

PORT STAFF AND ATTORNEYS GATHER TO DEVELOP OPMA GUIDANCE

Last June the State Supreme Court released a decision relating to how public bodies are to meet in executive session when discussing the price of a lease.

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 - *Columbia Riverkeeper v. Port of Vancouver* – was about how narrowly to read that real-estate exception. The decision was not a clear win for either side. Rather than agreeing with Riverkeeper or the port, the court chose a middle path.

The court said that to the extent that various factors impact minimum price, these factors must be discussed in a public session. Armed with that general information, a governing body may enter executive session to set a minimum price.

This ruling will require port staff and commissions to use more judgement for certain executive sessions relating to leasing, selling and probably buying property. Last month WPPA

convened a group of port directors and attorneys to review the case and see if there could be agreed-upon guidance that WPPA could publish for the benefit of all ports.

The meeting was productive, and there was general agreement among the attendees that there is a way to structure guidance that meets the court's ruling. WPPA staff is working on drafting guidance now, and will continue to work with interested port staff and attorneys to finish that task as soon as possible. In the meantime, any port planning an executive session to discuss a lease or sale should work with its attorney on structuring a public discussion of the factors that will affect price. ■

TURNING BACK THE CLOCK

PORT REDEVELOPS HISTORIC TERMINAL FOR FUTURE ECONOMIC DEVELOPMENT

The Port of Longview is working to redevelop its Berth 4 facility. In its prime, the Continental Grain Terminal propelled the Port of Longview to reach record tonnage from the years of 1926-1989. Since 1989, the historic grain terminal has sat idle, a reminder of the Port's past while brimming with potential for future economic development.



Phase one of the project began in 2014, when the 87 year old timber decking was removed, followed by the removal of over 1,000 creosote pilings from the water in 2015. Phase two was completed in 2015, with the construction of a lay

berth. The lay berth allows the facility to generate revenue while redevelopment takes place. Complete with new steel pilings and grated catwalks, this update minimizes over water coverage for the benefit of native species in the Columbia River.

Demolition of the existing grain silos will be the third and final stage. The demolition plan for the silos will be established once environmental studies are completed and the safest methods are identified. The developed facility will play a key role as the Port works to maximize economic benefits for the available land. ■



FROM ERIC JOHNSON

FAST BALLS, CURVE BALLS & CHANGE UPS



I wrote this column two weeks ago, and I was not in a very good mood. When you read this I will have just returned from ten days of vacation; perhaps today my mood is better.

Why the grumpy mood? Because the carbon wars are killing us, is why. I know I sound like a broken record

pointing out how the attempts to stop every energy project have corollary damage to our general well-being as ports. But I have to continue with this warning, because the damage keeps coming.

The latest example is the Department of Ecology's denial of a key permit for the proposed coal terminal in Longview. Remember – this is a private company project on private land. We have been careful to point out that we do not have a position on it because it is not a public port project.

So why am I upset about the denial of the water quality permit? Because key parts of the denial are based on increased train and vessel traffic through the state. If this terminal reaches its peak capacity – a big if – in ten years it will bring an estimated eight new trains a day to Washington. This increase in train traffic was deemed to be “unacceptable and unmitigatable” by the state, because the increase in diesel emissions from locomotives and from cars waiting at crossings will harm human health.

Really? A new grain terminal brings about four new trains a day and we just built two and increased capacity at a third. On a typical current day there are between 90 and 100 trains moving around the rail system in our state. The number fluctuates with the economy, obviously. Eight trains is well within the normal

fluctuations that we see, and our just-completed marine cargo forecast predicts that number will increase. I hope it does, because those trains move freight and moving freight is one of the pillars of the state's trade-dependent economy.

Unfortunately, the permit denied by the Department of Ecology just became the instruction manual for anyone who wants to stop a project that increases train or vessel traffic.

And if I hear another reassurance that “it's just coal – we won't do this to other projects” I may explode. I heard that earlier about SEPA, and then the same arguments were successfully applied to two methanol plants backed by our members.

The combination of this permit denial and the invalidation of the Kalama methanol plant because their EIS didn't study the entire world leaves major new projects in an untenable position.

I fear that unless we fix things, the only major freight projects that will be built in our state will be ones that no one objects to. Those are about as rare as a Mariner's first base player who can hit.

Maybe ten days in Nashville and Savannah will have calmed me down. If it didn't I may start looking at real estate ads in Boise. ■

UPCOMING EVENTS

Legislative Committee Meeting

Friday, October 20, 2017
10:00 a.m. to 1:00 p.m.
Anthony's HomePort, Olympia

Small Ports Seminar

October 26-27, 2017
Enzian Inn, Leavenworth

New Commissioner Seminar

November 14-15, 2017
Motif Hotel, Seattle

CLE

November 14, 2017
Motif Hotel, Seattle

Annual Meeting

November 15-17, 2017
Motif Hotel, Seattle

EMPLOYMENT OPPORTUNITIES

Communication Manager

Washington Public Ports
Association

Senior Cost Engineer Scheduler

Port of Seattle

Accounts Receivable Manager

Port of Seattle

Accounting & Financial Reporting Business Technology Analyst

Port of Seattle

Finance Operations Specialist

Port of Everett

Executive Director

Humboldt Bay Harbor, California

Payroll Technician II

Port of Tacoma

Facilities Management Specialist

Port of Tacoma

HR Manager, Labor & Employee Relations

Port of Tacoma

Project Manager II, Engineering

Port of Tacoma

Director, Port Operations

Northwest Seaport Alliance

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