

OREGON INTERNATIONAL PORT OF COOS BAY
Coos Bay, Oregon
REGULAR COMMISSION MEETING
10:00 a.m., Tuesday, October 17, 2023

Port Commission Chambers, 125 Central Avenue, Suite 230, Coos Bay, Oregon 97420

ATTENDANCE

Commission:

Eric Farm, President; Brianna Hanson, Vice President; Kyle ViksneHill, Treasurer; Kyle Stevens, Secretary; and Nick Edwards, Commissioner.

Staff:

John Burns, Chief Executive Officer; Lanelle Comstock, Chief Administrative Officer; Mike Dunning, Chief Port Operations Officer; Megan Richardson, Director of Finance and Accounting; Matt Friesen, Director of External Affairs; Rick Adamek, Director of Asset Management; Ray Dwire, Interim Charleston Marina Manager; and Laura Fortin, Administrative Assistant.

Media & Guests:

Bill Bouska, Georgeann Hoeger, Michael Graybill, Kyle Cox, Anne Donnelly, Nancy Brown, Sue Gollihur, Diana Francis, and Amy Murphy.

1. CALL MEETING TO ORDER

President Farm called the meeting to order at 10:00 a.m.

2. INTRODUCTION OF GUESTS AND PORT STAFF

3. PUBLIC COMMENT

Ms. Murphy from Coalbank Slough said she wanted the Board and the Port staff to know what is happening with the Slough. Ms. Murphy, speaking for landowners on the dike, said no one was notified of the laws being passed to deem the waters to be unnavigable. Ms. Murphy stated that she is the Superintendent of the Diking District and said she has spoken to every member, and she has been told none of them had received any notice. She said there was a grant awarded in 2017 for walkways and a boat ramp, she claimed that the city had walked out on the project, and she did not know why. Ms. Murphy said the Coast Guard informed her it was because the Port wanted to put in a flat span bridge and deem the waters unnavigable. Ms. Murphy said the Dike District is seeking help from the Port. She said if and when the dike breaks it will flood all their properties and homes.

Ms. Francis from the Coalbank Slough area said she has the largest property in the Dike District. She said she does not have the capability to fix her part of the dike and she did not receive any notice regarding the slough or the dike.

Ms. Donnelly said her concerns are that it appears that past Commissioners did not fully discharge their fundamental responsibility to oversee how assets are allocated, for the benefit of the residents of this district, and the consequences of the allocations. Ms. Donnelly said the board makes policy, operations

does operations, and the Board should be looking to see if the policy or operations need to be changed. Ms. Donnelly said the Terminal Project is not for the benefit of the local economy; she said it is about using local tax dollars to benefit other entities elsewhere in Southwest Oregon. She said an article in the Daily Journal dated December 2003 read the longshoreman's union were pushing to build a marine terminal to deter the loss of jobs. The study done by the Port Commission at that time showed the terminal would not generate jobs here, it would instead generate jobs elsewhere, so the Commission was against the terminal. In December 2003, the Governor removed the entire Port Commission and replaced them with Commissioners who wanted to make the Governor happy, which was to build a terminal based off the union's pressure. Ms. Donnelly said the local public are paying taxes to subsidize the creation of a terminal that has no benefit to the local public in terms of employment. Ms. Donnelly said there has not been any data or reports shared with the public regarding the claims to increase jobs and economics to the area due to the Terminal being built. She said the Port has refused to release the MEGA grant application, which the public is entitled to see and she questioned what the Port is hiding. Ms. Donnelly said she recently reviewed academic research papers regarding economic impact of container terminals, which she found that container terminals do not have a significant impact on the port community in which it is located, but instead benefits the inland areas where there are manufacturers. She said there is nothing that suggests this project would benefit the local community as the Port has never identified a port within the country that has successfully transformed itself from a small local exporter to a port with a container terminal, nor is there any evidence of a container terminal operating successfully with a single rail line. Ms. Donnelly questioned what the Port is doing with its assets and why are they not serving the local community, when other long owned Port property is left to rot.

Mr. Gollihur said he wanted to reiterate the previous comments of his Coalbank Slough neighbors. He said the bridge that was built does not allow passage under it, no barge or equipment can get up the slough to help the property owners if there is some sort of emergency. He said he did not receive any mail regarding the building of the new bridge changing the status of the slough to being non navigable.

Mr. Graybill claimed he had made several attempts to make a meaningful dialog with the Port to establish a line of communication. He said he does not see that there is a mechanism for such dialog. Mr. Graybill said the lack of transparency, the mode of doing business of the Port, and the unresponsiveness to matters of public interest are a concern of his. Mr. Graybill said as a Special District, the Port should be accountable to district taxpayers. He suggested the Commission consider establishing a public advisory committee similar to the advisory committee established for the Charleston Basin area, for a broader spectrum of all Port matters. Mr. Graybill said the Port is legally bound to have a strategic plan, as the current plan is scheduled to expire in 2025, he suggests the Commission start with a clean slate to devise a new plan. Mr. Graybill said he thinks the Port should have an asset management plan in addition to the business plan.

Commissioner Farm thanked everyone for their comments and explained the Commissioners are volunteers and all have outside full-time employment. He encouraged the public to seek answers to their questions and concerns from the Port staff and not the Commission directly. Mr. Graybill replied that the public is not accountable to the Port staff, the Commissioners are, and the Commission is also accountable to the public. Mr. Farm said he did understand, however the staff is paid to answer questions. Mr. Graybill suggested the staff be instructed to respond to the public. Ms. Donnelly said they are asking the Commission to ensure the staff are doing what they are assigned to do. Mr. Farm informed that there are efforts being made to address these issues.

Commissioner Hanson added, she had heard two issues going on: the first being issues that come up that need to be followed up on, and the second being general communications. She said this has been

discussed historically and the Commission has asked Port Staff for a Communications Plan. Commissioner Hanson said this is the next topic on this meeting agenda.

Mr. Burns read a public comment from Mr. Ed Flemming for record. Mr. Flemming's comment was in regard to the proposed new security gate being planned for the Charleston Marina Complex. Mr. Flemming was concerned that the gate would prevent a safe exodus in case of an emergency Tsunami evacuation. Commissioner Farm said staff will be in contact with Mr. Flemming to discuss his concerns and suggestions for increasing security.

4. COMMUNICATIONS PLAN UPDATE

Mr. Burns provided an update on the Communications Plan. He said after just hearing the public comments, communication needs to be a two-way process. Looking at the communication goal, the intent is to develop ways to create an atmosphere to inspire community engagement. Mr. Burns said there will be communication on a regular routine basis and larger project basis. He said the necessary components to make the process work efficiently include the hiring of Matt Friesen as the new Director of External Affairs. Mr. Burns asked Mr. Friesen to introduce himself to the Commissioners.

Mr. Friesen said having just started a day ago, he is getting up to speed. He said he has been working in public affairs for the past 15 years, and the past three years he worked in Senator Anderson's office. He said he focused on coastal issues in the office and the State. Development of the Communication Plan is a two-way street, listening, learning, and using the information to inform and be responsively transparent with community stakeholders.

Mr. Burns said the next component in the communication process is to hire a specialist for content and to find the best way to get information out to the local and state public that is understandable to the public. Additional resources will also be dedicated to the public communication process. The Port has also started a new website in the effort to create these new communication opportunities. He said Ms. Comstock will speak about the new website.

Ms. Comstock said redevelopment of the Port's website is to enhance communication, outreach, and transparency to the general public. She said the current website is outdated and difficult to navigate. She said three website development firms specializing in governmental entity websites were solicited to develop a new website. The comparisons came in very similar, so the final decision came down to the price. Streamline, a website development firm that works solely with Special Districts, is the website developer staff chose to work with. Ms. Comstock said the new site is easy for staff to maintain and it has a help desk for public communication. The new site has functionality for public inquiries and includes a contact form that is emailed directly to the appropriate staff. Commissioner Stevens asked when the new site will go live. Mr. Burns answered that it will be live no later than November first. Mr. Stevens said staff needs to be sure all questions from the public are answered. Commissioner Hanson asked if Commissioners would receive a monthly report on the communications trail.

Mr. Burns said an advisory committee for the Terminal Development project, known as the Community Development Alliance, will also be created to ensure the impacted community can provide input on the project. This will be a group of about 20 people put together to bridge communications with the public.

5. CONSENT ITEMS

A. Approval of June 6, 2023 Work Session Minutes

- B. Approval of August 15, 2023 Regular Commission Meeting Minutes
- C. Approval of August 25, 2023 Special Commission Meeting Minutes
- D. Approval of June, August, and September Invoices
- E. Approval of August and September Contracts Awarded
- F. SDIS Best Practices

Upon a motion by Commissioner Hanson (second by Commissioner Edwards), the Board of Commissioners voted to approve the June 6, 2023 Work Session Minutes, the August 15, 2023 Regular Commission Meeting Minutes, the August 25, 2023 Special Commission Meeting Minutes, the June, August & September Invoices, the August & September Contracts Awarded, and the SDIS Best Practices. **Motion Passed Unanimously.**

6. MANAGEMENT REPORTS

All Management Reports were included within the Meeting Packet.

7. ACTION ITEMS/REPORTS

A. 2023Res12: Ratification of Declaration of Emergency–Timber Bridge Repair at MP 739.14

On September 12, 2023, Port staff was notified by the staff of Coos Bay Rail Line of an immediate need to replace five damaged caps to the bridge at MP 739.14 which was affecting the useability of the bridge.

Until permanent repairs were to be made, rail service would be interrupted. Without timely repairs, CBRL customers would have been without service for an excessive amount of time.

On September 15, 2023, Chief Executive Officer John Burns declared an emergency and authorized the Port to enter into a sole source contract with Scott Partney Construction to perform the cap's replacement to resolve this emergency condition. Scott Partney Construction has extensive construction knowledge of timber bridge repairs and had the ability and work force to repair the bents in the time frame necessary to limit the rail down time. The contracted total price of the project was \$62,408.00.

Scott Partney Construction replaced the caps, and the bridge was placed back into service on September 21, 2023.

Upon a motion by Commissioner Edwards (second by Commissioner Hanson), the Board of Commissioners motioned to adopt resolution 2023Res12 ratifying the Declaration of Emergency for emergency cap replacement at bents #8, #9, #28, #31, and #32, to the timber bridge located at MP 739.14. **Motion Passed Unanimously.**

B. Waste Connections Lease of Suite 400

On August 21, 2023, Waste Connections of Oregon and the Oregon International Port of Coos Bay signed a one-year Commercial Lease Agreement, for Waste Connections of Oregon to lease the fourth floor of the Hub Building, also known as Suite 400 or the Penthouse.

The fourth floor of the Hub Building is approximately 3,122 square feet and includes 561 square feet of common space (hallways, elevators, shared restrooms, etc.). The negotiated rate for the one-year agreement is \$3,700 per month.

If Waste Connections chooses to extend their lease past August 2024, the agreement may be renegotiated with any changes to the lease rental rate or any other necessary provisions within the agreement.

Upon a motion by Commissioner Hanson (second by Commissioner Stevens), the Board of Commissioners motioned to ratify the execution of a one-year lease agreement with Waste Connections of Oregon to lease Suite 400 of the Hub Building. **Motion Passed Unanimously.**

C. 2023Res13: ODOT Acquisition of Port Property for ADA Cub Ramps

The Oregon Department of Transportation is conducting an ADA curb ramp project along highways US101, OR241, and OR540. As part of this project, ODOT needs to acquire 336 square feet in Fee (transfer of ownership rights) and 63 square feet of temporary easement of Port property located along Chamberlain Street adjacent to the Terminal One property. A map and photos of the property were provided with the backgrounder.

ODOT is offering compensation of \$1,300 for the property. ODOT claims the determination of compensation for the needed portion of Port property was made by a qualified appraiser based on market information.

Per the Terms of the State's Offer, the state will pay recording costs, title insurance premiums, and other normal costs of sale; there will be no changes to the public utilities to the property; access to the remainder property will remain the same; and all improvements located in the temporary easement area will be protected in-place or replaced in kind.

The temporary easement for work area will be used to allow construction access to aid in setting forms and for work area to complete ADA curb ramp construction. The temporary easement rights terminate after 3 years or upon completion of the project, whichever is sooner.

The project duration is 3 years with construction set to begin in late 2023 to early 2024.

ODOT's acquisition of this property is anticipated to have no impact to the Port.

Upon a motion by Commissioner Hanson (second by Commissioner Edwards), the Board of Commissioners motioned to adopt resolution 2023Res13 authorizing Chief Executive Officer John Burns to execute a Warranty Deed with the Oregon Department of Transportation, conveying the fee title of the subject property on Chamberlain Street and granting a temporary easement for a work area, as outlined within the Warranty Deed. **Motion Passed Unanimously.**

8. NEXT MEETING DATE – Tuesday, November 21, 2023, 10:00 a.m.

9. ADJOURN

President Farm adjourned the meeting at 10:54 a.m. and entered into Executive Session to:

- (d) conduct deliberations with person designated by the governing body to carry on labor negotiations;
- (e) conduct deliberations with persons designated by the governing body to negotiate real property transactions;
- (h) consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed;
- (i) review and evaluate the job performance of a chief executive officer, other officers, employees and staff, if the person whose performance is being reviewed and evaluated does not request an open hearing; and
- (j) carry on negotiations under ORS Chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.