



Port of Vancouver USA

AGENDA
PORT OF VANCOUVER USA
BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA
3103 Lower River Road, Vancouver, WA 98660
Tuesday, September 12, 2023

In accordance with the Open Public Meetings Act (OPMA), the Port of Vancouver Board of Commissioners meeting will be open to in-person attendance. Options for viewing and/or participating in the meeting to provide virtual oral comment will also be accommodated (see details below). The Board members will be attending this meeting in person.

*Public testimony will be accepted under Open Forum. **Advance registration will be required for individuals who want to provide virtual oral testimony (see details below).***

The business meeting and workshop (Items A – L) are recorded and broadcast live on CTVV cable channels 21, 23 / HD 323, and at www.cvtv.org.

- A) **CALL TO ORDER (8:30 a.m.)**
- B) **EXECUTIVE SESSION**
Potential litigation pursuant to RCW 42.30.110(1)(i)
- C) **OPENING REMARKS (9:30 a.m.)**
 - 1) Opening Remarks
 - 2) Approve Minutes of the August 22, 2023, Regular Meeting
- D) **OPEN FORUM**
 - 1) Public comment -To provide virtual oral comment during the board meeting, you must register no later than 12:00 p.m. Monday, September 11, 2023, by emailing povcommissioners@portvanusa.com**
- E) **ACTION ITEMS**
 - 1) Approve Parties' Agreement to Settle Claims and Sign Consent Decree
 - 2) Approve Lease Agreement between the Port of Vancouver and Plastics NW, Inc.
- F) **UNFINISHED BUSINESS**
 - 1) Port Contracts Logs

G) NEW BUSINESS

H) ACCOUNTS PAYABLE

Voucher Numbers	115377– 115751	\$ 5,072,776.10
Electronic Payments	08/01/2023 – 08/31/2023	\$ 578,361.42
Payroll Voucher Numbers		\$ 755,503.31
Checks	51902195 – 51902196 51910608 - 51910609	
Direct Deposits	320001 – 320154 340001 – 340133	

I) CEO REPORT

1) Project Updates

J) COMMISSIONERS REPORTS

K) UPCOMING EVENTS

L) WORKSHOP

2023 Mid-Year Strategic Plan Update

M) SIGN DOCUMENTS

N) ADMINISTRATIVE UPDATE/WORK SESSION

None

O) ADJOURNMENT

****Public comments are welcome during Open Forum. Individuals requesting to provide virtual oral comment must register in advance via email to povcommissioners@portvanusa.com no later than 12:00 p.m. on Monday, September 11, 2023. All individuals will have three minutes to read their comments into the record and will be asked to provide their name and city of residence for the record. No public comments will be read into the record by the port. Written comments not intended to be read by the community member and received by 9:30 a.m. Tuesday, September 12, 2023, will become part of the official meeting record and will be provided to the Commission.**

Further instructions for accessing the virtual meeting (for virtual oral comment) will be provided upon registration. Please call the Port of Vancouver at (360) 693-3611 with questions. Visit the port's website at www.portvanusa.com for more information.

**PORT OF VANCOUVER USA
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, August 22, 2023**

CALL TO ORDER

Commission President Orange called a regular meeting of the Port of Vancouver Board of Commissioners to order and open to the public at 9:30 a.m., Tuesday, August 22, 2023, at the Port of Vancouver USA Administrative Office, 3103 NW Lower River Road, Vancouver, Washington 98660.

OPENING REMARKS

Commissioner Orange welcomed everyone to the commission meeting. He announced no executive session was held and that the meeting is being recorded. He stated this meeting is a hybrid meeting so that along with everyone present in the meeting, anyone who wants to make virtual oral comment can use Zoom. He then invited guests to participate in the Pledge of Allegiance.

APPROVAL OF MINUTES

Regular Meeting of August 8, 2023

On motion by Commissioner Burkman, seconded by Commissioner LaBrant and carried unanimously, the Board of Commissioners approve the minutes of the August 8, 2023, regular meeting.

OPEN FORUM

Commissioner Orange stated that the agenda invited public comment and asked CEO Marler if anyone registered in advance to provide virtual oral comments. CEO Marler stated one individual requested to provide virtual oral comments and confirmed that there was no one present who signed up to provide comment.

Don Steinke

Mr. Steinke shared his thoughts on the use of solar to help support power.

ACTION ITEMS

E-1 Approve Public Works Contract for Bid 23-28: Terminal 4 Stormwater Pond Solids Removal Project

Mark Newell, Project Delivery Manager presented the action item and discussed it with the commission. He answered questions from the Board. On motion by Commissioner LaBrant, seconded by Commissioner Burkman and carried unanimously, the Board of Commissioners authorize the CEO to execute a public works contract with Swofford Excavating, LLC, the lowest

responsive and responsible bidder, for Bid 23-28: Terminal 4 Stormwater Pond Solids Removal Project in the amount of \$636,560.17 including Washington Sales Tax.

E-2 Approve Public Works Contract for Bid 23-24: 2023 Maintenance Dredging Project

Mark Newell, Project Delivery Manager presented the action item and discussed it with the commission. He answered questions from the Board. On motion by Commissioner Burkman, seconded by Commissioner LaBrant and carried unanimously, the Board of Commissioners authorize the CEO to execute a public works contract with HME Construction, Inc., the lowest responsive and responsible bidder, for Bid 23-24: 2023 Maintenance Dredging Project in the amount of \$908,298.85 including Washington State sales tax.

UNFINISHED BUSINESS

No unfinished business was considered.

NEW BUSINESS

No new business was discussed.

CEO REPORT

No CEO report was provided.

COMMISSIONERS REPORTS

Commissioner Burkman provided an update on the following events:

- Waterfront Appreciation Event
- Port Tour

Commissioner LaBrant stated he attended the following meeting:

- CEO Marler

Commissioner Orange provided an update on the following events and meetings:

- National Oceanic and Atmospheric Administration Zoom Presentation
- Community member

UPCOMING EVENTS

A list of upcoming events was displayed on the screen for viewers to see staff activities and community meetings. CEO Marler stated the next commission meeting scheduled for September 12 will begin at 9:30 a.m. She also highlighted several other upcoming community events.

WORKSHOP

Ryan Hart, Chief External Affairs Officer introduced Dale Learn and Amber Carter, the port's federal and state lobbyists. He thanked them for joining us today and indicated he looks forward to their federal and state legislative updates.

Federal Legislative Update

Mr. Learn provided the Board with a federal legislative update and answered questions from the Commission.

State Legislative Update

Ms. Carter provided the Board with a state legislative update and answered questions from the Commission.

CEO Marler thanked Mr. Learn and Ms. Carter for the work they do on behalf of the Port of Vancouver.

SIGN DOCUMENTS

The Board signed documents at 10:30 a.m.

ADMINISTRATIVE UPDATE / WORK SESSION

No administrative work session was held during this meeting.

ADJOURNMENT

There being no further business to come before the Port of Vancouver USA Board of Commissioners, the Tuesday, August 22, 2023, regular meeting was adjourned at 10:33 a.m. by Commissioner Orange.

PORT OF VANCOUVER USA
BOARD OF COMMISSIONERS

Michelle Allan, Executive Services
Manager, August 22, 2023, Regular
Port of Vancouver USA Board of
Commission Meeting

Don Orange, President

Eric LaBrant, Vice President

Jack Burkman, Secretary

Agenda Item No. E-1

REQUEST FOR COMMISSION ACTION
REVIEWED BY:

PORT OF VANCOUVER USA

Port Counsel

Alicia Lowe

Title

APPROVED BY:

Chief Executive Officer

09/12/2023

Julianna Marler

Title

Date

SUBJECT: Approve Parties' Agreement to Settle Claims and Sign Consent Decree

BACKGROUND:

The Columbia Riverkeeper ("CRK") filed a citizen suit against the Port of Vancouver ("the Port") on July 21, 2021 under Section 505 of the Clean Water Act ("CWA"), alleging that the Port was in violation of certain terms and conditions of the Port's Industrial General Stormwater Permit ("ISGP") and that the Port was in violation of section 301(a) of the CWA for discharging copper ore and other pollutants from operations at the Bulk Terminal to the Columbia River.

The Port expressly and strongly denies that it has violated the Clean Water Act or the terms of its permits, and specifically denies liability for CRK's claims. In subsequent discussions with CRK, the parties determined that it is in the best interest of the parties and the public to resolve this action. This determination was based on the Port's strong compliance and environmental track record, and, through its new Bulk Terminal operator lease, its ability to ensure a system to minimize dust associated with copper operations, an innovative approach that was strongly supported by the CRK.

The Port and CRK have reached a tentative agreement to resolve all claims subject to the Board of Commissioners' approval and review and approval by the Department of Justice and the Court. The Port of Vancouver Board of Commissioners discussed the legal risks of settling the claims pursuant to the agreement and its financial consequences with legal counsel in Executive Session pursuant to RCW 42.30.110(1)(i).

Additional Information Attached? No

RECOMMENDATION: That the Board of Commissioners approves the Parties' Agreement to Settle Claims and authorizes the CEO to sign the Consent Decree.

Submitted by: *Julianna Marler*, CEO

Date Action Taken _____

Motion By: _____

Approved: _____

Seconded By: _____

Deferred To: _____

Unanimous: Yes ___ No ___

Agenda Item No. E-2

REQUEST FOR COMMISSION ACTION	PORT OF VANCOUVER USA
REVIEWED BY:	Director of Business Development
Mike Schiller	Title
APPROVED BY:	
	Chief Commercial Officer 09/12/2023
Alex Strogon	Title Date
SUBJECT:	Approve Lease Agreement between the Port of Vancouver and Plastics NW, Inc.

BACKGROUND:

This lease agreement supports the port's Strategic Plan goal to pursue opportunities that utilize the port's property and infrastructure investments to create jobs and support the economy.

Plastics NW has been a port tenant since 2003 performing plastic injection molding. They began their lease in BL2851 with 36,000sf and then in 2016 expanded their footprint by another 12,500 in BL2801 Section A. Plastics NW has exercised all its renewal options and the lease expired as of January 31, 2023. The lease has been in holdover status while the parties negotiated a new lease and investigated site conditions.

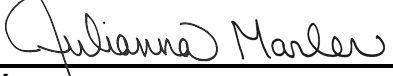
The purpose of this lease agreement is to start a new 10-year term. The new lease will also include 2 extension options for 5 years each. The Premises include 36,000sf of warehouse and office in BL2851 and 12,500sf of warehouse and office in BL2801 Section A along with associated site area. This lease increases base rent and associated security bond requirement. Plastics NW has 35 full time employees between the two locations.

If approved, the value of this lease over the initial term is approximately \$3,618,000 plus additional charges for leasehold excise tax, common area maintenance, insurance, and stormwater recovery fees. In consideration of the new lease the port will be upgrading the warehouse and office in BL2851 to high efficiency LED lighting. Also, in accordance with the port's climate action plan, the aging gas HVAC units will be replaced with new electric units. Plastics NW will be installing an above ground process water cooling system. Upon completion of the new system and utilities the port will decommission any underground vaults.

Revenue for this lease was included in the 2023 approved budget.

Additional Information Attached? No

RECOMMENDATION: That the Board of Commissioners approve and authorize the CEO to sign the Lease Agreement at 2851 and 2801 Section A NW Lower River Road between the Port of Vancouver USA and Plastics NW, Inc.

Submitted by:  , CEO

Date Action Taken _____	Motion By: _____
Approved: _____	Seconded By: _____
Deferred To: _____	Unanimous: Yes ___ No ___

Agenda Item No. H-1

REQUEST FOR COMMISSION ACTION	PORT OF VANCOUVER USA
REVIEWED BY:	
Accounts Payable	
Title	
APPROVED BY:	
Director of Finance & Accounting	09/12/2023
Scott D. Goodrich	Date
Title	
SUBJECT: VENDOR CLAIMS APPROVAL	

BACKGROUND:
August 2023 Vendor Claims:

Voucher Numbers	115377– 115751	\$ 5,072,776.10
Electronic Payments	08/01/2023 – 08/31/2023	\$ 578,361.42
Payroll Voucher Numbers		\$ 755,503.31
Checks	51902195 – 51902196 51910608 - 51910609	
Direct Deposits	320001 – 320154 340001 – 340133	

RECOMMENDATION: That the Port of Vancouver USA Board of Commissioners, by motion, ratifies and approves the payment of August 2023 Vouchers 115377– 115751 in the amount of \$5,072,776.10 including Electronic Payments generated between 08/01/2023 – 08/31/2023 in the amount of \$578,361.42 and August 2023 Payroll Checks 51902195 – 51902196 and 51910608 – 51910609 and Payroll Direct Deposits 320001 – 320154 and 340001 – 340133 in the amount of \$755,503.31.

Submitted by: Juliana Marler, CEO

Date Action Taken _____ **Motion By:** _____

Approved: _____ **Seconded By:** _____

Deferred To: _____ **Unanimous: Yes** ___ **No** ___