

SUPREME COURT ISSUES IMPORTANT OPEN-MEETINGS DECISION

Last week the state Supreme Court released its decision in *Columbia Riverkeeper v Port of Vancouver*, which is the case relating to discussions of lease price in executive session. The Open Public Meetings Act requires that "all meetings of the governing body of a public agency shall be open and public ... except as otherwise provided in this chapter." The first exemption to this requirement permits a governing body to meet in executive session "To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price."

This case was about how narrowly to read that real-estate exception.

The Court did not side with the Port of Vancouver, or with WPPA's amicus brief, but instead set forth what amounts to a new requirement that ports and other public agencies will need to meet before they use this exemption under the OPMA. The Court said:

"We now hold that a government entity may enter executive session to discuss the minimum acceptable value to sell or lease property, but not to discuss all factors comprising that value. To the extent that various factors directly alter the lowest acceptable value, the governing body may discuss how these factors impact the minimum price; but general discussion of the contextual factors themselves must still occur at an open public meeting."



The Court goes on to say later in the case:

"The clear language of the statute limits discussion in executive session to consideration of the lowest acceptable value to sell or lease property. To the extent that various factors directly alter the lowest acceptable value, the governing body may discuss how these factors impact the minimum price. This limited scope does not permit a general discussion of the contextual factors themselves; any such general discussion must occur at an open public meeting. Once the relevant factors have been discussed in public session, then, armed with this knowledge, the governing body may enter executive session; there, the governing body can apply this knowledge to set a new minimum price."

This decision is a 'middle-ground' in the arguments that each side made to the court. It is clear that going forward there needs to be a more careful review in public session of the various factors that go into setting price. After that review, port commissioners can still go into executive session to discuss how those factors influence the valuation of a lease.

WPPA will be discussing this case at our various seminars, conferences and committee meetings this year. If you have questions, please contact Eric Johnson at the WPPA office. ■

PORT SPOTLIGHT

PORT OF CHINOOK LEADS ON HISTORIC SCHOOLHOUSE RENOVATION

The Port of Chinook, at the mouth of the Columbia River, recently celebrated with its community as they dedicated the Chinook School classroom building as a cultural, educational and recreational center.

In 2000, the Ocean Beach School District announced its intent to surplus the former Chinook School classroom building, gymnasium and grounds.



Community members responded to the District and asked for time to develop and evaluate a plan to take over ownership, restoration and operation of the buildings. After numerous meetings seeking public interest and support, the community group formed as the Friends of Chinook School (FOCS).

The Friends group received a federal planning grant, and a plan was developed that assessed the physical status of the buildings, the cost of restoration, possible ownership/lease alternatives, and a business plan. The FOCS moved forward by entering into meetings with the school district, the port and all others interested in the project.

In 2006 the Ocean Beach School District transferred ownership of the property to Port of Chinook. In April 2007, the Port of Chinook signed a 33 year lease with FOCS. The nonprofit

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FAST BALLS, CURVE BALLS & CHANGE UPS



Well, the last of the three recent Supreme Court cases that WPPA felt compelled to get involved with is finally decided. The cover story gives you the background; there are now some limitations to what can be discussed regarding the price of a lease or sale of property. These limitations, however, appear to be manageable. We just

all need to be aware of them, and we will be developing education materials to help our members out.

To refresh your memory, we are now 1-1-1 in those three cases. Unlike baseball, a legal case can result in a tie, and this last one just did. We clearly lost the case relating to Ocean Resources Management Act, and we clearly won the case relating to how SEPA is done in conjunction with a proposed lease.

I wish I felt better about the end result. My Scandinavian heritage usually compels me to dwell on problems. And this last case exacerbates a trend that I have been be-moaning for years; namely that the world just keeps getting more complex for local government officials.

Port Commissioners are really civic volunteers. You don't get paid much, if anything, for your service. What you do get is an increasingly complex set of rules to remember as you try to manage your community assets. Now we have a new one relating to how much you need to publicly discuss about the factors that affect a lease, before you use an executive session in get the best deal for your citizens.

We don't know yet where the "Goldilocks" balance is between too little public discussion, and too much. I'll be working to help you figure that out, so that your porridge is "just right."

One of Casey Stengel's greatest quotes was "In baseball, two things can happen. You can win, you can lose, or it can rain."

After smiling and shaking your head at that line, you realize that as usual Casey was a genius. When it does rain, so to speak, you need to come back and play the game another day.

So as soon as the field is dry we will run you out there to do your jobs the best way you know how. Just remember to pay attention, because the signs from the dugout will be a bit more complex than they used to be. ■

UPCOMING EVENTS

Directors Seminar

July 13-14, 2017

Adrift Hotel, Long Beach

Environmental Seminar

September 21-22, 2017

Heathman Lodge, Vancouver

Commissioners Seminar

July 24-25, 2017

Alderbrook Resort, Union

Small Ports Seminar

October 26-27, 2017

Enzian Inn, Leavenworth

PORT SPOTLIGHT

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agreed to improve the buildings, manage them and be responsible for maintenance costs.

Over the past ten years, FOCS has raised funds for construction through fundraising, private donations, and foundation grants. In-kind contributions of material and construction also contributed significantly to the project. The Port of Chinook raised construction funds by obtaining four grants from the Washington State Heritage Capital Project Fund. FOCS served as key collaborator on the grants and assumed the responsibility of providing the 2:1 match.

The Port of Chinook is happy with the role it has played in saving the historic buildings. The Port is also pleased that the construction has significantly contributed to the economy of the local area. FOCS has subleased space to the Long Beach Peninsula Visitor Bureau. The office is a Welcoming Center and Visitor Information Center, and tourism is now promoted in Chinook!

Rentals from the Event Center and Community Building contribute to the maintenance and operation of the buildings and grounds. In July, The WPPA will hold its annual Executive Director's Conference in the facility and get a first-hand look at a first-class port/community partnership. ■

EMPLOYMENT OPPORTUNITIES

Director of Economic Development

Port of Bellingham

Director of Operations

Port of Anacortes

Executive Assistant / Property Manager

Port of Friday Harbor

Airport Land Use and Strategic Programs Coordinator

WSDOT

Project Manager 2

Port of Anacortes

Marketing & Outreach Assistant

Port of Olympia

Full-Time, Temporary (Seasonal) Port Maintenance

Port of Bremerton

Senior Manager, Planning

Northwest Seaport Alliance

Real Estate Representative

Port of Bellingham

Director of Aviation

Washington State Department of Transportation
Tumwater

Director of Finance and Administration

Port of Chelan County

Senior Cost Engineer Scheduler

Port of Seattle – AV Project Management Group

Senior Cost Engineer Scheduler – Supervisor

Port of Seattle – AV Project Management Group

Maritime Billing & Administrative Specialist

Port of Seattle – Fishing Commercial Operations

If you would like information on any of these positions, visit washingtontports.org/washington-ports/employment-opportunities