

PORT OF ORCAS
REGULAR MEETING MINUTES

March 25,2024

Commissioners Present: Robert Hamilton, Jason Laursen, Michael Triplett, Mia Kartiganer

Commissioners Present by ZOOM, Annalies Schuh

Staff Present: Kim Kimple

Guests Present: members of the public

Call to Order/ Presence of Quorum

Chair Hamilton called the meeting to order at 5:00pm., noting a quorum and stating the meeting was being recorded

Amendments to Agenda:

Michael asked why the fuel sales tax issue was not on Old Business nor in the Manager's report. He further stated that this was identified as a high priority issue at the last regular meeting on Feb 26. Kim replied it was not on the agenda because she had done nothing. Robert felt it should be added to Old Business---Michael agreed that while there was no movement on the fuel tax issue, it as well as any other Old Business items " procedurally" should be on subsequent Agendas until those items were resolved, formally abandoned or tabled.

Secondly, Michael asked why approval of voucher B from the Feb 26 meeting (it was defeated on Feb 26) was not on Old Business for this meeting. He suggested that this issue be added to the agenda during Old Business #9 (Policy Review, Commissioner Duties—Commissioner Kartiganer) as the two issues were related. The Commission agreed to this addition to the Agenda.

PUBLIC ACCESS;

Rick Fant suggested we continue with Kim in her supporting role she held prior to becoming Manager and highly suggested we hire an interim Manager while we search for a permanent hiring for the Manager vacancy.

Eric Gourley expressed appreciation to Kim for the hard work she gave the community as Manager for the Port of Orcas.

Robin Sullivan expressed concern about airplane noise she is experiencing.

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MONTHLY BUSINESS;

1. Previous Minutes
 - a. Robert moved and Jason seconded approval of 12-18-23 Minutes 4 Yes Michael No
 - b. Robert moved and Michael seconded approval of 02-26-24 Minutes 4 Yes Mia No
 - c. Robert moved and Michael seconded approval of 03-13-24 Minutes 5 Yes
2. Approval of Vouchers
 - a. 03-25-2024 a-aofe \$7,063.20
 - b. 03-26-2024 b-cfe \$9,207.05
 - c. 03-25-2024 Payroll \$17,805.61

Michael moved to approve vouchers a,b,c Mia seconded and 5 Yes

MONTHLY REPORTS

No update on the biplane slab, PAPI still not approved and new flight check scheduled for April 3, Westside development still under review, 2022 Federal audit completed, No update on EV charging grant—Mia will be the point person on EV until we have a new manager, Fuel delivery has been delayed until March 29.

No financial report was given.

OLD BUSINESS

1. Manager Search;
 - a. Update on search process; Prothman is working on the Manager search. It was discovered that some of the emails to Commissioners ended up in their Junk folders so some of the Commissioners were not aware of the latest information. Robert wanted the Commission to find these emails and respond to him within the next 2 days if they have any input.

MOTION; Robert moved, we advertise with Prothman the Manger position at the range of \$100,00-\$140,000, Jason second. Discussion ensued where Michael suggested \$90,000 for the lower end of the range as the Port owns a house that is currently giving us rental income. Once that tenant leaves (by May 2025), the Port has the opportunity to provide that house to a future Manager as part of their benefits. Michael felt the house has a \$25K annual value which if occupied by the future Manager gives the Port indirect income by paying the Manager less since they will have use of the house. Robert expressed some doubt that the FAA would allow us to let anyone live in the house as it is on Port property. Mia stated the Port has not established commitment to a housing stipend. Robert amended his motion to a \$90,000-\$140,000 salary range, Jason agreed to the amendment and the motion carried. 5 Yes

Sonia from Prothman suggested our established range was too broad and we would lose applicants but was unable to convince the Commission to change their decision.

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- b. Interim Staffing Plans—Manager, Volunteers: Robert praised the local pilots for covering the airport the last time the airport lacked a Manager. His personal preference was to have an interim Manager and while he (Robert) “ doesn’t want to shove anything down our throats” he stated he had called Chip Long—and sent us Chip’s resume this past week and “ while it seems I am moving fast” he wanted to make a motion.

MOTION: Robert moved that we hire Chip Long on an interim basis to be our interim Port Manager at \$40 hourly and 30-40 hours per week. Second by Jason. Michael felt this issue needs to be discussed in Executive Session and to bypass this step is out of order. Historically he stated in the past 4 yrs the Port has had the Manager position unfilled—one of the times for about 6 months which saved the Port considerable money on that salary. Michael further stated that while he was opposed to hiring Prothman (upwards of \$25K), at least that money would be offset by not having to pay a Manager during the search for the new Manager. Now if we hire the interim Manager, we no longer have that offset financially and because of the money and lack of Executive Session he (Michael) would be a huge NO on this motion. Robert stated that he emailed the Commission a couple days ago about this upcoming motion and if some Commissioner didn’t read it and act upon it, it was not his fault. Mia said she felt we had rushed into the contract at the last meeting 12 days ago with Prothman without the Commission deciding on a firm job description so she was hesitant to again be rushed into a decision without the benefit of Executive Session. Mia wanted to do things by the book. Annalies stated she knows Chip and is confident he is a good candidate for the job. Kim stated Executive Session is appropriate to review qualifications of candidates. Kim further stated there is an increased risk to the airport by not having a Manager available. Kim further advised that if there is no Manager, the future hired Manager will have increased job load and even with continuity at the Manager position it is very hard to keep up with everything. The discussion about having an Executive Session ensued with Michael stating that had an Executive Session to discuss the qualification of an employee been on the published agenda, both he and the general public might have had a clue that a hiring was being considered for this meeting and whether or not we have the Executive Session tonight, he will be opposed to a hiring tonight for that reason alone. Robert opined that an interim Manager doesn’t require the scrutiny and public input that a permanent hire requires and he wants the Manager position to be filled tonight. Mia then interjected a change of mind about the Executive Session being helpful and Michael stated that if there were 3 votes to hire tonight, there was not need to lengthen the meeting with an Executive Session. Annalise suggested it was ill advised to not have a Manager in place as we enter our busy season at the airport. Robert addressed Michael by saying it was unfortunate that his (Robert’s) emails of a couple days ago went to junk mail creating the situation where Michael had no inkling that a hiring was to be considered and while it looks like he (Robert) was “ ramrodding something through” , Michael had access to the information so the process is legitimate. Michael called with question and the motion passed 4 Yes and Michael No

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Chip Long then stated he didn't want to be described as overqualified for the job.

- c. Delegating Commissioner Responsibilities. Kim stated she prefers to be behind the scenes going forward now that we have Chip as interim Manager. Robert wants to continue the lead on Westside Development. Kim stated a desire to have someone named to lead Capital Improvement Plan and Bipartisan Infrastructure Law projects. Mia has volunteered to head up the EV project. Michael was asked to be the contact for Noise Abatement issues for which Michael reminded Robert that he(Robert) had already (earlier that meeting) offered to meet with Robin Sullivan about her noise complaints during public access. Once Michael agreed to be the Noise Abatement contact with the public, Robert delegated Robin Sullivans complaint to Michael. Hangar drainage problems were given to Chip to manage.
2. Noise Abatement Procedures: Michael gave his contact information to Robin Sullivan so they could set up a separate time to address her concerns.
3. Community Water Taxi; Mia reports nothing new. Mia wants to keep touch with her contacts on this issue.
4. Annual contact with neighbors: Annalies reported she spent her time identifying stakeholders for Prothman's search for our new Manager so there is no progress on the neighbor contacts. Annalies identified Sadie Bailey, Jason Bradshaw, Rick Fant, Eric Gourley as confirmed stakeholders in Prothman's new manager search which received general Commission assent.
5. Hangar Drainage Concerns; no progress reported. Questions about the financial responsibility for hangar drainage seem to remain with the hangar owners very sure that the Port is financially responsible for any costs in improve drainage. At present, the Port is looking to secure drainage bids, recommendations and costs prior to answering the question as to who is responsible.
6. Through the Fence (TTF) Fee; Michael reported that at the Feb 26 meeting the Commission tasked Kim with writing up a Resolution to be a guide to future Commissions to hopefully, helpfully cut through all the research the present Commission has expended on this issue. Kim admitted there was no Resolution for the Commission. Kim stated there was some resistance from TTF users for the Port to tie usage TTF fee directly to ½ the annual aircraft tiedown fee. She wonders if we should have a public forum on this sole issue and consult our legal department. Michael expressed disappointment that we didn't even have a rough draft of the Resolution to examine—Michael's understanding was the resolution was to be a increase in the TTF fee effective 2025 which included the history and process our current Commission underwent to provide a framework/ suggestion for future Commissions.

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7. **ESWD Use of Road and Property:** Michael began this discussion with a motion.
MOTION; I move that we appoint Chip Long to contact the San Juan Sheriffs Dept to report ESWD as a trespasser and to make contact with them.
Mia seconded the motion to allow discussion. Discussion ensued highlighting ESWD using the taxiways and Shoen Lane transporting huge trucks (some with gravel) on and off their property. It was further revealed that ESWD has dug up their only legal access road (Cessna Rd) making it impossible for them to access their own property. Without permission from the Port ESWD has been using Port roads, taxiways and land as they continue to expand their operation. The incompatibility of aircraft with cars, trucks, forklifts was given general assent. The presence of their gravel falling on taxiways was especially abhorred and Michael relayed a recent history of having to replace his \$11K propellor due to damage from flying loose gravel (in a different location). Safety of flight issues could result from ESWD usage of taxiways. Mia suggests continued gentle approach with ESWD. Kim says we cannot block off the road at our electrical building because Emergency vehicles need that road to access the helipad. Michael stressed that ESWD are not good neighbors—they would rather ask for forgiveness than permission. Michael thinks the Port has a resolution in place to charge ESWD for every time they use Shoen Ln and the taxiway and the road past the electrical bldg. to get to their property. To his knowledge, Michael believes the Port has never enforced that Resolution. Michael further reminded the Commission that there exists a potential for ESWD to claim **PRESCRIPTIVE EASEMENT** and Michael listed the 5 requirements the state of Washington requires for a party to make a legal claim of prescriptive easement. Michael again stressed that his motion to contact the Sheriff costs the Port nothing, it conveys the Port is serious about their trespass, restarts the 10-yr timeline needed to claim Prescriptive Easement. Michael admitted there are other options available but all would take more time and cost the Port more money than a report to the Sheriff. Annalies wants more conversations with ESWD. Jason felt conversations were useless. Robert thought calling the Sheriff was inflammatory. The question was called by Robert. The motion was defeated by 3 Nos Michael was Yes and Robert was abstain. Another motion was made based on suggestion from the public.
MOTION; Mia made the motion for the port to send a registered/certified letter to ESWD to stop using the taxiways. Jason seconded the motion. Unanimously passed with Mia volunteering to write the letter.
8. **10-yr Budget Review:** Robert said he had nothing to report at this time
9. **Policy Review, Commissioner Duties:** Mia wants a resolution to amend the Bylaws and this constitutes the first reading.
“ Incoming elected Commissioners shall be required to attend the new Commissioner training as provided by the WPPA during the period between the election results and being sworn into office. This should be made clear to any member filing for a seat on the Commission.”

Michael had some comments: he wants to amend the resolution to require a degree in Business because he has found that his degree has been very helpful and while we're at it, could we also require a pilots license as that has also been super helpful for Michael in his Commissioner duties. This was said partly in jest but also to emphasize that this stated resolution may thwart the will of the people. How can a person be elected (by the people) only to find that the current Commission is requiring them to do something that Commission feels is valuable BEFORE they can serve the public?

Mia stated the WPPA meeting has been a valuable help to her as a Commissioner—it has shown her that a Commissioner has a duty to consider far broader issues than just to run an airport. Michael asked what the Commission will do to him if this Resolution is passed because he will not attend this meeting. Will the group attempt to kick him off the Commission? If there are no penalties to an elected Commissioner avoiding this specific form of education, why have the requirement in the first place? Creative and spirited debate followed which was interrupted by Robert. Jason stated he believes we should be more than just an airport and as such elected but not yet active Commissioners should be required to avail themselves of this fact. Jason is in favor of this Resolution. Annalies stated she found value in attending the new Commissioner WPPA meeting---she wants to waive this requirement if a Commissioner has already been serving. Robert stated he found the WPPA meeting of great importance and further stated it was IRRESPONSIBLE not to go (Michael interrupted Robert to thank him for the use of the word irresponsible). Robert continued that while WPPA training is valuable it seems a bit heavy handed to require it. Robert mused that consultation with our constituents about this issue might be valuable before we vote on the second reading at our next meeting. Michael asked again what the penalty would be for an elected Commissioner should they decide to forgo or be unable to comply with the proposed requirement. Robert said they could decide on the penalty of non-compliance with this resolution at the time it was found to be violated. Robert admitted he wasn't an attorney and doesn't know if this resolution is allowable or not and admonished " anyone" to look into it as we have a month before the second reading and vote on this resolution.

At this point voucher B (01-24-2024 Payroll \$14,836.40) which was not passed from the 2-26-2024 meeting was discussed. Michael asked for a motion to approve voucher b.

MOTION: Robert moved and Mia seconded we approve voucher b.

Michael' comments were that at the Feb meeting, only 3 Commissioners were in attendance and since he(Michael) did not understand some the items on the voucher in question, he voted NO— thus failing the motion to approve. Specifically while the total charged for 2 Commissioners and 1 Commissioner -elect to attend the WPPA conference was shocking at \$6,304.26, there was acknowledgment that the Commission had agreed in advance to pay for hotel, travel and conference tuition which was \$5,338.26 leaving Commissioners Mia and Jason's additional payments of \$483.00 apiece (\$966.00) in question. Kim had reported that she had paid Mia and Jason \$161 (which is the approved payment for Port meeting attendance for 2024) for each of the 3 days they attended the conference. With no clear cut preapproval or even historical per-day payments to Commissioners in attendance at conferences, Michael felt he had no choice but to vote no on this voucher b. In addition, Michael asked why a conference attended in 2023 warranted the \$161.00 per day payment which came into effect January 2024.

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Kim acknowledged that the per meeting Commissioner pay was \$128.00 daily in 2023 and thus an error had been made. Kim further admitted it was her decision to pay these 2 Commissioners for each of their 3 days spent at the WPPA Conference. Kim then suggested she needed Commission guidance as to whether we pay a per day stipend to Commissioners to attend these Conferences. Robert suggested we develop a policy on this in the future. Michael advised there is a problem to pass this voucher because it financially benefits Commissioners Mia and Jason (if they vote Yes)because they have a conflict and should abstain from the vote. Mia stated that for working class people elected to the Commission, they shouldn't shoulder the burden of taking off work to attend the Conferences for free.

Kim asked for an amendment on the motion to reduce the future pay for Mia and Jason for the \$99.00 overpayment made on voucher b. Robert and Mia agreed to the amendment.

MOTION; Robert moved we pay voucher b but to amend the amounts paid by deducting \$99 for Mia and Jason for the overpayment made on said voucher. Mia's second remained. Robert called question. Motion approved 3 Yes with Michael and Jason No

10. Projects and Planning

a+b. Capital Improvement Program Plan: BIL(Bipartisan Infrastructure Law) Funding
Discussion: Michael reminded the Commission that at the last regular meeting he asked them to look over the Drainage Analysis Studies and those suggestions and costs to mitigate out drainage issues. Michael still feels this is a good use of those funds as well as a way to " test the waters" to make sure the government really gives us those funds. Mia asked if Michael was requiring the Commission to look at those documents and Michael said he is merely requesting as the Port still has until September of 2025 to identify a BIL project.

c. EV Charge Grant; Mia reports the WA Dept of Commerce still deciding on the amt of the grant.

MOTION: Robert moved that the Port will rescind the Kim's authority to sign for the EV grant and transfer such authority to the Chair. Jason seconded. Comment from Michael was he was uneasy about committing to accept funds for a project without a permanent Manager in place. Mia wants Kim to keep the authority but Kim wants no authority. Robert says it is a good project and there is no downside. 4 Yes and Michael No

d. Nothing new to report on Westside Development

Public Comment :

Sadie Bailey; establish from the FAA what we can do with the former Vierthaler house. Give Chip a raise. Don't trust the county opinion on Westside Development wetlands as they " don't know jack"

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Ed Addick: he agrees with Michael's assessment that the near-term drainage project on the drainage study would be a good project for BIL monies.

Rick Fant: The Community Development Dept of the County don't know what the hell they're doing. The former Vierthaler house needs to be torn down as it is too close to the runway

He agrees with Jason and Michael that EWSD is a freaking mess. Airhawks has a hangar in their vicinity and ESWD forklifts, backhoes are regularly traveling the taxiways—he suggests blocking the road and not allowing their vehicles to access over the taxiways which would also reset the 10 yr timeline to challenge any prescriptive easement ambitions.” It's a mess. Tell us how we can help.”

Kim Kimple: FAA will pay the amt up to the amount they would allow to have the Vierthaler house demolished to have someone move the house. She is unclear as to whether in the future anyone could be allowed to live in that house in it's current location.

Next Meeting and Adjournment:

Robert thanks the room for the spirited discussion. He asks if Commission cares that the May meeting falls on Memorial Day and advises we decide at the next meeting which will be April 22 at 5PM. The meeting was adjourned at 7:16PM

Respectfully submitted,

Michael Triplett, Secretary