

**PORT OF BENTON
COMMISSION MEETING MINUTES
November 13, 2019**

A. CALL TO ORDER: The regular monthly meeting was called to order at 8:30 a.m. at the Port of Benton Commission Meeting Room, 3250 Port of Benton Boulevard, Richland, Washington. Present were Commissioners Jane F. Hagarty, Roy D. Keck and Robert D. Larson. Staff members present included Interim Executive Director, Diahann Howard, PPM®; Director of Finance, Stuart Dezember, CPA, PPM®; Port Counsel, David Billetdeaux; Director of Special Projects, John Haakenson; Director of Real Estate, Teresa Hancock, Director of Communications and Marketing, Wally Williams and Administrative Assistant, Kelly Thompson; Maintenance staff Jeff Moore and Kyle Dempsey. Also, in attendance were Clif Dyer, Carl Adrian, Joe Jacobs and Ashley Nanfria.

B. PLEDGE OF ALLEGIANCE: Stuart Dezember led those present in reciting the Pledge of Allegiance.

C. CONSENT ITEMS:

1. **A motion was made by Commissioner Robert Larson, seconded by Commissioner Jane Hagarty and unanimously passed by the Commission approving the October 21, 2019 Special Commission Meeting Minutes, the October 22, 2019 Special Commission Meeting Minutes, the October 23, 2019 Commission Meeting Minutes, the October 30, 2019 Special Commission Meeting Minutes and the October 2019, Voucher review and certification.**

D. CURRENT BUSINESS:

1. **UNSCHEDULED BUSINESS/VISITORS:** Jeff Moore asked the Commission about the quick pace in hiring a Facilities Manager and Director of Airports, when the Executive Director has not been finalized. The Interim Executive Director addressed this question, stating that staff have been stressed with the current vacancies and that she, the Director of Special Projects and Janice Corbin are working diligently to make sure the correct candidates are interviewed, provided site tours and selected. She also advised no decisions have been made and Director of Airport interviews have been moved to December.
2. **DIRECTOR OF FINANCE REPORT:** Vouchers audited by the Auditor as required by RCW 42.24.080 and certified expense reimbursement claims as required by RCW 42.24.090 have been recorded on a listing, which has been made available to the Port Commission and was approved. Port Commission by unanimous vote approved for payment those vouchers included in said listing and further described as follows: Payroll Warrants numbered 05347 through 05391 totaling \$101,768.18 and General Expense Warrants numbered 071651 through 071819 totaling \$588,477.86 from the General Expense Fund.

3. **PUBLIC HEARING ON THE 2020 PROPOSED BUDGET:** The regular Commission Meeting was recessed at 8:36 a.m. and a Public Hearing was convened for the purpose of receiving public comment regarding the 2020 Port of Benton Budget. The Director of Finance presented the proposed 2020 Port of Benton Budget. Commissioner Roy Keck asked for public comment. Clif Dyer asked if there will be any flexibility in the budget for any joint items. Commissioner Keck stated this year the budget was "business as usual." He also advised there are some built in expenses for transitioning staff. The Director of Finance stated that budget revisions were brought before the Commission either mid-year or quarterly, depending on the Port's requirements. The Public Hearing was closed at 8:39 a.m. and the regular Commission Meeting was reconvened.
4. **RESOLUTION 19-25, ADOPTING THE 2020 PORT OF BENTON BUDGET:** A motion was made by Commissioner Robert Larson, seconded by Commissioner Jane Hagarty and unanimously passed by the Commission approving the Adoption of the 2020 Port of Benton Budget.
5. **RESOLUTION 19-26, CERTIFYING THE PORT'S 2019 LEVY FOR 2020 COLLECTION:** The Director of Finance stated the Port will ask for a 1% increase. A Motion was made by Commissioner Jane Hagarty, seconded by Commissioner Robert Larson and unanimously passed by the Commission adopting Resolution 19-26, Certifying the Port's 2019 Levy for 2020 Collection.
6. **PUBLIC HEARING ON THE 2020 PROPOSED COMPREHENSIVE PLAN OF HARBOR IMPROVEMENTS:** The regular Commission Meeting was recessed at 8:41 a.m. and a Public Hearing was convened for the purpose of receiving public comment regarding the proposed 2020 Port of Benton Comprehensive Plan of Harbor Improvements. Commissioner Roy Keck asked for public comment. The Interim Executive Director explained the Comprehensive Plan relates directly to the Port's capital projects. No public comments were received. The Public Hearing was closed at 8:43 a.m. and the regular Commission Meeting was reconvened.
7. **RESOLUTION 19-29, ADOPTING THE 2020 PORT OF BENTON COMPREHENSIVE PLAN OF HARBOR IMPROVEMENTS:** A motion was made by Commissioner Robert Larson, seconded by Commissioner Jane Hagarty and unanimously passed by the Commission approving the adoption of the 2020 Port of Benton Comprehensive Plan of Harbor Improvements.
8. **TRIDEC UPDATE:** Carl Adrian was present to update the Commission on TRIDEC's continued efforts to improve economic development and entrepreneurial growth in the Tri-Cities area. He reported there are several staff changes within TRIDEC, and an executive search is currently underway for his position. Commissioner Roy Keck is part of the selection team. The board has also gone through a strategic planning process and developed a ten-year plan of Strategic Objectives for 2020-2030.

9. **BENTON PUD NOANET AGREEMENT:** The Interim Executive Director discussed the agreement in place for extending fiber to Vintners Village Phase 2. Originally this was through NOANET, but NOANET works directly for the Benton Public Utility District (PUD), in Prosser, therefore the Port's agreement will be with the Benton PUD.

A motion was made by Commissioner Jane Hagarty, seconded by Commissioner Robert Larson and unanimously passed by the Commission authorizing the agreement with the Benton PUD for fiber extension to Vintners Village Phase 2.

- E. **COMMISSIONER COMMENTS:** Jane Hagarty reported on the Prosser Economic Development Association (PEDA) Business Recruitment meeting she attended. They are focusing on how to incorporate food vendor trucks into several Prosser events. The existing restaurants in Prosser cannot keep up with the public demands at larger events. She also reported that Harvest Foods will be opening in the former ShopKo building in 2020 and plan to hire between 40 and 50 employees. They will have a pharmacy and be open seven days a week for extended hours. She also stated she will attend the Walter Clore Wine and Culinary Center Board meeting on November 19, 2019, as they are experiencing some staff changes.

Commissioner Larson addressed the Director of Marketing and stated he was happy to see him back to work. He attended the Visit Tri-Cities Annual Meeting on November 12, 2019 and was very impressed with their program and video, which has a segment on the USS TRITON Sail. He also attended the Hanford Communities Governing Board Meeting where they featured a program highlighting Hanford Managers of the past, present and future.

Commissioner Keck stated his comments were covered by Commissioner Larson and highlighted he too, was impressed with the Visit Tri-Cities video and complimented Michael Novakovich, President and CEO of Visit Tri-Cities.

- F. **COUNSEL COMMENTS:** Counsel updated the Commission on the draft Interlocal Agreement with the City of Richland regarding the 1.67-acre site located at Saint Street. This Port-owned land right-of-way is encumbered with two buildings, one which has been occupied by the City since 1959 and bordered by the Moon River RV Park. The Port will enter into an Interlocal agreement with the City of Richland. The City will assume all liability and remove the former chlorine building at 1979 Saint Street.

Counsel reminded the Commission there will be a Special Commission Meeting scheduled for December 17, 2019, at 8:30 a.m. for review of the Commissioner Policy.

Counsel stated he had not yet received the final report from third-party investigator, Sarah Wixson, on the grievance filed by Port employees. The investigator will likely reach out to a member of the Commission to provide a de-brief.

Counsel provided an update on the federal lawsuit. The Port filed a motion against TCRY for sanctions. The Port was awarded an amount of approximately \$6,000. The Port was also awarded attorney's fees of approximately \$100,000.

Counsel updated the Commission on the taxpayer lawsuit, stating it has been appealed and the Supreme Court granted review. Oral argument is currently being scheduled.

Counsel provided an update on the Surface Transportation Board (STB). The Port's petition for adverse discontinuance was granted.

The remainder of his comments were reserved for Executive Session.

G. INTERIM EXECUTIVE DIRECTOR COMMENTS: The Interim Executive Director discussed the State of the Ports luncheon will be held on February 26, 2020 at the Pasco Red Lion. She asked if the Commissioners wished to give the presentation on behalf of Port of Benton or delegate to staff. The Port of Pasco will have their Executive Director present and the Port of Kennewick will have a Commissioner present.

H. STAFF INFORMATION REPORTS:

COMMUNICATIONS AND MARKETING: The Interim Executive Director discussed the RFQ sent out for website design and for the Port and Crow Butte's websites. The Director of Marketing stated he is updating the Port's History. In the past, the history was updated every ten years. The Port will now update every five years.

GRANTS: The updated copy of the Grants Status report was reviewed. The Interim Executive Director stated the Port is partnering with the City of Richland and working on a Community Economic Revitalization Board (CERB) grant for stormwater planning for the 1,641 acres. A presentation to the CERB board is scheduled for November 21, 2019.

GOVERNMENTAL AFFAIRS: The Interim Executive Director provided an update on her Projects, highlighting the upcoming legislative session which will focus on Local Revitalization Financing (LRF) projects and .09 funds for economic development. She also discussed a letter from Washington Public Ports Association (WPPA) which will highlight the on-going efforts to save the dams to be discussed at the upcoming annual meeting. The Tri-Cities Area Chamber of Commerce is coordinating a pre-rally event on January 13, 2020, in support of a workshop for dams at the Pasco Red Lion.

SITES UPDATE: The Director of Real Estate discussed the development building in Vintners Village, stating it is now fully occupied. Tenants consist of Sister to Sister, Wautoma Springs and Domanico Cellars.

The Interim Executive Director stated there is an apparent successful bidder on the Prosser Airport building facade. The bid came in at \$77,349.

The Director of Special Projects stated the Port is currently advertising for Request for Qualifications for Airport engineering firm. This process is to re-bid every five years per the Federal Aviation Administration (FAA's) rules and regulations. These qualifications are due December 5, 2019. JUB Engineers will continue to be responsible for the Richland Airport Master Plan Update. The Interim Executive Director praised the Accounting Assistant for her dedication and professional development of the RFQ, it is very detailed.

Commissioner Larson asked about the railroad ties and bridge deck update. The Interim Executive Director explained that the surveying was completed, and tie replacement will begin in January with HDR Engineering overseeing the project. The City of Richland is taking on a portion of the Duportail bridge project and has shared drawings with the Port and the Port in turned has shared the information with HOR Engineering. The City is currently at a 60% completion on the drawings and plans.

A Motion was made by Commissioner Robert Larson, seconded by Commissioner Jane Hagarty and unanimously passed by the Commission accepting the 60% completion status on the drawings and plans from the City of Richland, for Duportail bridge crossing.

The Interim Executive Director discussed the platting process in coordination with the City of Richland at the Port's Richland Innovation Center property. The Engineer's estimate is \$800,000 for the binding site plan, which includes land use variances and future improvements; build out of roads, streetlights and sidewalks.

- I. **EXECUTIVE SESSION:** The regular Commission Meeting was recessed at 10:00 a.m. and an Executive Session was convened to discuss On-going and Potential Litigation pursuant to RCW 42.30.110 (l)(i) and Personnel Matters pursuant to RCW 42.30.110 (l)(g). The Commission announced the Executive Session would last no longer than thirty (30) minutes. At 10:30 a.m. the Commission announced the Executive Session would last an additional five (5) minutes. At 10:35 a.m. the Commission announced the Executive Session would last an additional five (5) minutes. At 10:40 a.m. the Commission announced the Executive Session would last an additional five (5) minutes. The Executive Session was adjourned at 10:45 a.m. and the regular Commission Meeting was reconvened.
- J. Counsel stated a Special Commission Meeting would be held on November 26, 2019, at 8:30 a.m. for the purposes of reviewing the results of the third-party investigation into employee grievance and to select an Executive Director.

Commissioner Hagarty stated there are final candidates for the Executive Director position, one candidate is internal and the other is external.

Counsel stated he would follow up with Prothman for more detailed questions for the two finalists.

K. **ADJOURNMENT:** With no further business, the meeting was adjourned at 10:50 a.m.

Robert D. Larson,
Commission Secretary