

**PORT OF ALLYN  
REGULAR MEETING  
September 7, 2016  
MINUTES**

**Regular meeting was called to order at 6:00 pm with the Pledge of Allegiance**

Present were Commissioners Scott Cooper, Chair, Jean Farmer, and Judy Scott; Executive Director Lary Coppola; LeAnn Dennis and Travis Merrill, Port staff; Mike Oliver and Patrick Holm, Mason Transit; Linnie Griffin, Kaye Massie, Jeff Carey, Ken Van Buskirk and Mendy Harlow, public.

**CONSENT ITEMS**

- a. Minutes of Regular Meeting August 1, 2016.
- b. Financial Reports

Commissioner Scott made a MOTION to accept the consent items A and B. Commissioner Farmer SECONDED. MOTION CARRIED.

**ACTION**

- a. General Fund Vouchers #16-321 to 16-344 for \$27,275.07
- b. Payroll Vouchers #16-345 to 16-357 for \$15,853.92
- c. Water Fund Vouchers #1629 to 1632 for \$250.01
- d. General Fund Vouchers #16-358 & 16-359 for \$2,854.58

Commissioner Scott made a MOTION to accept action items A, B, C, and D. Commissioner Farmer SECONDED. MOTION CARRIED.

**Commissioner reports**

No reports

**Executive Director**

\*See Attached

The Board discussed the Mason County Economic Development Council (EDC) annual membership cost and directed Mr. Coppola to invite Lynn Longan, EDC Director, to attend the next Port meeting on September 28, to be updated on what the EDC is involved in within the Port District and evaluate the cost of the Port's continuing membership.

Power and water stanchions for the Allyn Dock will cost \$3,500 and the Board asked the Executive Director to research grants for the cost and possibly wait until next spring.

The Board had some questions as to the "No Further Action" letter for Sweetwater Creek. The Board would like the Executive Director to ask Ms. Harlow about the progress (if any). Commissioner Cooper stated the EDC has Sweetwater Creek on the agenda for the upcoming luncheon at the Theler Center.

**Security Report**

Port Security Officer Travis Merrill briefed the Board about water theft at the Kayak Park so he locked the hydrant. He also responded to Mrs. Ogren's complaints about some people doing burnouts on the road in front of her house.

Commissioner Cooper asked about the incident at the North Shore with a reported drunk person on the boat launch over the Labor Day weekend.

### **OLD BUSINESS**

The Board reviewed potential economic development projects from the list the Executive Director developed and provided them. After discussion, the Board prioritized their list for the strategic plan.

### **NEW BUSINESS**

Due to the length of the meeting, the Board tabled discussion about water rates and Delegation of Authority until the next meeting.

### **PUBLIC RECORDS POLICY**

Commissioner Scott read the Public Records Policy which follows state law (WAC). Commissioner Cooper asked for public input. After brief discussion from the public, Commissioner Scott made a MOTION to adopt the Public Records Policy as written. Commissioner Farmer SECONDED. MOTION CARRIED.

### **MOBILE DEVICE POLICY**

The Board discussed the updated Mobile Device Policy and the amendment suggested by the Port's attorney. Commissioner Farmer asked if this takes into account the latest court of appeals ruling that devices not paid for by the Port does not have to be subject to public records requests. Commissioner Cooper clarified that if any Port business is done on anything (personal or not), that business is subject to disclosure laws. Commissioner Cooper read the policy amendment to the audience and asked for any public input. Commissioner Farmer stated that her cell phone will NOT be used for Port business and will therefore NOT be subject to disclosure. She said she can be reached at her home phone. The last section of the policy read by Commissioner Cooper conflicts with Commissioner Farmer's request. Public input was the issue, and is more about the board speaking and conducting business away from the public eye. Commissioner Scott made a MOTION to accept this mobile device policy as amended. Commissioner Farmer SECONDED. MOTION CARRIED.

### **Public Comment**

The representatives from Mason Transit briefed the Board and audience about their upcoming plans for Park & Ride solutions, and that they have received grant funding to upgrade facilities and pursue new options for their larger busses.


Ms. Harlow arrived to the meeting after the earlier directive for the Executive Director to get an update about the Sweetwater Creek issue. The Board asked her directly and Ms. Harlow stated there has been no progress and the Department of Ecology, and that the Salmon Center has not started the process, but that she will keep the Board informed when there is any progress.

Mr. Carey stated that any traffic concerns and access from State Highway 3 for Sweetwater Park would be addressed with any permit with the state, and would tell what has to happen as far as access. He also supports the Board hosting entrepreneurial training again as it was a success the last time the Port was involved. He does not see the value of the Port spending taxpayer dollars to continue membership with the EDC because he does not see their presence locally, only in Shelton.

Mr. Van Buskirk addressed the concern of asbestos on the shingles on Sargent Oyster House. He thinks it will be quite a process to get rid of them and expensive. He read a letter to the Board detailing his concerns about his Public Records Request and gave Ms. Dennis a copy of the letter to be included with the minutes. He requested to talk to the Board in Executive Session but the Board feels that would be inappropriate if not a violation of the Open Public Meetings Act.

Adjourned at 7:46 pm

Respectfully submitted,



LeAnn Dennis, Office Manger

COMMISSIONERS:



Scott Cooper, Chair



Judy Scott, Vice Chair



Jean Farmer, Commissioner



**Port of Allyn  
Executive Director's Report  
September 7, 2016**

**Report Items:**

**Water System Issue:** I met with our water system manager, Steve Holloway as well as Doug Piehl from NW Water Systems and Bonnie Knight last week to begin compiling the documentation that has been specifically called out by the DOH to be provided to finalize the water plan. Bonnie also came in again last Friday and helped us find more of this information as well. According to both Steve and Bonnie, much of the work that's required has already been accomplished, just that the documentation was never provided to the DOH or Ecology. We have the list of what documents and other materials are needed and are in the process of finding them all. Once we have them in hand, NW Water Systems will put this plan together so it can be submitted. My goal is to submit it by December 1 – which is sooner than originally anticipated. Bonnie has been exceptionally helpful in this process. Without her, we'd still be looking for things that neither Steve nor I have any idea about.

I also want to get with Jeff Carey and try and come to an agreement about acquiring his system, and include that in the final plan. Doing that now will save us the cost of amending the plan after the fact, as well as also give our system some redundancy in case of a failure of some component.

I will also be contacting Washington Water again about the possibility of acquiring their system as well.

**Supplemental Vouchers:** On Friday, we received a phone call from the EDC about our dues. It seems they emailed the original invoice early last month, but we never received it. Since it was originally due in August, I told them we would process it for approval and payment at this meeting. However, we didn't receive the invoice until after all the other vouchers had been done. The same thing with the Visa bill. For some reason it came later than the others. That's why you have the supplemental voucher form.

**Water System Analysis:** Last week I sent all of you a copy of the revenue and expense analysis I did on our system, along with some recommendations for revenue adjustments. Some things to consider include the fact we haven't had a rate increase since the system became operational, and that for years we have been the lowest priced water purveyor in both Mason and Kitsap counties. We will need to notice and set a public hearing for the rate adjustments. What date works for you all?

**Public Records Request:** Our attorney, Steve DiJulio, drafted a letter for us to send to Mr. Van Buskirk saying that after he inspected everyone's phones, that we consider his Public Records Request fulfilled and the matter closed. A previous letter sent directly from Mr. DiJulio to Mr. Van Buskirk also addressed the fact we have no legal obligation to respond to any of Mr. Van Buskirk's questions regarding actions taken on his complaints against everyone. Copies of both letters are in your meeting packet.

Mr. DiJulio also suggested a change to our public records policy that states in the section on mobile devices that we will provide either screen shots and/or transcriptions of text messages to be preserved as public records. This change is on your agenda for approval tonight.

And in addition to that, we still need to transcribe the text messages from your devices before they can be deleted. What day can you give them up so that can happen?

**Other Public Records Issues:** While on that subject, we were working on a plan to load all our documents on the Port's website so we can refer Public Records Requests to the website and eliminate the substantial cost to research and produce those documents multiple times. The problem is, we don't have the bandwidth to archive all the documents,

but we can upload them to a cloud server like Google Docs or some other provider, and just have a link on our site for anyone who wants to make a Public records request. The main problem here is we are again limited by bandwidth and would have to buy additional cloud storage. Additionally, we will still have the cost to respond that we received the request, process the request, and follow up on its completion.

Public Records Requests have cost us in excess of \$6,000 so far this year, plus legal costs for advice in dealing with it all. However, WPPA suggested a vendor - Next Request - that can possibly handle all of this for us, so I've begun exploring that option as well.

Next Request basically provides cloud storage of all our documents with a link on our site, as we originally wanted to do. However, it also does the initial response to the requester, notifies us that a request has been made, who the requester is, and what specific documents they want. If the documents are already uploaded to their server, it automatically sends them to the requester, and then notifies us they have been sent. If the requested documents aren't already uploaded, Next Request notifies us what requested documents need to be uploaded. Once we upload the document, Next Request sends it, and then archives that document for future requests.

However, over this past weekend, while working on something else, I came across another provider - GOV QA. I reached out to them, and they contacted us yesterday to set up a demonstration of their system, and answer questions. I've also been reaching out to other Ports to see how they are dealing with this issue, and have had several interesting responses.

One option several of the other Ports are using is archiving software. The most common type is for email archiving. I'm looking for vendors and costs for this as well.

The cost for Next Request is \$3,700 per year, which at first I thought was a bit excessive. It may be negotiable, but I don't know that yet. However, when you compare the costs of these systems to the fact we've spent approximately \$6,000 in staff time on just two requests - Briana Loper's and Ken Van Buskirk's - plus a couple thousand dollars in attorney's fees for Van Buskirk, these costs suddenly don't look all that excessive

Our primary cost above that annual fee for one of these vendors would be the one-time cost for labor to find and upload as many documents as possible to the vendor's server, and that would be about it. We could actually bring in a minimum wage temp to do the uploading, while our staff would have to locate the actual documents to be uploaded.

I am still researching what other Ports do and how they handle dealing with this, so I think we should hold off on any decision until we have more information. But I'd like your feedback on this before I put a lot more time into research.

As an aside to all this, the State Auditor's Office recently released a report of its survey findings on the costs of public records requests to agencies and local governments. The Auditor's Office contacted 2,363 state and local governments, with 923 agencies - including us - responding.

The survey found that the respondents reported spending more than \$60 million to fulfill more than 285,000 public records requests last year. Requesters pay less than one percent of the costs involved in fulfilling their public records requests. According to the report, more than 90 percent of the cost to government is paying for staff to find, review and prepare the records.

The report also found that technological advances, along with increases in the amount of information and the costs to store, secure and organize it have increased the financial burden on agencies. Recommendations are included in the report and consist of suggestions to disclose more records before anyone asks for them - which was our original goal with putting them online - and to create an alternative dispute resolution program to reduce potential litigation costs.

**First Right of Refusal:** As directed, I have written a letter to Denise Ogren stating we would like the first right of refusal to purchase her property if and when she decided to sell it. A copy of that letter is in your packet. As of today, we've had no response.

**Voice Mail:** We now have a voice mail set up for each of you. Hood Canal Communications provided us with a system that will allow us to provide a voice mail for each person, and it will send the voice file recording to your Port email. You each need to record your personal greeting. Cost for this is \$20 per month and it's operable now.

**Delegation of Authority:** In your meeting packet, and on the agenda for approval is a Delegation of Authority document that lays out exactly what authority the Executive Director has to conduct the Port's business. Having a current one of these is considered a WPPA Best practice. The most recent one we could find was several years old and things have changed since that was adopted, while other pertinent issues were not addressed at all.

I took the majority of this from The Port of Kennewick, and tailored it to our specific needs. It sets a spending limit of \$25,000 without prior approval. It also has a section covering rental properties and leases. And while we don't have any at this point, it would cover the Gazebo and meeting room, as well as any properties we do acquire or build in the future, so there would be no need to re-address this issue at a later date.

**Lakeland Sidewalk Reimbursement:** We received a check from WSDOT for \$8,330.90 in today's mail for the last of the Lakeland Sidewalk reimbursement. That much makes up the shortfall in the P&L.

**EDC Meeting Sponsorship:** We will be the sponsors of the September EDC meeting. It will be held at Theler on September 21, at 11:30 a.m. I will be giving a short presentation on the Port and what we're doing. The main speakers will be Mendy Harlow and Dana Rosenbach.

**Boundary Fence:** Viking Fence has completed the installation of the new northern boundary fence. Their invoice is among the vouchers you approved for payment tonight.

**Eberhart Street Settlement:** While on the subject of the boundary line, Larry Seymour came in last week and delivered a check to us for \$5,500 for the first annual payment of the settlement.

**ROI:** The Building Industry Association of Washington underwriter successfully submitted our application for enrollment, and told me last month that all we are waiting for is the final approval from L&I. However, I also got a phone call from their program auditor and have to provide her with some other documentation of things like our safety policy and things of that nature. We will have all that sent off before the end of this week. If we have no claims, we will get a rebate on our 2017 premiums.

**Power and Water at Allyn Marina:** I will be meeting with the PUD to figure out exactly what we need them to provide so I can create the specs and put this put to bid. I got some quotes for the power/water kiosks – and they are about \$3,500 each – and we need 6 of them. Once I get the specs written, I will put it out on the Small Works Roster, as well as other places and see what we get.

**Sweetwater Park Project:** As things stand today, nothing new has happened since our last meeting. We would not be moving forward until the state Dept. of Ecology issues a "No Further Action" letter stating the cleanup is complete, but we have had no communication on the progress of this from the Salmon Center in several months.

**Oyster House:** We had a recent inquiry about asbestos inside the building. Mike Ross had an analysis done and it showed no asbestos in the samples tested. The samples included the drywall from both floors, as well as from the concrete and fiber flooring materials and more. A copy of the report is in your meeting packet.

**Gazebo Bricks:** As you know, we have 33 bricks in the Gazebo with no etching. The cost of etching all of them would be around \$900. We are selling them for \$100 each, and have a commitment for about 10 so far. Selling them all would create a reserve of \$2,400. I have posted this opportunity on our Facebook page, and gotten some response. As of right now we have just enough sold to move forward – but still have about 20 left. We are holding on to the checks we've received and not depositing them in case this doesn't go forward. That way we can just give the originals back rather than create an invoice, receive the payment, deposit it and then create a refund. We have awhile yet to continue selling, but need to have this wrapped up before the end of September at the latest.

**Strategic Plan Development:** I have vetted the projects you all decided upon at the June 20 meeting, by running them through the matrix we got from the Port of Everett at the recent WPPA seminar in Spokane. It is in your meeting packet. I'm looking forward to discussing them tonight, as I can't move forward with the 2017 Comprehensive Scheme of Harbor Improvements until I know which projects you want to pursue. Also, it makes moving ahead with the budget problematic as well, since I need to plug in numbers for whatever projects you decide upon.

**North Shore Pay Station:** As of the last day of August, we took in \$1,582 at the pay station for the month.



September 7, 2016

Re: Public comment

Port of Allyn Commissioners,

Thank you for this opportunity. To start with I'd like to remind you all that you took an oath when you entered public service to be fair and impartial and to uphold the laws of Washington State, which includes Open Public Meetings. In my opinion you and your executive director have placed your Public Records Officer, Ms. Dennis, in an awkward position and placed undue stress on her by your use of personal devices and computers for text messaging and emails regarding Port business.

Why did you hire a Seattle law firm and use taxpayers' dollars for responding to a simple public records request of public records including text messaging regarding the proposed Sweetwater Park?

I was provided a thumb drive of public records contained on those personal devices and it wasn't until I recently viewed those personal devices in person, with Ms. Dennis and witnessed by Mr. Merrill, that we discovered that some of the records had not been provided to me. Some contained false accusations and libelous comments by the third party named in the original public records request. There is also evidence that a quorum of the board was party to those and earlier comments and was conducting Port business outside public meetings either by group texting or serial texting. I have also discovered that the executive director was texting with you during a public meeting regarding the park on March 7th. (I have attached one such example, a month prior to my public records request.)

Are any of you currently texting with this third party, each other, and/or your executive director on your personal devices, regarding any of the Port's actual or potential business?

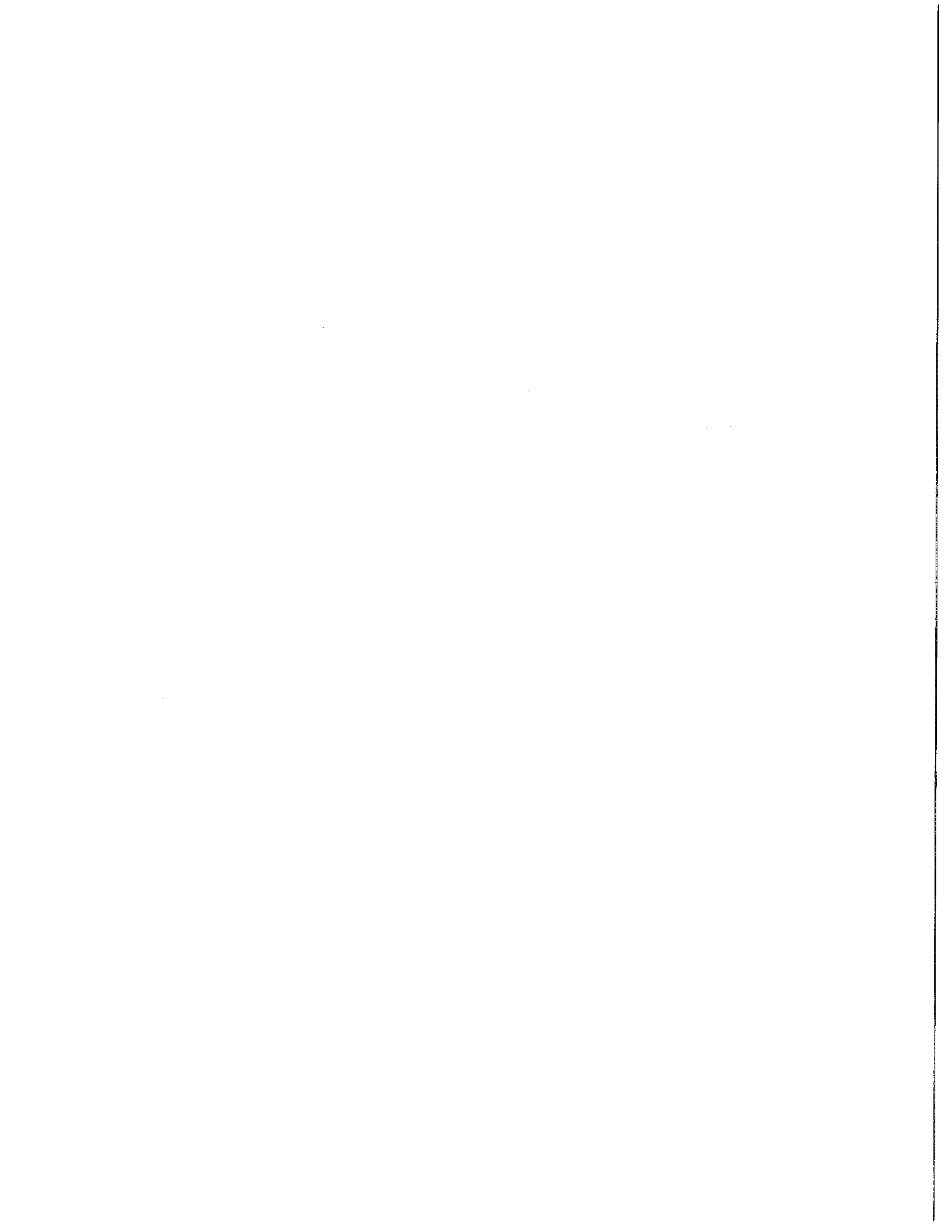
Your Seattle attorney advised me by letter dated August 10 that I had until August 19 to review the personal devices in person and that following that date the Port's policies permitted the removal of text messages, that may be public records, from personal devices, and only a paper/electronic copy would be maintained by the Port. Your public records officer assured me that the attorney was mistaken and the policy has not yet been adopted and once it is the public records would all be transcribed and secured. How much will this transcription cost? What assurance does the public have that all the public records will be transcribed and that some haven't already been destroyed?

Once this transcription takes place I would ask that you review all the records regarding this matter, interview me in executive session regarding my complaints, and issue a formal apology to me and your constituents.

Sincerely,



Ken VanBuskirk



Meeting Ken at 4:30. He  
had a mtg with Dana this  
morning would like to  
know what about. Any  
ideas?

3:01 PM



Probably just to either  
threaten her or just annoy  
her. Maybe that what the  
police thing is about.  
Some perceive broken



