meeting on October 8, 2008.
2. 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**).

**ACTION:** A Motion was made by Commissioner Slinden and seconded by Commissioner Tapert to accept the Consent Agenda, including authorization of Vouchers #3593 - #3626 in the amount of \$30,554.34. The Motion passed unanimously.

**B. Staff Contract:**

1. Financial Coordinator Dane Anderson: Ed explained that Dane's current contract expires on December 6<sup>th</sup>, and referred the Board to their copies of the new proposed contract (**EXHIBIT B**). Ed reported that there have been two 6-month, \$30,000 contracts with

Dane. Through the end of October, he has been paid \$38,213 plus \$3,200 subcontracted for the engineering drawings for the grant application, for a total of \$41,413.

**ACTION:** A Motion was made by Commissioner Slinden and seconded by Commissioner Tapert to approve the proposed Agreement with Consultant Dane Anderson for the term December 6, 2008, to June 5, 2009. The Motion passed unanimously.

**3. PUBLIC COMMENT – Including Items not on Agenda:**

**A. David Powers, Clinton Resident:** Powers said he wanted to thank the Commission for their work during the last year. He said, “You did one heck of a fine job.” He added it was no surprise that no levy passed in the current economic environment, and he felt the Commissioners should be proud of their work because they came up with a very good plan. Powers read aloud his prepared statement (**EXHIBIT C**) regarding suggestions on “How can we promote Whidbey Island’s economic development while waiting for more capital?” He reiterated that the Commission is to be commended for their work. He said, “Your marina plan is a good one and I hope you will try again.” The Commission thanked Powers for his comments.

There was no additional public comment.

**4. ACCOUNTANT REPORT:**

**A. Financial Statement:** The Commissioners acknowledged the September 2008 Financial Statement, which had been mailed to them previously (**EXHIBIT D**).

**B. Final Action on 2009 Budget (EXHIBIT E): Levy Certification and Ordinance/Resolution No. 08-04 (EXHIBIT F):**

**ACTION:** A Motion was made by Commissioner Slinden and seconded by Commissioner Tapert to approve and adopt the 2009 Final Budget and Ordinance/Resolution No. 08-04.

Commissioner Seitle said they need to be very careful; he believes the Port’s administrative expenses are high and he encouraged the Staff and the Commission to “...try whenever possible to not expend as much money as is in the budget.”

**The Motion passed unanimously.**

**Ron LaCour, Freeland Resident.** LaCour asked if a copy of the 2008 budget was available. Molly said she did not have a copy of it at tonight’s meeting. LaCour noted that there was ample white space on the proposed 2009 budget that it could have been provided on the same page, and Ed explained that it had been available at the Public Hearing on October 8<sup>th</sup> and at the Port office. LaCour asked if the 2008 budget was online and Commissioner Seitle said it is not, but it is available at the Port office. Molly said she would email it to him. LaCour then asked why the October minutes were not online yet, and Molly explained that they are not posted on the website until they have been approved. Since the Commission meets only once a month, the Minutes from the October meeting were not approved until tonight’s meeting. They will be posted to the website by the end of the week.

## 5. PROJECT ACTION ISSUES:

### A. South Whidbey Harbor:

#### 1. City Coordination:

- a. Property Transfer Process: Ed reported good progress made on the draft Amendment to the InterLocal Agreement (ILA) (**EXHIBIT G**) including input and review by Jenny Barrett of Barrett Escrow and Port Attorney Al Hendricks of Hendricks & Bennett. There were problems with the Title Report and Barrett is working on correcting those, but the “gory details of the property transfer seem to be moving ahead okay as far as the properties that we can control;” however, the Department of Natural Resources area is a different situation.
  
- b. Department of Natural Resources (DNR) Status: Dane said they are continuing to work with DNR to figure out the lease situation. The most recent communication leads him to believe DNR wants the City of Langley to sign the proposed lease that they have refused to sign for the past few years, and then turn over the harbor to the Port under that lease agreement. Dane said they would continue to work with DNR to try to get them to close out the lease with the City and open a new one with the Port. Ed said Larry Cort, Director of Community Planning, is preparing a letter to DNR informing them that the City will be “out of the marina business” on December 31, 2008, so they will not be making any lease payments after that date. Commissioner Slinden asked if the lease issue would hold them back from making the transfer, and Dane said they’ve actually pulled the leases out of the ILA. That was primarily because according to DNR, the City doesn’t have the right to turn over that area without a valid lease.

Ed said the Amendment includes a new statement that the City and the Port requests, authorizes and directs DNR to resolve the lease issue. When finalized, the ILA Amendment should enable everything but the DNR property to transfer from the City to the Port on January 1, 2009.

Commissioner Seitle recalled that the Port and City had a friendly and cooperative meeting with the DNR representative last year. It is his understanding that the City had a valid lease until 2003 when DNR sent a letter of extension. The City chose not to execute the extension but to continue making the lease payments, because the City attorney felt some of the lease provisions were onerous. Commissioner Seitle stated it is important that the matter be settled not only with respect to the existing lease, but also with respect to the waters added in Phase I and Phase II of the marina expansion. He said they would need a new metes and bounds area for the new lease. Ed noted that the Port notified DNR of the added lease areas for the temporary placement of the breakwater to DNR some 6 or 7 months ago, but DNR has not even been able to figure out that payment yet. Commissioner Seitle recommended that Ed write a letter to DNR for signature by the Commission requesting a meeting to bring clarity to the issue once and for all. He felt that would be a way to break through the bureaucracy, since “it certainly doesn’t seem to get anywhere with staff contact.” Dane said they are making some progress under the “ticking clock” and by taking it to the “full court press” and calling them every day, etc. Another factor is that the City will no longer make lease payments after December.

Commissioner Slinden didn’t think another meeting with DNR was necessary. Dane explained the expectation was that DNR would follow up on the commitments they made at the last meeting, but they haven’t. He said Staff is now “running point” on it.

Commissioner Seitle felt the only way to deal with the bureaucracy at DNR was to “do it in writing.” Ed said he would write a letter. Dane said he was cautiously optimistic they would get something done by the end of the month.

Commissioner Seitle asked if they would be dealing with both the present lease, including the waters occupied by the breakwater and also the Phase I expansion area. Dane said Staff is currently dealing with getting a lease for the existing marina, with the knowledge that there may be a future expansion. Commissioner Seitle said they should settle the entire issue at one time. Ed explained that DNR recommended against that – the Port needs to resolve the lease issue of the existing marina now, and then the expansion lease would be relatively straightforward later. Dane added that the Port doesn't yet know the size and specific area to be expanded.

Commissioner Slinden thinks it is just a matter of the City closing out its lease, and then the Port can establish a new lease with DNR with the legal description to be determined when the scope is defined. Commissioner Seitle felt it is actually more complicated because the Port has to deal not only with the lease of the expansion area (which he thinks needs to be in place as part of the permitting activities), but also with the issue of the disposition of the sunken tire breakwater (which becomes a liability and must also be included in discussions with DNR). Commissioner Slinden reiterated that the existing lease with the City needs to be closed, and then the Port can establish its lease with DNR with whatever parameters are defined.

Commissioner Seitle said his understanding is that the existing lease can be closed by the simple effort of the City signing the extension. Then that lease can be transferred to the Port. He feels the Port should urgently request further discussions with DNR. At this point, he believes the City doesn't really have any exposure by signing the lease in November since it will transfer to the Port in January. City Council Member Jim Recuperero said it was very confusing, and Commissioner Seitle explained that the City of Langley does not have a current lease because it chose not to sign the lease extension, but the City continues to make the lease payments. DNR expects an executed lease in order to transfer to another party. He believes DNR said they can't close a lease that “isn't in existence.”

Commissioner Slinden said the City needs to work it out with DNR. Commissioner Seitle said, “The point I made is that we need to ask the City to execute that lease.” Dane explained that the City is operating under the original lease and an extension of that original lease. Commissioner Seitle said the City is operating under the lease, but it didn't sign the lease and Dane said the City signed the lease in 1963 and the City is operating the marina under that lease. The original lease was extended in 1973, and again in 1983 for 20 years. In 2003, the lease technically expired, but in 2005 the City and DNR signed a Letter of Extension on the original lease. The harbor is currently being operated under that extension of the 1963 lease. Commissioner Slinden asked, “How long was that extension for?” Dane explained the letter stated, “The City will operate under the existing lease until a new lease is signed.” Commissioner Seitle said, “The fact is there is no lease that is executed by the City and therefore it can't be transferred.” Dane said no, they are still operating under the original lease and its extension until a new lease is signed. Commissioner Seitle said for anything to happen, the City has to execute the lease. Dane said they would follow up with DNR later this week and report back to the Commission. Commissioner Slinden felt that

Commissioner Seitle's solution was over-simplified and they should let the Port's legal counsel and the City's legal counsel and DNR work out the details.

Commissioner Tapert said with only 6 or 7 weeks to go before the transfer, there isn't much time left to have the City sign a lease when they are authorized to operate under the 1963 lease. He is concerned that if the Port gets a new lease instead of transferring the City's 1963 lease, the Port might be encumbered with additional restrictions and/or obligations that haven't been identified yet. He would like to find out what the City's attorney didn't like about the 2003 lease extension. Dane agreed – they want to see the old draft lease.

Jeff VanDerford of the South Whidbey Record asked, "Physically, where is the draft lease? Does DNR have it? Does the City have it?" Commissioner Tapert said the City must have a copy, and Dane explained that the Port is not involved with it. Commissioner Seitle said DNR must also have a copy.

Commissioner Seitle concluded that the Port needs to "put more push" on the matter and Staff agreed. Dane said he would report any progress at the next meeting.

- c. Draft InterLocal Agreement (ILA) (EXHIBIT G): Ed said he had just completed the draft this afternoon and a copy was placed in the Commissioners' folders. He revised the format at Port Attorney Al Hendricks' request. It will be submitted to the City in the next day or so. The only change is that it separates the legal descriptions, etc. Jenny Barrett of Barrett Escrow said she will record the original InterLocal Agreement and this Amendment to the InterLocal Agreement simultaneously, which will clear up the legal description problems and some of the discrepancies in the original ILA.

Commissioner Seitle said as they had discussed before, the Amendment doesn't include the disposition of the tideland leases. Ed said it can't include that, because neither the City nor the Port can control that. The Amendment is simply to clean up the property exchange so the transfer can be completed. Commissioner Seitle said the tideland leases are in the City's possession and just like the uplands, they are a part of the transfer. Ed said the Port can't force the City to solve the tidelands issue; however, the Port can complete the transfer of all properties that are non-controversial and non-tidelands. If the Port needs a second amendment to include the tidelands, they will, but this Amendment completes the first part and "cleans up several dangling ends."

Commissioner Seitle asked if Ed had discussed the tidelands lease issue with City Planner Larry Cort. Using a map of the harbor, Ed indicated all the area that is included in and covered by the InterLocal Agreement and the title document transfer that Barrett Escrow is working on. The tidelands are included in that area. Commissioner Seitle asked if the metes & bounds includes the tidelands, and Ed said yes, and the metes & bounds descriptions for the entire parcel are included in the new Amendment as attached exhibits. Commissioner Seitle asked if Ed was assuring him that the tideland leases owned by the City in front of the Puma/Schell property are part of the transferred property to the Port and Ed replied, "That's what is stated in the title document." Commissioner Seitle said, "Okay, then I have no problem with it."

Ed said the ILA Amendment would come up for formal action at the Port's December meeting, and at the City's meeting as well. Barrett said if it is done in the first two weeks of December, there will be no problem getting it recorded by the end of December.

2. Harbor Operations:

- a. Harbormaster Start-up: Ed introduced Rick Brewer, the Port's recently hired Harbormaster who started work on November 3<sup>rd</sup>. Rick has been looking at the conditions at the marina and working on the regulations. Ed hopes to have a draft Harbor Regulations to the Commissioners soon. The intent is to be able to operate out of an office near the marina in December.
- b. Harbor Regulations: Draft discussion (for December approval): Ed noted it would be on the agenda for the December meeting.
- c. Harbormaster Office: Unit C in Drake's proposed: Ed described the proposed Unit C on the north side of the Drake's property with its own driveway and parking spaces. It's an L-shaped room with a bathroom and the Drake sisters propose a six-month lease for \$1,000/month. Commissioners Seitle and Slinden felt the rent was too high, and Ed noted it was the same as the amount budgeted - \$12,000/year. Commissioner Slinden said although he liked the Drake sisters very much, their facility has never been fully occupied and he "would not go for \$1,000/month for a room rental." Commissioner Slinden agreed it was too high and suggested looking at other alternatives, including a trailer and other potential nearby buildings. Commissioner Tapert said the Port doesn't seem to have much of a choice in the short term, and asked if a month-to-month lease would be possible. He added that it does seem high, but it is waterfront property in Langley, and if comparables were done they might find out \$1,000 is actually a low figure. Commissioner Seitle recommended that Staff "go back to the drawing board" on the matter, and the Board agreed.

3. Project Scope and Design:

- a. Commission Direction for Project and Design/Permit Scope: Commissioner Seitle said the question is whether to continue with Art Anderson Associates or another engineering firm from the list of potentials provided to the Board earlier. He is looking for a firm with marine engineering capacity. Commissioner Slinden suggested the Board should first discuss the project and design/permit scope. She would like to revisit the whole plan.

Commissioner Seitle said the Port needs to establish the precise boundary of the DNR-leased area that would be required, and that would be an engineering task. Ed asked, "For what project?" Commissioner Seitle said it would be for Phase 1A – the positioning of the breakwater, and Commissioner Slinden said she is suggesting they revisit the design of Phase 1A. Her question is: What is our project? In her opinion, the Port needs to work on the uplands as agreed in the ILA and they should revisit the design and relocate it to a semi-permanent location. She thinks they should abandon any other phases until the Board has an idea of when and how the marina expansion will be accomplished. Commissioner Tapert agreed; they first need to know what funding they have in order to determine the scope of the project.

Commissioner Seitle said the City has agreed to Phase 1A, and since the Port is required to move the breakwater, he believes it should be located where it would have been if they had gone forward with the full project. Commissioner Seitle said they would need "a hard engineering design" for that, but it would not be wasted money – because even if the Port doesn't get funding for the full Phase I, they will have established an additional moorage facility that they've already made a major investment in. Commissioner Slinden questioned whether that is actually the best,



most cost effective location for the breakwater if they don't get any funding and don't do Phase I. As far as cost factors for the "Plan B/bare minimum" project, Ed explained the biggest variable is what it will take to build the connector, because if it is shorter and/or aligned differently, the cost will change. He believes it is worth looking at reconfiguring it in order to bring the costs down.

Commissioner Seitle said if the location is changed, all the work that has been done so far would be thrown away and the whole thing would have to be completely redesigned. If they assume there will be no further expansion of the marina, then it becomes a matter of just depositing the breakwater somewhere and he would just as soon sell it. Commissioner Slinden disagreed, because the breakwater would still provide functional, useful moorage for larger vessels in Langley. She believes the Board needs to really look at the costs, and if shifting the breakwater location brings the costs down, the breakwater is still an asset that will provide economic benefits to Langley.

Commissioner Seitle said they don't have any idea of the potential costs until more work is done on the project. He thinks the \$2.8 million Phase 1A/minimal project (positioning the breakwater, providing ADA access from it to the shore, etc.) is too high. Commissioner Slinden said that the voters had rejected that plan. Commissioner Seitle asked if Commissioner Slinden was willing to vote tonight to abandon the plan and she answered, "No, I didn't say that." Commissioner Seitle said, "If you are saying tonight that we're going to come up with a new scheme for putting this breakwater somewhere...that is new engineering, that is a non-recurring cost, that will never be recovered...that makes no sense to me from a technical or financial point of view. However, if you say the Port is never going to expand the marina and is never going to use the breakwater as part of the expansion of the marina, then that is starting from a completely new situation." Commissioner Slinden said she would not use the word "never." Commissioner Seitle argued that the breakwater has to be put somewhere and the hard engineering work has to be done, and you would not want to do that unless you were placing it in a permanent location. Commissioner Slinden explained it would be placed where they wanted it to be for an indefinite period of time, in an affordable manner so they can actually do it.

Commissioner Seitle said they have a plan that has been discussed with the City, and it will eventually come about in some fashion, in maybe two years or five years. Maybe the Port will get .09 money or other grants, but the Port does have sufficient funds to pay for the engineering to place the breakwater where it is supposed to be for the expansion.

Commissioner Tapert said he is resistant to giving a scope of work to an engineering firm when the Board doesn't really even know the full scope. He noted they also have a deadline of early 2009 to submit a plan for the breakwater's location to the Department of Fish And Wildlife. He feels they need to wait for the Council of Governments (COG) to make their decision on the Port's grant request. Once the Port knows how much money they have to work with, that will determine the scope. If the Port gets the grant money they should move forward with the breakwater's permanent location as the viable approach, even if it is not connected. Commissioner Slinden asked if he would rather see it "floating freestanding" if it's a limited amount of money, and he said, "Yes, I really don't want to do anything twice" (i.e. moving the breakwater). Commissioner Seitle said she would like shore access to the breakwater

so Langley could reap some of the benefits from it, as well as the Port (through additional moorage revenue, etc.). Commissioner Tapert agreed, but only if they could afford it. He said they won't know if it is affordable until the COG responds to their grant request. If the funding is approved, he said they should move forward and Plan B would be the scope of work. If they don't receive the grant, then all options would be on the table, including selling the breakwater. Commissioner Slinden said that's why she believes they should anchor it some place where it is useful if they can't afford to do anything mover. Commissioner Tapert said he's not sure the cost would be less if the breakwater was moved closer to shore.

Commissioner Seitle said he considered the engineers' estimates to be "not credible" and he has no confidence that they are correct. He thinks they should revisit it, and the only way to find out the expected costs is to do a limited amount of hard engineering. He said all they have to date, with the exception of the subcontract work, is soft engineering. He thinks they need to select a new engineer to go back and validate the general layout of Phase I, design the location of the breakwater in Phase 1A, and provide an engineering opinion estimate on the connector. He said the Port has enough money to do that engineering. Commissioner Seitle said they also need to do the engineering work on the boat ramp and the uplands, and a local civil engineering could do that – they don't need a marine engineering for that. Commissioner Slinden said she didn't disagree with separating the two out, but she asked the Staff if there was any reason they shouldn't use two different engineering firms. Dane said from a financial perspective, there are additional costs to managing two different projects with two different engineering firms. Commissioner Tapert said the uplands project is pretty straightforward, so he doesn't see any problem with separating the two projects. He is more concerned with meeting the WDFW deadline. He said they should also have a plan in place and work completed on improving Phil Simon Park prior to the next boating season if at all possible. Commissioner Slinden said if they separate the two projects they could start work on the uplands immediately, but they can't make a decision about the "over water" project until they know what they can afford. She suggested deferring that part of the discussion until the next meeting and Commissioner Tapert agreed.

- b. Engineering Design Team Direction: Commissioner Seitle said he reviewed the list of engineers provided by the Staff, and concluded there were a number of potential firms they could work with, provided they have reasonable rates and are willing to do the hard engineering – no more conceptual stuff. He said is tired of conceptual stuff – he wants to see what the anchorage looks like. He chose two possibilities: Reid Middleton or PND. Commissioner Slinden said she doesn't want to waste any more money on engineering until funding and scope are known, and thinks they should hold off on choosing an engineering firm until then. Commissioner Tapert said they could at least get some preliminary proposals from engineers between now and December. Commissioner Seitle thought they should discuss the project in detail with selected firms and find out their costs. Commissioner Slinden asked if AAA would be "left in the mix" or not, and Commissioner Seitle said no, because they are expensive and their office is too far away. Given their familiarity with the project and the fact that they designed the breakwater, Ed encouraged the Board to consider Reid Middleton. At her request, Ed explained that according to Port Attorney Al Hendricks, the Commission's review of the roster of engineering firms would be an adequate review to constitute a quality based selection of a large number of firms and their qualifications. He noted

that cost can be a factor, but it can't be the only factor. Commissioner Slinden agreed that Reid Middleton was the preferred choice.

Commissioner Seitle wanted a closer cost estimate on positioning the breakwater and doing the connection at the very, very minimum. He thinks the cost of engineering that plus the boat ramp is first priority. Ed suggested he could contact Reid Middleton and see if they could put together a project team that could meet with the Board. Commissioner Tapert said another benefit of using Reid Middleton is that they are already somewhat familiar with the project because they performed the peer review. Commissioner Slinden said she would like to talk to them, but she doesn't want to spend any additional money on engineering until they have direction as to affordability and Commissioner Tapert and Commissioner Seitle agreed.

Regarding the boat ramp, Commissioner Seitle said the permit process is the only thing preventing the Port from completing that project, and they should determine if the City's permit is still valid. Ed said that a relatively limited uplands project (moving Phil Simon Park, new gravel for parking, minimal landscaping) is a relatively straightforward project that can probably be permitted simply through the City of Langley. When the boat ramp is included, it becomes a considerably more complicated project with contract and permit issues. Ed said he prefers to roll the boat ramp project into a bigger project and keep the "glorified maintenance" project separate. The Board agreed there should be some minimal landscape design for the Park, etc. For the boat ramp, Commissioner Seitle said he wanted to know if they get the City's permit reactivated. Dane said the permits are typically valid for 5 years, and Commissioner Slinden noted that if there are already plans and a permit in place, then they don't need an engineer – they just need a contractor to build it. Ed cautioned that the City's boat ramp plans were "not great" and would need review and evaluation. He said he would get copies of those to the Commissioners prior to the December meeting so they could discuss it then and hopefully make some directional decisions.

c. Permit Specialist Confirmation: This agenda item was not discussed.

4. Funding Opportunities: Staff presented the following four opportunities for funding, in generally decreasing order of probable success.

a. RCEDF Status: The application was presented to the COG at their September meeting. The October meeting was cancelled, and Dane believes the November meeting will possibly be rescheduled. Regarding the funding request, the Port is "in a holding pattern" until COG reaches a decision. He will keep the Board informed. Ed said in the meantime, it is important that the Commission let the members of COG know how important the funding is to the Port. Commissioner Tapert said he would contact Island County Commissioner John Dean and/or Mike Morton of Island County to get more information about the COG's meeting schedule and agenda items.

b. Federal Opportunities: Dane said he would attend the November 17<sup>th</sup> Workshop led by staff from Senators Murray and Cantwell in Bellingham.

c. Island County Hazard Mitigation Plan Update:

i. November 13 Kick-off Meeting: The Port's projects are required to be prioritized as part of the mitigation plan in order to get FEMA-funding or other hazard-oriented funding. Dane will attend the meeting. Commissioner Slinden asked if

the mitigation only involved Langley and if the contract signed with Dane tonight applied only to work done regarding Langley. Dane explained the contract states he can work on any Port projects as defined by the Port Manager, not just the Langley project.

ii. New Initiatives: Deep-water Access, Facility Monitoring, Emergency

Coordination: Ed explained that the previous initiatives in the Hazard Mitigation Plan were for rapid ramp cleaning and for hardening the Port's facilities against disaster situations. In the extended process of prioritizing the plan, it became obvious that the ramps would be way down the list as far as something that would be valuable in terms of short-term response and recovery, whereas the deep water access would be "huge." Therefore, Staff proposes the reprioritization of the critical initiatives and identification of the deep water access as well as the facility monitoring (Webcam, security system, etc.) as high priorities, which would potentially qualify for FEMA-type funding. Commissioner Slinden asked about the fireboat, and Ed said that is included in the 3<sup>rd</sup> initiative - Emergency Coordination. The mitigation plan is general, but 2 of the 3 initiatives are centered on Langley. Commissioner Slinden volunteered to be the Commissioner involved in the Hazard Mitigation Plan.

d. Is. Co. Public Transit/ Human Services Plan:Dane reported that in order for the Port to be a reasonably valid applicant for any federal transportation monies, the Port has to be part of a Public Transit/Human Services Plan. That Plan was originally drafted by Island Transit and needs to be ratified by the RTPO before it goes before the Island County Board of Commissioners. Dane explained it is fourth on the list because it has the lowest possibility of success for funding. Commissioner Slinden said she has an established relationship with Martha Rose of Island Transit, so she would be happy to work with Dane and Rose on the transportation issue.

**B. Freeland Park:**

1. Dock Repair/Replacement Coordination with Island County: Ed reported he had not heard anything back from the County. Rex of Greenbank Metalworks will complete the emergency repair work on the end unit during a low tide this month. That repair should "get us through the winter." They will look at it again in the spring.

**C. Webcam and/or Website Upgrade:**

1. Funding Opportunities: Since there are possible funding opportunities, Ed recommended looking into those further prior to spending any Port money on webcams and the Board agreed. He said there would be an update to the website after the 1<sup>st</sup> of the year to add the marina info, but it would be very limited until "we know where we're going with it."

2. Webcam and/or Website Update: Reported above.

**D. Bush Pt. Boat Launch:**

1. Manager Hiring Status (also note overall work assignments under review): Ed reported that Harbormaster Rick Brewer and Possession Park Managers Wayne & Laura Nance had attended a staff meeting last week, and the Staff had reshuffled several tasks (restroom cleaning, etc.) in order to cover Clinton Beach and Bush Pt. in the near term. The Nances are putting together proposals on taking over some of the jobs that outside contractors are currently doing. Regarding the manager position, the candidate from Astoria is considering

it and might come up to the area next week, but there have been no commitments made either way. Commissioner Seitle said they found Mike McCarthy by advertising locally so why couldn't they do that again? Ed said they could, but it seems they already have one competent applicant identified and he'd like to see if that's a possibility before going through another search. He told the applicant that if he does come up to the area, the Freeland and Clinton Commissioners as well as the Harbormaster would like to meet him.

## **6. ACTIVITIES/INVOLVEMENT REPORTS:**

**A. Economic Development Council (EDC):** Nothing new to report.

**B. Council of Governments (COG):** The October meeting was cancelled.

1. Next meeting TBD!

**C. Skagit-Island Regional Transportation Planning Organization (RTPO):** Nothing new to report.

**D. Marine Resources Committee (MRC):** Commissioner Slinden noted that she had forwarded copies of the MRC minutes to the Commission.

**E. Washington Public Ports Association (WPPA):**

1. Designation of 2009 WPPA Trustee and Alternate: Commissioner Seitle said he is currently tasked with that position and it doesn't require much involvement – there isn't much for a representative of a small port like ours to do. Commissioner Slinden disagreed. When she was a trustee, she had attended a trustee meeting that established future topics for WPPA meetings and identified subjects of concern along with general issues for WPPA. Those trustee meetings give the Port an opportunity to comment. Commissioner Seitle said this year's trustee meeting issue was the readjustment of WPPA's fees, but that's the only thing he did as trustee – there were no meetings that required attendance. Commissioner Tapert said he would be the Trustee for 2009 and Commissioner Slinden agreed to be the alternate.

2. Seminars:

a. BARS Accounting for Small Ports – Molly's Summary: Molly reported the seminar was very helpful, and she was able to verify that all the coding changes to last year's annual report were correct. The State Auditors Office publishes the information gathered from the annual reports and they demonstrated how useful their website is in researching the financial history of your own entity as well as comparing it to other similar entities. She encouraged them to look into that website. Molly said the SAO reported that 14 of the state's 76 ports had not filed their 2007 annual report. She also noted that her fellow attendees were impressed that she was the only individual who represented not just one, but two ports.

b. Small Ports Seminar – Dane's Summary: Dane referred the Commission to their copies of the presentation on the Open Meetings Act and Public Records Act. He said it was the best presentation of the seminar and provided very useful information. The Port of Bellingham was a good example of how port districts can work with those Acts – they have a Reading Room on their website containing all Port documents, so whenever they receive an information request they refer the person to the website. Dane said with all the changes to the Port (taking over the marina, hiring of

harbormaster, moorage revenue, etc.), these would be potential areas of concern from the State Auditor's perspective. Staff is working on making sure it is all done correctly, and the seminar provided a good outline from the State Auditor on how to go about doing that, including policies on handling cash, etc.

c. Annual Meeting – Wed. & Thu. November 19-20 in Tacoma:

d. Vital Legal Tools (Legal Parameters for Economic Development, Port Legal Protections – Tues. p.m. on November 18 in Tacoma:

e. AWS/WPPA Seminar of Open Meeting & Public Records Compliance – All day December 3 in Mount Vernon: Since Dane had already seen an excellent presentation on the same topics earlier, the Board agreed it was not necessary for Ed or Dane to attend this seminar.

**F. Community Trade & Economic Development (CTED):** Nothing new to report.

**G. Holmes Harbor Shellfish Protection District (HHSPD):** Nothing new to report.

**H. Puget Sound Partnership (PSP):** Commissioner Slinden noted that comments on the Action Plan are due tomorrow night, but it is a huge form. If her fellow Commissioners had any comments, she asked them to email her and she would forward them to the PSP.

**I. Center for Wooden Boats Cama Beach/Whidbey Summer Event (September 5, 2009):** At the Tourism Board's invitation, Commissioner Slinden went to Camano Island to look into this, but she thinks it is probably premature for the Port to get involved with it. They are looking at the possibility of having the marina in Langley as the launching point for sailboat or kayak races. She suggested the Port should wait until the group's 2<sup>nd</sup> annual event before jumping in, and the Board agreed.

## **7. OLD BUSINESS:**

There were no Old Business items.

## **8. NEW BUSINESS:**

There were no New Business items.

## **9. EXECUTIVE SESSION:**


There was no Executive Session.

**10. ADJOURNMENT:**

The meeting was adjourned at 9:20 p.m.


Approved:

  
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Commissioner Rolf Seitle, Langley

  
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Commissioner Lynae Slinden, Clinton

  
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Commissioner Geoff Tapert, Freeland

Minutes prepared by:

  
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Edwin S. Field, Port Manager

- Exhibit A: Voucher Listing
- Exhibit B: Agreement with Consultant Dane Anderson
- Exhibit C: Written statement of David Powers, dated 11/12/08
- Exhibit D: September 2008 Financial Statement
- Exhibit E: 2009 Final Budget
- Exhibit F: Levy Certification and Ordinance/Resolution 08-04
- Exhibit G: Draft Amendment to the "InterLocal Agreement for the Transfer..."