

OREGON INTERNATIONAL PORT OF COOS BAY
Coos Bay, Oregon
REGULAR COMMISSION MEETING
1:00 p.m., Monday, August 19, 2019

Port Commission Chambers, 125 Central Avenue, Suite 230, Coos Bay, Oregon 97420

ATTENDANCE

Commission:

David Kronsteiner, President; Eric Farm, Vice President; Brianna Hanson, Treasurer; Bob Garcia, Secretary; and James Martin, Commissioner.

Staff:

John Burns, Chief Executive Officer; Lanelle Comstock, Chief Administrative Officer; Patrick Kerr, Director of Rail Operations; Mike Dunning, Director of Maritime Operations; Megan Richardson, Director of Finance; Brandon Collura, Charleston Harbormaster; Jake Jacobs, Director of Infrastructure Support Services; John Buckley, Project Manager; Margaret Barber, External Affairs Manager; Fiona Bai, Marketing Media Specialist; Krystal Moffett, Administrative Assistant; and Mike Stebbins, Port Legal Counsel.

Media & Guests:

None.

1. CALL MEETING TO ORDER

President Kronsteiner called the meeting to order at 1:00 p.m.

2. INTRODUCTION OF GUESTS AND PORT STAFF

3. PUBLIC COMMENT

4. CONSENT ITEMS

- A. Approval of June 17, 2019 Regular Commission Meeting Minutes
- B. Approval of June 20, 2019 Board Practices Assessment Work Session Meeting Minutes
- C. Approval of June 20, 2019 Board Practices Assessment Results
- D. Approval of July 9, 2019 Regular Commission Meeting Minutes
- E. Approval of June and July 2019 Invoices
- F. Approval of June and July 2019 Contracts Awarded
- G. Approval of Grants Awarded
- H. Approval of SDIS 2019 Best Practices Program Checklist
- I. Approval of Community Giving Donation

Upon a motion by Commissioner Martin (second by Commissioner Farm), the Board of Commissioners voted to approve the June 17, 2019 Regular Commission Meeting Minutes, the June 20, 2019 Board

Practices Assessment Work Session Meeting Minutes, the June 20, 2019 Board Practices Assessment Results, the July 9, 2019 Regular Commission Meeting Minutes, June and July 2019 Invoices, June and July 2019 Contracts Awarded, Grants Awarded, SDIS 2019 Best Practices Program Checklist, and Community Giving Donation. **Motion Passed.**

5. MANAGEMENT REPORTS

All Management Reports were included within the Meeting Packet.

6. ACTION ITEMS/REPORTS

A. 2019Res15: Ratification of Declaration of Emergency – Bridge Repairs at MP 677.05

On July 12, 2019 after an observation by train crew, it was reported to the track inspector and Operations Manager that the Walker Creek bridge at MP 677.05 piles were pumping 4-6 inches and had broken welds on structural pilings. This bridge had been under observation by the track inspector and reports from operating crews for a deflection when traveling across the structure due to deteriorating conditions. Br 677.05 already had a 5 MPH slow order.

Port/CBRL staff believed continued use of the degraded bridge had a high probability of a derailment which would be a threat to property, rail service, welfare and safety; and a risk of injury to Contract Maintenance and Operations staff. If the identified conditions were not repaired with an urgency, rail service would be declared unsafe, and all operations across this section of track would be interrupted.

Upon further inspection by the track inspector, a briefing with Rail Operations management was conducted and a decision to suspend operations due to safety concerns was put into effect. The notification of the suspension of operations was added to the railroads daily operations bulletin and crews were verbally notified as part of their daily operations briefing. July 13, 2019, the CBRL Rail Bridge Engineer of record (Gene Davis of Stantec) was onsite with the first available vendor (Scott Partney Construction); an evaluation of the safety situation and engineering effort took place.

A preliminary drawing, scope of work and estimate was developed by Partney Construction for consideration by CBRL and the Port of Coos Bay, and presented on Sunday evening, July 14, 2019. The scope of work and design were approved by Bridge Engineer on July 15, 2019. The estimate received was in the amount of \$11,087.00

Partney Construction started gathering material and preparing for repairs after approval of the drawing and scope of work. The contractor preformed and completed the temporary repairs on July 16, 2019. The bridge was inspected and placed back into service with a 5 MPH restriction, and a train operated over the bridge on July 16, 2019 with no issues. The bridge engineer final inspection on July 19, 2019 removed the 5 MPH restriction from the bridge.

Total project costs were \$11,087, funds were available for use from the Rail Department General Fund repairs and maintenance budget. On July 22, 2019 Port Chief Executive Officer John Burns signed the Declaration of Emergency for the necessary repairs to the bridge at milepost 677.05.

Port Procurement Rule 4.6.3 allows the Chief Executive Officer or his designee to award emergency contracts up to \$200,000 in value, and rule 4.6.5 allows the CEO to enter into a direct award for

construction. These actions require the Commission Resolution to ratify the Declaration of Emergency at its next regularly scheduled meeting or as soon as practical.

Upon a motion by Commissioner Farm (second by Commissioner Garcia), the Board of Commissioners motioned to adopt resolution 2019Res15 ratifying the Declaration of Emergency by CEO John Burns, including the execution of a contract with Coos Bay Rail Line, Inc and Scott Partney Construction to effect emergency repairs to the bridge at milepost 677.05 on the Coos Bay Rail Line in July 2019.

Motion Passed.

B. Intergovernmental Agreement with Oregon Business Development Department

The State of Oregon, at the direction of key state legislators and the Oregon Business Development Commission, began a statewide strategic planning effort to determine what the State of Oregon's interest and involvement in Oregon's port districts should be. This led to the creation of "Ports 2010: A New Strategic Business Plan for Oregon's Statewide Port System". The State of Oregon's Strategic Plan requires port districts to enter into intergovernmental agreements with the Oregon Business Development Department if they want to receive Department staff support and funding assistance.

The main components of the IGA will address the following:

- The Ports representation that it is duly and validly organized, the Port has the authority to execute and deliver this agreement and the Board of Commissioners has authorized the entering of the agreement;
- The Roles, Responsibilities and Commitments of the Oregon Business Development Department;
- Roles, Responsibilities and Commitments of the Port; and
- Reporting Requirements.

The IGA, in its current draft form, has been developed and reviewed by legal counsel and Port Staff and is ready for execution. Port staff has coordinated the development of contract language with the State of Oregon's Business Development Office.

Upon a motion by Commissioner Farm (second by Commissioner Hanson), the Board of Commissioners motioned to authorize Commission President David Kronsteiner to execute an Intergovernmental Agreement (IGA) between and among the Port and the State of Oregon – Oregon Business Development Department for the establishment of a Business Relationship. **Motion Passed.**

7. OTHER

8. COMMISSION COMMENTS

John Burns stated there is a meeting tomorrow afternoon at the City Council Chambers of Coos Bay for the Community Enhancement Plan workgroup. The group will discuss funding mechanisms and distribution.

9. NEXT MEETING DATE – Monday, September 16, 2019, 6:30pm.

10. ADJOURN

President Kronsteiner adjourned the meeting at 1:06 p.m. and entered into Executive Session to:

- (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
- (n) discuss information about review or approval of programs relating to the security of a number of specified structures, activities and materials relevant to the operation of the state's infrastructure.