

**OREGON INTERNATIONAL PORT OF COOS BAY**  
**Coos Bay, Oregon**  
**REGULAR COMMISSION MEETING**  
**10:00 a.m., Tuesday, May 16, 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; Kyle Stevens, Secretary; and Nick Edwards, Commissioner.

**Staff:**

John Burns, Chief Executive Officer; Lanelle Comstock, Chief Administrative Officer; Margaret Barber, Director of External Affairs and Business Development; Rick Adamek, Director of Asset Management; Steve Bawn, Charleston Marina Manager; and Laura Fortin, Administrative Assistant.

**Media & Guests:**

Kari Silva, F/V Jeannette Marrie; Christine Moffett, Coos Bay Resident; Heather Mann; Kelley Retherford, Newport fishing family; Mike Okeniewski; Greg Brown; Tim Novotny; Yelena Nowak; and Leonard Krug, Oregon Anglers Alliance.

**1. CALL MEETING TO ORDER**

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

**2. INTRODUCTION OF GUESTS AND PORT STAFF**

**3. PUBLIC COMMENT**

Ms. Moffett gave comments regarding HB 3382 and the local estuaries. Ms. Moffett said the Port Commissioners are the connection between the public and the operations of the Port. She said estuary systems are part of the ecosystem that supports all fisheries and habitats. Ms. Moffett said exempting users from the governance processes violates the principle of public participation and she questioned the Commission on how they could support the bill knowing the legacy of public involvement of land use in coastal zone compliance.

Ms. Silva gave comment in regard to the letter to BOEM. She requested the Port Commission vote for a decision to re-write the letter presented to BOEM with stronger language and to state that the Commission supports the Pacific Management Council's request to rescind the call areas before additional time passes.

Mr. Okeniewski discussed his participation on the Marine Planning Council at a meeting of the Pacific Fishery Management Council. He said they are asking the Port Commissioners to send a new letter to BOEM in support of rescinding the current proposed call areas. Commissioner Edwards asked Mr. Okeniewski to state the organizations present at the Pacific Fisheries Management Council meeting. Mr.

Okeniewski recalled BOEM, National Marine Sanctuary, Department of Fish and Wildlife from multiple states, and NOAA Fisheries being present at the meeting.

Ms. Mann gave comment requesting the Commissioners to issue a stronger letter to BOEM. She said BOEM is pushing forward with their process regardless of requests and recommendations from the fishing industry. Ms. Mann said sending a strongly worded letter shows the constituents that the Commission does understand the importance of the fishing industry to the Port of Coos Bay and not that the Commission does not support offshore wind.

Ms. Retherford said for the record she is not speaking as a Commissioner of the Port of Newport but is speaking as a fishing family. Ms. Retherford encouraged the Commissioners to listen to the requests received and motion to move a new stronger letter asking BOEM to reconsider the call sites off the Oregon shore.

#### 4. **CONSENT ITEMS**

- A. Approval of April 18, 2023 Regular Commission Meeting Minutes
- B. Approval of April Invoices
- C. Approval of April Contracts Awarded

Upon a motion by Commissioner Hanson (second by Commissioner ViksneHill), the Board of Commissioners voted to approve the April 18, 2023 Regular Commission Meeting Minutes, April Invoices and April Contracts Awarded. **Motion Passed Unanimously.** (Ayes: Farm, Hanson, ViksneHill, Stevens, and Edwards. Nays: None).

#### 5. **MANAGEMENT REPORTS**

All Management Reports were included within the Meeting Packet.

#### 6. **ACTION ITEMS/REPORTS**

##### **A. 2023Res05: Amending Port Policy 6.6 Disposition of Surplus Personal Property**

Over time, the Port accumulates surplus personal property as older equipment and materials are replaced with newer materials, areas of operations are phased out, or when items are abandoned and/or obtained through the auction process. When sufficient quantities of such materials and equipment are accumulated, it becomes necessary to dispose of the surplus property. The surplus property includes property the Port has determined is not needed and unlikely to be needed for Port operations.

Section 6 of the Port's Local Public Contracting Rules, Disposition of Surplus Personal Property, currently requires the Chief Executive Officer (CEO) to identify Port surplus property and recommend the means of its disposal to the Port Commission, as the designated Local Contract Review Board (LCRB). The policy sets forth specific criteria for the disposition of surplus personal property.

Much of the Port's surplus property has little to no value to the Port or its operations. It is inefficient to continue to bring individual action items to the Commission for the disposal of such property. Therefore, Port staff has drafted a revision to the policy authorizing 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.

In addition, the value of surplus property in which an auction sale is required has been increased from \$20,000 to a proposed \$100,000. The CEO will make a recommendation to the LCRB to dispose of any property over \$100,000. Surplus property valued less than the proposed \$100,000 may be directly solicited from any interested buyer by the CEO.

All surplus property will be evaluated against policy before disposition.

Port Staff requested the Commission adopt resolution 2023Res05 amending Port Policy 6.6: Disposition of Surplus Personal Property.

President Farm asked for an explanation of the process for disposal. Ms. Comstock explained when disposing of items such as old printers or old computers, data (hard drives) is removed, serial numbers are recorded, and a list of items is presented to the CEO for approval and instruction for disposal such as donation or recycling.

Commissioner Hanson asked what items would fall under the \$100,000 threshold. Mr. Burns explained this could be boats the Port had to take possession of in the Marina. He said there was equipment that came with the purchase of Terminal One that the Port would never need so those are items to be auctioned. Commissioner Hanson responded that with expanding the threshold, staff must be sure there is an “arm’s length transaction” written in the process so items are not repeatedly sold to the same individual. Mr. Burns said such items would be disposed of in a public auction.

Commissioner Hanson motioned to adopt the resolution, which did not pass for lack of a second. Ms. Comstock asked the Commissioners what the determining factors were in denying the policy amendments; if it was the increase from \$20,000 to \$100,000 or if it was the “little to no value”. Commissioner Hanson replied that it reads as if the item is less than \$100,000 it would be considered little to no value. Commissioner ViksneHill suggested there needs to be a reporting requirement for items that fall below the \$100,000 threshold. Commissioner Hanson agreed that transparency and auditable data should be recorded for items between \$30,000 to \$100,000.

## **B. Port Issued Letter to BOEM**

In June 2022, the Port sent a letter to BOEM stating the Port’s support in wind energy, but also requesting BOEM “to consider all factors related to and the intersection between [wind energy] and all ocean users,” and encouraging “a balanced approach to mitigate potential impacts to other industries.”

The Port has received requests to modify the letter to ask BOEM to rescind the current wind energy call area and to reexamine the best placement for offshore wind turbines outside the 1300-meter depths that may be less impactful to the fishing industries.

The Port Commission was asked to determine whether the letter should be revised and resent or remain as is. Motion options included:

1. Modify the letter to BOEM, requesting BOEM to rescind the current wind energy call area and to reexamine the best placement for offshore wind turbines outside the 1300-meter depths that may be less impactful to the fishing industries.

2. Do not modify the letter, retaining a neutral stance on the wind energy project.
3. Other option as discussed by the Board of Commissioners.

President Farm asked each of the Commissioners to give comment. Commissioner Edwards said he supports sending a stronger letter to BOEM. Commissioner Hanson commented economically she does support wind energy and supports modifying the letter to place the wind turbines further out. Commissioner ViksneHill said he supports a stronger letter and the push for a more inclusive process. Commissioner Stevens commented he supports option number 2, to not modify the letter. President Farm said he does not believe creating a new letter would make a significant difference in the process at this time, therefore, he supports not modifying the letter.

Upon a motion by Commissioner Edwards (second by Commissioner ViksneHill), the Board of Commissioners motioned to provide a stronger letter to BOEM, moving the call areas outside to 1300 meters and beyond and exploring all areas outside of 12 nautical miles including 1300 meters and beyond using the current end cost model that BOEM will be using in the future for developing off shore wind sites. **Motion Passed.** (Ayes: Edwards, Hanson, ViksneHill. Nays: Stevens, Farm.)

#### 7. OTHER

#### 8. COMMISSION COMMENTS

#### 9. NEXT MEETING DATE

The Port Budget Committee Meeting is scheduled for Wednesday, May 24, 2023, at 12:00 p.m.

#### 10. RECESS TO EXECUTIVE SESSION

President Farm recessed at 10:44 a.m. to 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;
- (g) consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
- (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.

#### 11. ADJOURN

The Board of Commissioners returned from Executive Session and President Farm announced there was no further business. Meeting was adjourned 12:37 p.m.