

**Kitsap All Ports Association  
January 30, 2023  
Meeting Minutes**

The meeting was called to order with the flag salute at 6:30 By Caleb Reese from the Port of Silverdale.

In attendance were Ken McEwen, Greg Englin, Jim Strode, Lary Coppola, Jon Buesch, John Sheridan, James Weaver, Ed Scofield, Shaun Nye, Caleb Reese, Doug Kitchens, Steve Heacock, Jim Aho, Eugene Medayag, and Joseph DaBell. Also in attendance was former Port of Brownsville Commissioner Jack Bailey

In attendance on Zoom were LeAnn Dennis, Judy Scott, Ted Jackson, Jeff Rupert, and Sally Hass.

After introductions of the people at the table and then on Zoom, Mr. Reese introduced Tim Schermetzler of the Chmelik Sitkin Davis law firm, who gave a presentation on the Public Records Act (PRA), including what constitutes a Public Record and procedural requirements to comply with the act. He emphasized the importance of having a written Public Records Policy in place.

Mr. Schermetzler also discussed the need for having a written policy in place about how to specifically document searches for Public Records, including having an Exemption Log with explanations for documents that were exempted.

He also spent some time explaining the financial penalties for not complying with the PRA, and the fact that violations are not insurable. He also added mitigating factors that can reduce penalties. He then went into aggravating factors as well that could result in additional financial penalties.

At that point he opened the floor for questions and answered all that were asked. Among other topics discussed during the question-and-answer period were several surrounding Social Media posts as they relate to the PRA.

At that point Mr. Schermetzler went into the Open Public Meetings Act (OPMA). He began by discussing the basic tenants of the OPMA and what constitutes a Public Meeting. He also spoke about what doesn't constitute a Public Meeting even when a quorum of an agency is present.

What constitutes a "public body" such as a Port Commission was explained as well and the requirements about why and when their meetings are open to the public. However, he then explained what the law says about meetings that are not "in person" meetings such as email, and phone conversations and what is and isn't a serial meeting.

What constitutes "action" such as motions, resolutions, and more was then discussed and clarified, as well as public notification requirements. Mr. Schermetzler also covered the difference between Regular and Special Meetings and the public notice requirements for them.

The next item covered had to do with public comment and when it is and isn't required and/or allowed. The question of written comment being read into the record or not came up. The law says written comments only need to be provided to the Commissioners and don't have to be read out loud at meeting under Public Comment.

From there the presentation moved to reasonable rules of conduct for public commenters. Roberts Rules of Order are strongly recommended for conduct of all meetings.

This led to Mr. Schermetzler's comments on interruptions of disruptions during a meeting and what is defined as "disorderly conduct" and what is allowed.

From there the presentation moved to Executive Sessions and the rules and best practices for them. Executive Sessions are not open to the public, and no decisions can be made or action taken. Confidentiality is required and Executive Sessions can only be held for very specific reasons. He stressed discussing what can be said in public and doing so in advance of the Executive Session. He also touched on Non-Disclosure Agreements (NDA) and what is permitted and what is not in an NDA. Executive Sessions to discuss actual or potential litigation require an attorney to be present.

From there the penalties for violating the OPMA were outlined, and then the requirements for Meeting Minutes and when they are mandated.

Finally, Mr. Schermetzler brought up Governance and Ethics. He went into Port Powers and Delegation of Authority. He explained the state statues covering Ports and went into the Delegation of Authority for Port Executive Directors.

Other topics quickly covered Gifting of Public Funds and the use of Port facilities, property, equipment of staff for political purposes. However, there are exceptions to this that were explained as well. Ethical issues were explained where contracts are concerned, and when recusal of decision makers is necessary. Also using the office of Commissioner for personal gain be it directly or via information obtained by being a public official. He also outlined the exceptions as well as what constitutes "Remote Interests" and the rules governing those situations. From there the penalties for violations were explained.

Mr. Schermetzler then explained Judicial Doctrine and what a conflict of interest consists of and then covered specific ethical violations. He then opened the floor to questions and answered them, as well as responding to comments from the floor.

The meeting then went around the table and individual Ports gave brief reports on their activities.

The meeting was adjourned at 8:44 p.m.

Lary Coppola, Port of Allyn – Recorder

  
Commissioner

  
Commissioner

  
Commissioner