PORT OF CENTRALIA
Established 1986

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Minutes
Regular Meeting of the
PORT OF CENTRALIA
July 5, 2023
Port of Centralia Administrative Office & Via Teleconference
3:00 PM

Attendees: Commissioners: Kyle Markstrom, Julie Shaffley, and Peter Lahmann
Executive Director: Kyle Heaton
Counsel: Ray Liaw, Van Ness Feldman
Press: Owen Sexton, The Chronicle
Public: David Nunn; Gary Odegaard; Jan Banevich; Dawn Merchant; Brian Dow; Cynthia Mudge, Centralia-Chehalis Chamber of Commerce; Bob Jackins; and Paul Crowner
Teleconference: Seven unknown callers

1) **Call Meeting to Order/Introductions:** Commissioner Markstrom called the meeting to order at 3:00 p.m.

2) **Approval of Agenda:** Commissioner Shaffley made a motion to approve the July 5, 2023, agenda as submitted. Commissioner Lahmann seconded the motion. The motion carried.

3) **Good of the Order/Public Comment:** Commissioner Markstrom opened the meeting to public comment and stated the rules regarding public comment.

   Gary Odegaard, of Centralia, read aloud most of Chad Taylor's recent opinion column in The Chronicle and said that Chad Taylor should be complimented on it. He said that he wished that there were more of the sentiments in the column present at Port meetings. He said that he thought it would improve things if the Port changed its policies and allow verbal answers. He also suggested work sessions where the community was open to discuss things with the Port.

   Jan Banevich, of Centralia, commented that RCW 42.30.077 Agendas of regular meetings—Online availability states, "Public agencies with governing bodies must make the agenda of each regular meeting of the governing body available online no later than 24 hours in advance of the published start time of the meeting." She said that the agenda for the meeting was released 24 hours in advance and that she had checked the Port's website multiple times to see if it had been posted. She said that it had not been posted until that morning and it did not give people adequate time to make arrangements and to know that there was even a meeting. She had posted to her Facebook group and no one knew whether there was going to be a meeting or it had been canceled, rescheduled, or adjourned. She asked the Port to follow the RCW and post the agenda at least 24 hours in advance.

   Cynthia Mudge, executive director of the Centralia-Chehalis Chamber of Commerce, announced several upcoming Chamber events.

Brian Dow, of Centralia, commented that there has been a lot of discussion about gray areas surrounding the code of ethics and the way the Port is to be run. He said that there are always gray areas and people can take advantage of it, but there are other things that can be looked at in the gray area, such as Zoom meetings and why can they not be done where people can call and ask questions. He said that he is talking about opening the Port up to the public along the lines of what Gary Odegaard said. He said that they are not true violations, but if the Port could get Zoom working it could allow more public comments in meetings and at different times during the meetings. He said there could be a little better conduct in the demeanor from everyone in the room and there is no need for little looks at each other. He said he did not know if that falls in the gray area, but it is not a conducive way to do business. He addressed the Commissioner assignments and said that one Commissioner seemed to get left in the bottom of the barrel when it comes to going to functions and he thought the designated Commissioner was a gray area. He thought the rotation of the chair should be a true rotation and he did not know why anyone would be skipped if they are trying to work with everyone. He said that all of those things would contribute to what Gary Odegaard said and that there maybe would be fewer public records requests.

Kyle Heaton addressed the agenda issue and said that there was a holiday that fell in between. He said that Port staff attempted to post the agenda on Monday on the new website and did not check it until the morning of the meeting due to the holiday. Port staff then scrambled to get the login information and posted it. He said that the Port has reviewed the RCW and is fine to proceed.

Commissioner Markstrom said that it is unfortunate that there was a technical issue, but he is glad that the Port can move forward with that today.

4) **Approval of Minutes:** Commissioner Shaffley made a motion to approve the June 21, 2023, regular meeting minutes. Commissioner Lahmann seconded the motion. The motion carried.

5) **Approval of Warrants:** Commissioner Lahmann made a motion to approve warrants 23191 through 23223 with an aggregate amount of $568,869.34. Commissioner Shaffley seconded the motion.

6) **New Business:**

   a) **Executive Director Report:** There was no executive director report provided.

   b) **Mellen Street Connector Stage 2 – Pay Estimate #1:** Commissioner Lahmann made a motion to approve Pay Estimate #1 with Scarsella Bros. in the amount of $1,060,191.22 for the Mellen Street Connector Stage 2 project. Commissioner Shaffley seconded the motion. The motion carried.

   Commissioner Markstrom opened the agenda item for public comment. There was no public comment made.

   c) **Commissioner Reports:** Commissioner Shaffley reported that she attended the Independence Day parade and appreciated how the community came together in force to celebrate.

Commissioner Lahmann reported that he had attended the Port of Chehalis meeting, the Board of County Commissioners meeting, the Centralia City Council, and the Independence Day parade. He added that he listened in to the North County Industrial Access meeting as well.

Commissioner Lahmann asked if the Port's commercial on KELA was aired anywhere else. Kyle Heaton replied that it did not. Commissioner Lahmann said that he did not know if the audience is tapped out in the local market and said it would be nice to broadcast out on a wider spectrum to get the advertising out there.

Commissioner Lahmann commented that five years ago he had asked if the Port had a policies and procedures manual and he was told the Port followed state law and the Port seems to be the only organization in Lewis County that does not. He asked if that was something to look into, as well as a home policy for the duties and responsibilities of Port Commissioners. Commissioner Markstrom replied that he did not know if that was possible because Port Commissioners are elected officials governed by state law and did not know if the Port could place other duties on elected officials. Ray Liaw said that it depended on the scope of what is being discussed but the Port could put together something that is based on state law that is easier to access and read because the statutes can be challenging. Commissioner Lahmann said that he received guidance from the Washington Public Ports Association and if something like that was codified to the Port to explain what the Port wanted and if it exceeds state law, such as Commissioner Shaffley previously talked about, then it can be exceeded. Commissioner Shaffley clarified that she was talking about exceeding state law in the code of ethics, not Commissioner duties but the way they are enacted. She thought the WPPA is very clear about what the duties are for Port Commissioners and what they can and cannot do. Commissioner Lahmann asked if it was officially accepted policy of the Port of Centralia. Commissioner Markstrom replied that he did not believe it was, but it can be looked into because the WPPA does offer clear guidance on the responsibilities of the Port Commissioners and the responsibilities of Port staff, such as marketing, that are hired and trusted to handle. He said the Port could look into it further and see if it would be appropriate to include it in the Port's policies.

Commissioner Lahmann asked Ray Liaw for a definition of what constitutes a serial meeting. Ray Liaw said she would provide one and asked if Commissioner Lahmann had a specific example. Commissioner Lahmann replied that he had been asked outside of the room about meetings that happen between Commissioners and staff and what constitutes a serial meeting. Commissioner Markstrom asked if that was an accusation. Commissioner Lahmann replied it was a question. Ray Liaw clarified that staff is not considered in terms of the Open Public Meetings Act, which only has to do with the three Port Commissioners. She said that OPMA ensures that if there is a quorum or more of Commissioners having a conversation about Port-related activities, it happens in open session. She said that a serial meeting would occur if Commissioner Markstrom were to have a conversation with Commissioner Lahmann either orally or by email, and then was to have the same conversation with Commissioner Shaffley, about Port-related business. She said that would be considered a serial meeting and it could occur either orally or in writing via emails. She said that the Commissioners need to be very careful if they are on an open email strand and to not reply all because that would constitute a serial meeting.

Commissioner Markstom reported that he attended the North Lewis County Industrial Access stakeholders meeting and gave a brief overview on the other stakeholders and their plans to proceed.

Gary Odegaard asked to ask a question. Commissioner Markstrom said that public comment was closed.

Commissioner Lahmann said that he was supposed to be the Port's representative to the Southwest Regional Transportation Organization and they were in the meeting. He asked why Commissioner Markstrom was at the meeting and he was not even though he is on the SWRTPO board. Commissioner Markstrom replied that he was the appointed representative to the North Lewis County Industrial Access stakeholders.

Commissioner Lahmann asked why the stakeholders have decided that 216th is now the primary location being looked at for the project. Commissioner Markstrom replied that they had a comprehensive scoring matrix that they used that made 216th the obvious choice. He gave a brief description of why 216th was optimal over Kuper Road.

7) **Adjourn:** Commissioner Shaffley made a motion to adjourn the meeting at 3:30 p.m. Commissioner Lahmann seconded the motion. The motion carried.

COMMISSIONER **COMMISSIONER**