

OREGON INTERNATIONAL PORT OF COOS BAY
Coos Bay, Oregon
REGULAR COMMISSION MEETING
10:00 a.m., Tuesday, August 15, 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; and Nick Edwards, Commissioner, were present. Kyle Stevens, Secretary, was excused.

Staff:

John Burns, Chief Executive Officer; Lanelle Comstock, Chief Administrative Officer; Mike Dunning, Chief Port Operations Officer; Megan Richardson, Director of Finance and Accounting; Steve Bawn, Charleston Marina Manager; Krystal Karcher, Human Resources Generalist; and Laura Fortin, Administrative Assistant.

Media & Guests:

1. CALL MEETING TO ORDER

President Farm called the meeting to order at 10:01 a.m.

2. INTRODUCTION OF GUESTS AND PORT STAFF

Kyle Cox, Tarheel, Giddings & Edge Marine; Ray Sheppard, Carpenters Union; and Jonathan Bates, Carpenters Union.

3. PUBLIC COMMENT

4. CONSENT ITEMS

- A. Approval of June 20, 2023 Regular Commission Meeting Minutes
- B. Approval of July Invoices
- C. Approval of June and July Contracts Awarded
- D. Approval of Monthly Lease Agreements

Upon a motion by Commissioner ViksneHill (second by Commissioner Hanson), the Board of Commissioners voted to approve the June 20, 2023 Regular Commission Meeting minutes, July Invoices, June and July Contracts Awarded and the Monthly Lease Agreement. **Motion Passed Unanimously.** (Ayes: Farm, Hanson, ViksneHill, and Edwards. Nays: None)

5. MANAGEMENT REPORTS

All Management Reports were included within the Meeting Packet.

Commissioner Farm asked Ms. Richardson for clarification regarding the \$2.1 million that did not transfer from CBR, and what implication this might cause. Ms. Richardson explained because CBRL did not meet revenue numbers, they were not able to pay the Port for the excess revenue which in turn means the Port did not have the funds to put into the General Fund. This did not cause interruption in operations as this money was not budgeted for operations but was for future projects.

6. ACTION ITEMS/REPORTS

A. Supplemental Budget Publication Error Testimony (no action needed)

The Supplemental Budget Hearing publication was incorrectly published on the Port's website and in the World Newspaper on June 13, 2023. Due to page printing errors, the bottom half of the notice, which outlined the Dredge Fund, was inadvertently missing from the published notice.

Upon recognition of the error, the notice on the Port's website was immediately corrected, and the Oregon State Department of Revenue was contacted for direction of remedial action regarding the published notice.

Per staff at the Oregon Department of Revenue and per the Oregon Department of Revenue's Local Budgeting Manual, the Budget Officer must inform the governing body of the publishing error in writing and correct the error in testimony at the next regularly scheduled meeting of the governing body after the error is discovered.

No action to the testimony is required. Fortunately, the resolution and backgrounder included in the June Board of Commissioners packet was correct, thus the supplemental budget was accurately approved and adopted by the Port Commission on June 20, 2023.

To ensure publishing errors don't occur in the future, the Budget Officer will be a second reviewer and approver of all publishing proofs before publication.

No action was needed.

B. 2023Res09: Amendments to Port Personnel Policy 14.5: Time off & Benefits

Port Policy Manual Chapter 14: Personnel Policy, Section 14.5: Time Off & Benefits, outlines employee benefits including, but not limited to, the accrual and use of Paid Time Off (PTO), Holidays, Leaves of Absence, and Family Medical Leave. Section 14.5: Time Off & Benefits has been revised to provide necessary clarity and updated best practices, and to reflect updated protected leave laws and the new Paid Leave Oregon protected leave program.

Paid Leave Oregon

In 2019, the Oregon Legislature passed House Bill 2005, which established a Paid Family and Medical Leave Insurance program within the Oregon Employment Department. The program has been branded as Paid Leave Oregon (PLO). PLO provides employees with wage replacement benefits when they need

to take qualified family, medical or safe leave. Both employers and employees pay into the PLO program.

PLO is expected to be in effect September 3, 2023, and a policy is required to be adopted by that time. This draft policy is based on a template provided by HR Answers, a human resources consultation firm teamed with Special Districts Association of Oregon.

Other Revisions

In addition to the PLO policy, other major revisions within Section 14.5, include:

- Juneteenth was added as a recognized holiday.
- Qualifying Purposes for FMLA/OFLA were updated to reflect current law.
- The leave calculation year for family medical leave is changing from “12 months starting with the first day family leave is taken” to “52 weeks beginning on the Sunday before the first day family leave is taken” to mirror the PLO law. This change in policy requires giving employees 60 days’ notice of the change.

Before being presented to the Port Commission, Section 14.5 was reviewed and approved by Port’s legal counsel. The red lined tracked version of the changes, as well as a clean draft version of the recommended revisions, were included within the packet following the resolution.

Upon a motion by Commissioner Edwards (second by Commissioner Hanson), the Board of Commissioners motioned to adopt resolution 2023Res09 amending Port Policy Manual Chapter 14: Personnel Policy, Section 14.5: Time Off & Benefits. **Motion Passed Unanimously.** (Ayes: Farm, Hanson, ViksneHill, and Edwards. Nays: None)

Commissioner Edwards asked if the PLO program was still on track for September third. Ms. Comstock replied yes, at this time, the program is still expected to be on track for September third.

Commissioner Farm asked if there would be anyone who may be impacted by the calendar change? Ms. Comstock said there may be one, however with 60 days’ notice the person should not be impacted.

C. 2023Res10: Amendments to Port Policy 6.6: Disposition of Surplus Personal Property

Section 6 of the Port’s Local Public Contracting Rules, Disposition of Surplus Personal Property, outlines the requirements of the Chief Executive Officer (CEO) to dispose of surplus personal property based on the value of the property.

At the May Commission meeting, Port Staff drafted a revised policy requesting to increase the value of surplus property in which an auction sale is required from \$20,000 to a proposed \$100,000 and to allow the CEO to dispose of any property less than \$100,000 (previously \$20,000) by directly soliciting from any interested buyer. The Port Commission did not approve the drafted policy. The Commission agreed that the increase from \$20,000 to \$100,000 was too much of an increase without enough transparency.

This proposed draft revision to the policy reorganizes the policy and provides better clarification and transparency than the first draft, while increasing the CEO’s authority. The red lined tracked version of the changes was included within the packet following the resolution.

Surplus Property – No Value:

The current policy requires the CEO to identify Port surplus property (regardless of the value, even if no value,) and recommend the means of its disposal to the Port Commission, as the designated Local Contract Review Board (LCRB).

Much of the Port's surplus property has little to no value to the Port or its operations (i.e., old coffee mugs, outdated electronic equipment, old books, worn/broken office chairs, etc.). It is inefficient to bring individual action items to the Commission for the continuous disposal of valueless property.

The drafted revision to the policy authorizes the CEO to determine the methods of disposal of surplus personal property with little to no value to the Port and which does not warrant the cost of conducting a sale.

Surplus Property – Less than \$50,000 Value:

The current policy permits the CEO to sell surplus property valued less than \$20,000 by any method, including direct solicitation. Because personal property values have increased since the 2011 publication date of the policy, the drafted revision to the policy proposes increasing the value from \$20,000 to \$50,000.

In addition, to ensure transparency, the drafted revision to the policy proposes disposition of surplus property valued greater than \$20,000 and less than \$50,000 to be listed in a "Disposition of Surplus Personal Property" memo as a consent item in the next Commission packet following the date of disposal.

Surplus Property – Greater than \$50,000 Value:

The current policy requires surplus personal property greater than \$20,000 to be sold at auction. The drafted revision to the policy requires the CEO to make a recommendation to the LCRB (the Port Commission) to dispose of surplus property over \$50,000, of which must be sold at public auction.

Ms. Comstock provided Commissioners with a red line document with added language to section 6.10 which states: Neither Port of Coos Bay employees, nor family of employees, may acquire or purchase surplus personal property of any value, even no value, without prior LCRB authorization.

Upon a motion by Commissioner ViksneHill (second by Commissioner Edwards), the Board of Commissioners motioned to adopt resolution 2023Res10 amending Port Policy 6.6: Disposition of Surplus Personal Property. **Motion Passed Unanimously.** (Ayes: Farm, Hanson, ViksneHill, and Edwards. Nays: None)

D. 2023Res11: Ratification of Declaration of Emergency: Timber Bridge Repair at MP 751.02

On June 19, 2023, Port staff was notified by the staff of Coos Bay Rail Line of an immediate need to replace three damaged caps to the bridge at MP 751.02 which was affecting the useability of the bridge. Stantec was informed of the issue and the bridge was immediately taken out of service.

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 June 19, 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 \$15,979.

Scott Partney Construction replaced the caps and the bridge was placed back into service on June 23, 2023.

Upon a motion by Commissioner ViksneHill (second by Commissioner Hanson), the Board of Commissioners motioned to adopt resolution 2023Res11 ratifying the Declaration of Emergency for emergency cap replacement at bents #1, #2, and #20, to the timber bridge located at MP 751.02 **Motion Passed Unanimously.** (Ayes: Farm, Hanson, ViksneHill, and Edwards. Nays: None)

7. **COMMISSION COMMENTS**

8. **NEXT MEETING DATE** – Tuesday, September 19, 2022, 10:00 a.m.

9. **ADJOURN**

President Farm adjourned the meeting at 10:17 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; and

(j) carry on negotiations under ORS Chapter 293 with private persons or businesses regarding proposed acquisition, exchange, or liquidation of public investments.