

## League of Women Voters of Pullman Observer Report

**Name of Agency:** Port of Whitman County

**Date:** 12/17/20

**Observer Reporting:** Carolyn Joswig-Jones

**Length of Meeting:** 1' 33"

**Members Present: Commissioners:** Karl Webber (District 1)  
Kristine Meyer (District 2)  
Tom Kammerzell (District 3)

### **Staff:**

Joe Poire - Executive Director  
Kara Riebold - Chief Operating Officer  
Debbie Snell - Properties & Development Manager  
Brenda Stav - Finance Director  
Sarah Highfield - Communications Director  
~~Matthew Johnson - Port Attorney~~

**Others Present (i.e., media, public):** Frank Chmelik, counsel; Chad Lindgren

WPPA (Washington Public Port Association)  
POWBAC (Port of Whitman Business Air Center – airport in Colfax)  
PIP (Pullman Industrial Parks East and West)  
PNWA (Pacific Northwest Waterways Association)  
NWRP (Northwest River Partners)  
SWEDA (Southeast Washington Economic Development Association)  
USACE (United State Army Corps of Engineers)  
RCW (Revised Code of WA)

### **Business pertaining to League Positions or topics of interest:**

(See below for full report of meeting)

- Petrichor LLC financials being part of Port vouchers was questioned
- Newly drafted Commission Rules following Open Public Meeting Act
- Riley's River Ranch to buy the unused firehouse at Port of Central Ferry
- Vet Med Research and Development to purchase Port's 8 plus acre lot at the Pullman Industrial Park

**To view Meeting Agenda, Minutes and all supportive materials** follow this link:

<https://portwhitman-web.s3-us-west-2.amazonaws.com/meetings/agendas/2020-12-17/2020-12-17%20Agenda.pdf>

Port of Whitman County Commissioners Meeting took place via **Zoom and teleconference**. The Port is back to all online meetings since Governor proclamation. Port staff, if in the office were behind closed doors.

**Public comment:** none to report

### **Commissioner and Staff Updates:**

**Vouchers:** Commissioner Kammerzell asked that a **Petrichor payment** (\$174,000?) be removed from the vouchers because it “doesn't meet long-term financial sustainability” for the Port. Commissioner Meyer opposed and thought the bill still needs to be paid as to not breach the contract with the LLC. It was pointed out that there have been payments of proceeds and revenue shares payed into the Port previously. There was a motion to accept the vouchers as they are and passed 2 to 1 with Commissioner Kammerzell in opposition. It was decided the commissioners will discuss how Petrichor's financials effect on the Port during the strategic planning meeting in January.

### **OLD BUSINESS:**

#### **Commission Rules- 10:15 a.m. Frank Chmelik presentation**

Frank Chmelik, of counsel, drafted the Commission Rules and presented an overview of the **Open Public Meetings Act** and was available for discussion.

The following is the description of the action item on the **Meeting Governance** portion of the Policy Project:

“In 1959 the Commission adopted Robert's Rules of Order. The resolution includes a notice provision for special meetings that has been superseded by the Open Public Meetings Act. The resolution should be updated with any changes or additions including:

1. A provision that acts of the Commission voted on in open public meetings are effective notwithstanding procedural error or omission
2. Limiting the provision on public comment period (made by a motion of the Commission on 11/2/17) to regular meetings only”

“The resolution also incorporates the suggested policy language from the project (above) regarding effectiveness of actions notwithstanding procedural error or omission and it incorporates procedures on public comment at both regular meetings and public hearings.

Frank Chmelik gave a very interesting overview which lasted over 30 minutes. He doesn't recommend using Roberts's Rules of Order because they are a tremendous advantage only for those that understand how to use them. The overarching intent of these rules is to promote efficient and collegial Port Commission meetings. These much-needed updated Commission Rules will be further reviewed by the commissioners, be revised if needed, and adopted at the next meeting. The 1959 Rules and the newly drafted rules are available to read in the Port's meeting agenda package. I attached the “public” portion of the new draft and copy of the 2017 public comment policy below.

**Chmelik, Sitkin & Davis Attorneys at Law Engagement Letter:** Letter was provided in Agenda package.

#### **Fire District 8 Building – Port of Central Ferry**

Chad Lindgren of Riley's River Ranch wants to purchase an **existing fire station building**, build an additional building for his hay and cattle business, and enter a long-term lease with the Port. He also wants to house a firetruck back in the building. “This is an expansion of an existing family business and the location and minimal acreage of the site does not make it attractive for alternate development.” Commission wants more information on lease rates, jobs created, new building design, easements.

The property allows informal access to drive through for public fishing, but no hunting is allowed. Ms Snell will look into actual public access for this area.

#### **NEW BUSINESS:**

##### **2019 Audit**

The entrance interview with the Office of the Washington State Auditor for the 2019 was held on December 14, 2019. Ms Riebold, Port COO, is taking the lead on the 2019 audit since she managed the Port finances that year. The Finance Director is also participating. As President, Commissioner Kammerzell is the board contact for the auditor.

##### **Proclamation 20-28.14**

“On December 8, **Governor Jay Inslee** issued Proclamation 20-28.14, extending and modifying the temporary rules governing open public meetings, effective through January 19, 2021. The immediate effect of these changes is that **no in-person public meeting** option is available anywhere in the state until at least January 4, 2021.” Staff will continue monitor.

##### **PIP West/Locust Grove Lots 19-21**

Vet Med Research and Development would like to purchase Lots 19-21 at PIP West, 8 plus acres. The use of these lots by VMRD is to create a buffer between their business and the Aspen Heights development and for potential expansion by their business in future.

**Upcoming Meetings:** Washington Public Ports Association 2021 Port Day, February 2, 2021 at the Washington Capitol in Olympia

**Attachment: Newly drafted Commission Rules (Public portion)**

6. Public Hearings. The Commission President will preside over any public hearing. Prior to taking public testimony the Commission President will announce the purpose of the public hearing and any time limitations on public testimony. Other than providing a name so that the Commission President can call people to testify in order no other information will be required.

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a. Conduct of Public Hearings. Recognizing that the purpose of a public hearing is to hear from the public, the commissioners generally will listen but not respond to public testimony. However, a commissioner may ask for clarification of testimony.

7. Public Comment. The Commission President will preside over any public comment. Prior to taking public comment the Commission President will announce the time limitations on each person's comment. Other than providing a name so that the Commission President can call people to testify in order no other information will be required.

a. Conduct of Public Comment. Recognizing the purpose of a public comment is to hear from the public, the commissioners generally will listen but not respond to public comment. However, a commissioner may ask for clarification of comment. It is recommended anyone commenting read a written version of their comment as to stay on point and best get their message heard.

b. Formal Presentation to the Port Commission. To request inclusion on the Port Commission agenda with up to a fifteen-minute opportunity to present, members of the public may contact the port staff in writing or by email at least one week prior to the next regular meeting with their name, contact information, topic of discussion and goals sought from the Port Commission. It is recognized that the Port Commission may decide to allow the presentation.

Included for reference.

Public Comment Policy for Commission Meetings Adopted  
November 2, 2017.

PUBLIC COMMENT PERIOD/COMMISSIONER MEETINGS. A **MOTION** was made to adopt the following policy providing for a public comment period during Port meetings:

The Port of Whitman County shall have two methods by which the public may address the port commission at their meetings;

1) If a member of the public has a short comment they wish to make regarding a particular port project or activity, there will be a brief time period at the beginning of the agenda for individuals wishing to comment to have three minutes. If there are multiple individuals who wish to speak, the same rule will apply. It is recommended anyone commenting read a written version of their comment as to stay on point and best get their message heard.

2) To be included formally on the Commission meeting agenda with up to a fifteen minute opportunity to talk, members of the public may contact the port staff in writing or by email at least one week prior to the next regular meeting with their name, contact information, topic of discussion and goals sought from the commission.

The **MOTION** carried. The staff was asked to add information on the policy to the Port website.