

**PORT OF BENTON
SPECIAL COMMISSION MEETING
MINUTES
DECEMBER 18, 2023**

- A. CALL TO ORDER:** The Port of Benton Special Commission Meeting was called to order at 8:00 a.m. at the Port of Benton Commission meeting room, 3250 Port of Benton Boulevard, Richland, Washington.

PRESENT: Commissioner Christy Rasmussen; Commissioner Roy Keck; Executive Director, Diahann Howard; Port Attorney, David Billetdeaux; Director of Finance, Jeff Lubeck; Public Information Officer, Summers Miya; Director of Real Estate, Teresa Hancock; Airport Manager, Quentin Wright; Scott Keller, Community Member; Garret Nisbet, Benton City; Becky Cooper, Community Member; Bill O'Neil, Community Member

THE FOLLOWING PARTICIPATED VIA REMOTE COMMUNICATIONS: Senior Accountant, Veronica Serna; Ashley Garza, Construction Project Manager, Bryan Bell; Director of Marketing, Wally Williams, Contract Specialist, Sheri Collins

- B. PLEDGE OF ALLEGIANCE:** Commissioner Christy Rasmussen led those present in reciting the Pledge of Allegiance.

C. PUBLIC COMMENT:

Community member Bill O'Neil addressed the Commission, stating that this is an interesting position, as the old Commission has completed their meetings for the year, with the new Commission beginning at the January meeting.

O'Neil stated that it seems clear to him that the current Commission is panicking while trying to get things done before the new Commission is in place.

O'Neil stated that the urgency appears clear that they are trying to move forward with decisions without Commissioner elect Scott Keller's input.

O'Neil stated that this is in line with the same shady stunt from two years ago when Commissioner Christy Rasmussen was appointed in retiring Commissioner Robert Larson's place.

O'Neil stated that the absence of Commissioner Lori Stevens speaks volumes to the unethical behavior taking place today.

O'Neil stated that he has spoken to many angry constituents and has polled the public and the public is tired of the practices.

O'Neil reminded the Commission that they work for us, not the other way around.

O'Neil entered a plea to current counsel to address the Commission and remind them of decisions that will best impact the Port, not one signal individual.

Community member Becky Cooper stated that Port decisions have far-reaching effects and do not go unnoticed by the public. Cooper added that the Port is responsible for serving the people.

Community member and Commissioner elect Scott Keller addressed the Commission, noting that it would have been appreciated to wait two weeks for his appointment to complete these business items.

Keller stated that he continues to hear the word “transparent”, but transparency is not part of this deal right now and he wished things could have waited two weeks.

Community member Garret Nisbet announced that he wanted to contribute a statement to the record that he is in agreement with everything Bill O’Neil previously stated.

D. ITEMS OF BUSINESS:

1. Review and Negotiation of Executive Director’s Employment Agreement

Port Attorney David Billetdeaux explained that after last week’s regular Commission meeting, there was some confusion amongst the Commission regarding the executive director’s contract, adding that Diahann Howard was not brought into executive session to negotiate the contract and therefore, an executive session was needed today to determine that all are on the same page regarding the executive director’s contract.

2. Potential Litigation with Legal Counsel Under RCW 42.30.110(1)(i)

Port Attorney David Billetdeaux explained that per port Commission policy, page 19, any employee has the right to seek legal counsel, as any employee of a public agency has the right to be provided counsel.

Billetdeaux stated that this RCW is in place to ensure that all employees have a right to counsel and should not feel scared to seek counsel.

Commissioner Rasmussen sought clarification that all staff are covered under this RCW, which Billetdeaux confirmed.

Billetdeaux added that public employees can request counsel at anytime throughout the process, preferably ‘before’ proceedings, but anytime is acceptable.

Billetdeaux stated that this RCW is basically an insurance policy to public employees.

E. EXECUTIVE SESSION: The regular Commission meeting was recessed at 8:10 a.m. and an Executive Session was immediately convened at 8:10 a.m. to discuss personnel and potential litigation for 20 minutes. It was noted that if any action was required, Commissioners will reconvene the regular meeting and bring forward any item at that time.

At 8:30 a.m., port attorney David Billetdeaux announced that an additional 5 minutes was needed. The special Commission meeting was reconvened at 8:35 a.m.

It was noted that if any action was required, Commissioners will reconvene the regular meeting and bring forward any item at that time.

Port attorney David Billetdeaux stated that minor language edits have been made to the executive director's contract, which is in line with what other ports from around the state are doing.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Christy Rasmussen, and passed by the Commission approving the contract for the executive director with minor language edits.

Port attorney David Billetdeaux addressed the next item.

Commissioner Christy Rasmussen announced that for any legal action regarding executive director, Diahann Howard's employment contract, the Port hereby indemnifies Howard, including payment of outside legal counsel, per the terms of Commission policy and past Commission practice.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Christy Rasmussen, and passed by the Commission approving the indemnification of executive director, Diahann Howard.

F. ADJOURNMENT: With no further business, the meeting was adjourned at 8:38 a.m.



Commission Secretary