



Port of Vancouver USA

**AGENDA
PORT OF VANCOUVER USA
BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA
3103 Lower River Road, Vancouver, WA 98660
Tuesday, June 25, 2019**

- A) **CALL TO ORDER (8:30 a.m.)**
- B) **EXECUTIVE SESSION**
None
- C) **OPENING REMARKS (8:30 a.m.)**
 - 1) Opening Remarks – Pledge of Allegiance, etc.
 - 2) Approve and Sign Minutes of the June 11, 2019 Regular Meeting
- D) **OPEN FORUM**
 - 1) Public comment on matters not subject to Commission vote at this meeting
 - 2) Commissioner and CEO comments
- E) **ACTION ITEMS**
None
- F) **UNFINISHED BUSINESS**
 - 1) Renewable/Clean Energy Policy (Revised draft attached)
- G) **NEW BUSINESS**
- H) **CEO REPORT**
- I) **COMMISSIONERS REPORTS**
- J) **UPCOMING EVENTS**
- K) **SIGN DOCUMENTS**
- L) **WORKSHOP**
None
- M) **ADJOURNMENT**

Agenda Item No. C-2

REQUEST FOR COMMISSION ACTION PORT OF VANCOUVER USA

REVIEWED BY:

Betsy Rogers

Administrative Supervisor

06/25/2019

Betsy Rogers

Title

Date

APPROVED BY:

Title

SUBJECT: Minutes of the June 11, 2019 Regular Meeting

BACKGROUND:

Please see attached minutes.

Additional Information Attached: Minutes of 06/11/19 Regular Meeting

RECOMMENDATION: That the Port of Vancouver USA Board of Commissioners adopts and executes the minutes of the June 11, 2019, Port of Vancouver USA Board of Commissioners Regular Meeting as presented.

Submitted by: *Julianne Harker*, CEO

Date Action Taken: _____

Motion By: _____

Approved: _____

Seconded By: _____

Deferred To: _____

Unanimous: Yes ___ No ___

**PORT OF VANCOUVER USA
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, June 11, 2019**

CALL TO ORDER

Commission President Oliver called a regular meeting of the Port of Vancouver Board of Commissioners to order and open to the public at 8:30 a.m., Tuesday, June 11, 2019 at the Port of Vancouver USA Administrative Office, 3103 NW Lower River Road, Vancouver, Washington 98660.

OPENING REMARKS

Commissioner Oliver welcomed everyone, announced no executive session was held but indicated there may be an executive session at the end of this meeting. He indicated start and end times for that executive session will be announced at that time. He then invited guests to participate in the Pledge of Allegiance.

Meeting attendees included:

Jerry Oliver	Port Commission President
Don Orange	Port Commission Vice President
Eric LaBrant	Port Commission Secretary
Julianna Marler	Port CEO
Michelle Allan	Port Executive Services Manager
Alicia Lowe	Port Legal Counsel
Kent Cash	Port Chief Operations Officer
Elizabeth Gotelli	Port Chief Financial and Administrative Officer
Ryan Hart	Port Chief External Affairs Officer
Scott Goodrich	Port Director of Finance & Accounting
Patty Boyden	Port Director of Environmental Services
Rachelle Berry	Port Administrative Assistant
Magan Reed	Port Communications & Digital Media Specialist
Julie Rawls	Port Community Relations Specialist
Rick Cline	Port Contracts Manager
Chrissy Lyons	Port Commercial and Industrial Sales Manager
Todd Krout	Port Director of Operations
Monty Edberg	Port Director of Engineering & Project Delivery
Jonathan Eder	Port Director of Human Resources
Mark Newell	Port Project Delivery Manager
Casey O'Dell	Port Director of Facilities
Katie Odem	Port Marketing Communications Manager
Debbie Taylor	Port Inside Sales Specialist
Zack Merrill	Port Sales Account Manager
Brooke Crutcher	Port Tenant Services Coordinator
Mary Mattix	Port Environmental Program Manager

Phala Le	Port Human Resources Specialist
Cathryn Chudy	Community Member
Don Steinke	Community Member
Linda Garcia	WA Environmental Council/ACE
Alona Steinke	Community Member
Joseph Vance	Miller Nash Graham & Dunn/WSPA
Holli Johnson	Western States Petroleum Association (WSPA)
Jean Avery	Community Member
Jack Burkman	Community Member
Mary Slowik Siciliano	Community Member
Anita Thomas	Community Member
Den Mark Wichar	Community Member
Heidi Cody	Community Member/ACE
Spencer Davenport	Schwabe
Ron Morrison	Community Member
Gay Lincoln	Southwest Washington Central Labor Council
John McDonagh	Greater Vancouver Chamber of Commerce
Jerry Nutter	Corporation
Dr. Theodora Tsongas	OR and WA Physicians for Social Responsibility
Kristin Edmark	Community Member
Dan Barnes	Community Member
Jennifer Baker	CREDC
Dan Serres	Columbia Riverkeeper
Thomas G. Grant	Community Member
Karissa Harstrom	Community Member
Roben White	Community Member
Patricia Bellamy	Community Member
Cager Clabaugh	ILWU Local 4
Tracy Ceravolo	Community Member
Jeffrey Mize	The Columbian
Sean Philbrook	Identity Clark County
Michel Maupoux	Identity Clark County
Marsha Maupoux	Community Member
Page Phillips Strickler	Strategies 360
Carrie Parks	Community Member
Jan Verrinder	Community Member
Will Rasmussen	Western States Petroleum Association

APPROVAL OF MINUTES

Regular Meeting of May 28, 2019

On motion by Commissioner LaBrant, seconded by Commissioner Orange and carried unanimously, the Board of Commissioners approve the minutes of the May 28, 2019 regular meeting.

Commissioner Oliver welcomed Summer Associate Spencer Davenport with Schwabe Williamson & Wyatt.

OPEN FORUM

Commissioner Oliver invited comments from the audience. He stated for those interested in speaking on the subject of a renewable/clean energy policy, to share their thoughts during the Open Forum portion of the agenda. He also stated that if the matter moves to a vote when the topic comes up under Unfinished Business, he will invite additional comment at that time.

Cathryn Chudy, Community Member

Ms. Chudy asked the board to create a policy on fossil fuels.

Don Steinke, Community Member

Mr. Steinke discussed fossil fuels and asked the board to approve a resolution.

Linda Garcia, WA Environmental Council/ACE

Ms. Garcia asked the board to approve a resolution on fossil fuels.

Alona Steinke, Community Member

Ms. Steinke discussed fossil fuels and encouraged the board to approve a resolution.

Joseph Vance, Miller Nash Graham & Dunn/Western States Petroleum Association (WSPA)

Mr. Vance indicated he is very concerned about the proposed resolution and its violation of federal and other state land laws. He referenced an email sent to the board by Holli Johnson from Western States Petroleum Association and asked the board not to pass the resolution.

Holli Johnson, Western States Petroleum Association (WSPA)

Ms. Johnson spoke on behalf of Western States Petroleum Association and its members and asked the board not to proceed with the resolution. She stated WSPA supports clean energy and asks that all parties work together to come up with a policy towards a clean future.

Jean Avery, Community Member

Ms. Avery thanked the board for its support with Vancouver Lake. She also discussed big bodies of water and unintended consequences with the use of fossil fuels.

Mary Slowik Siciliano, Community Member

Ms. Slowik Siciliano thanked CEO Julianna Marler for her column in the recent Port Community Newsletter. She also discussed the need for the port to consider a resolution on fossil fuels.

Anita Thomas, Community Member

Ms. Thomas thanked the board for its support with Vancouver Lake. She also discussed a fossil fuels resolution.

Den Mark Wichar, Community Member

Mr. Wichar shared concerns about energy policy and the need for action.

Heidi Cody, Community Member/ACE

Ms. Cody discussed the need for a fossil fuels resolution.

Ron Morrison, Community Member

Mr. Morrison discussed the need to be green, renewable and sustainable. He also shared his thoughts on climate change.

Jerry Nutter, Nutter Corporation

Mr. Nutter stated he supports a strong and vibrant community. He asked the board not to approve a fossil fuels resolution and to consider each project on its own merits.

Dr. Theodora Tsongas, OR and WA Physicians for Social Responsibility

Dr. Tsongas shared concerns about fossil fuels.

Kristin Edmark, Community Member

Ms. Edmark asked the commission to avoid any bulk terminals at the Port of Vancouver.

Dan Serres, Columbia Riverkeeper

Mr. Serres shared concerns about fossil fuels and bulk fossil fuels terminals.

Roben White, Community Member

Mr. White shared concerns about water, animals, and the human race.

Patricia Bellamy, Community Member

Ms. Bellamy shared concerns regarding fossil fuels.

Tracy Ceravolo, Community Member

Ms. Ceravolo shared concerns about climate change and discussed fossil fuels.

Marsha Maupoux, Community Member

Ms. Maupoux shared concerns about the climate and carbon pollution.

No further public comments were received.

COMMISSIONER AND CEO COMMENTS

Commissioner LaBrant discussed the port's sustainability plan and stated all departments are involved with the plan.

No further comments were provided by the Commissioners or CEO.

ACTION ITEMS

Commissioner Oliver stated there are no action items.

UNFINISHED BUSINESS

Port Contracts Logs

The commissioners reviewed the port contracts logs. CEO Marler reminded everyone that the contracts logs are available on the port's website.

Renewable/Clean Energy Policy

Commissioner Oliver stated that about a month ago the board reviewed a Renewable/Clean Energy Policy that did not meet the hopes of all the commissioners. He asked his fellow commissioners if they wanted to take this up again at this time.

Commissioner LaBrant stated he has been doing a great deal of research. He indicated he has more questions now than he had before. He added that based on his findings he is not prepared to make a decision today.

Commissioner Orange indicated he would like to have a discussion to better understand the goal. He stated he would also like to discuss inclusion of other fossil fuels.

Legal Counsel Alicia Lowe stated in order to advise them, she needs to better understand the specifics of what the commissioners are trying to accomplish.

Commissioner Orange stated he sat down with a half a dozen port tenants who use or transfer fossil fuels and have been doing so for years. He indicated the goal is not to interfere or impact businesses currently operating at the port, including the stevedores.

Commissioner Orange further explained he is talking about future fossil fuel terminals designed to transfer products at a high level. He stated that the port moves a great number of products today. He does not want any legal problems. He also stated the community does not want any bulk fossil fuels. He believes that unintended consequences occur from both action and inaction.

Commissioner Oliver stated since the last meeting all the commissioners have received correspondence on this issue. He read portions of some letters that were recently received. He indicated a letter from the Greater Vancouver Chamber of Commerce reflected on the port's strategic plan which they quoted the following from our website in their letter: "A balance of economic, environment and community is central to our culture, and we approached our new Strategic Plan with an eye on robust public engagement." He stated their letter goes on to say, "With these commitments in place, we are hard pressed to see a need for additional policy."

Commissioner Oliver shared part of a letter from Tidewater that read, "We have reviewed the Draft Policy and Resolution and are concerned" about restricting port cargos. He read the following from the Port of Whitcom County Board of Commissioners, "Without specificity and clarification in the policy on what will or will not be allowed through the Port of Vancouver it is our concern that the Policy may impact communities up and down the Columbia-Snake River system by reducing or eliminating access to resources they currently require in order to survive."

Commissioner Oliver highlighted segments from the Port of Pasco Board of Commission letter that stated "At certain times of the year, the greater Tri-Cities region can receive up to half of our gas and diesel from fuel barged up the river from the Portland/Vancouver area. A small portion of this product is transferred at Port of Vancouver tenant facilities with the rest coming from private terminals. Some of the aviation gas and jet fuel used at the Tri-Cities airport also originates at the Port of Vancouver terminals."

Commissioner Oliver stated a letter from the Port of Clarkston reads, "We are concerned the Port of Vancouver may approve policies that assume considerable overnight gains are possible, which in turn may prohibit significant intermediate steps that will help achieve your overall goals." He added that a letter from the Port of Lewiston in Idaho had essentially the same comment.

Commissioner Oliver read from the Port of Morrow letter, "We appreciate the ability for each Port to make their own policy decisions, but, taking a strong stance in denial of certain types of fossil fuel projects could have far-reaching impacts on other Ports in the Northwest, in particular those along the Columbia River Corridor."

He indicated there are other similar letters. He then read the entire letter the commission received from Jim Luce. He stated Mr. Luce wrote "I don't support banning fossil fuels" and

he "... will judge each project based on facts." Commissioner Oliver indicated he is inclined to agree with Mr. Luce and thinks it could be detrimental to have an outright ban and that it is better to judge each project on its own merits.

Commissioner Orange stated that an outright ban didn't seem to bother anyone until they were talking about something other than coal or crude oil. He indicated that he thinks it is the board's decision to establish policy. He stated if it does not interfere with existing businesses, he would like to move forward with a resolution. He explained he is concerned with two questions. What is biodiesel? and What does the port want to do about LPG and LNG?

Commissioner LaBrant supported Commissioner Orange and is concerned about some legal questions he would like to discuss before moving forward.

CEO Marler indicated there has been a lot of information received recently and evaluation of the information has not been done.

Commissioner Orange stated he would like to resolve this matter sooner rather than later. He indicated he supports going into an executive session to discuss potential litigation.

No additional unfinished business was considered.

NEW BUSINESS

No new business was considered at this time.

ACCOUNTS PAYABLE

Director of Finance & Accounting Scott Goodrich presented the staff report as contained in the agenda packet and discussed the recommendation with the commission. He answered questions from the board.

On motion by Commissioner LaBrant, seconded by Commissioner Orange and carried unanimously, the Port of Vancouver USA Board of Commissioners, by motion, ratifies and approves the payment of May 2019 Vouchers 095974 – 096369 in the amount of \$5,779,566.93 including Electronic Payments generated between 05/02/2019 – 05/31/2019 in the amount of \$3,031,181.04 and May 2019 Payroll Checks 51022858 and 51010687 and Payroll Direct Deposits 190001 - 190124 and 210001 - 210124 in the amount of \$572,262.62.

Commissioner Oliver asked if anyone in the audience would like to address the commission on this agenda item.

No public comments were received.

CEO REPORT

Project Updates

Project Delivery Manager Mark Newell provided an update on the following projects:

- Building 2501 Tenant Improvements
- Trail Segment 2

CEO Julianna Marler shared that on July 2 at 10:00 a.m. there will be a ribbon cutting for the opening of Trail Segment 2 and Commissioner Orange will lead an official bike ride on the new path.

Terminal 1 Update

Mr. Eder provided an update on the Terminal 1 Project.

COMMISSIONER REPORTS

Commissioner LaBrant reported attending the following:

- Port Report
- Labor Roundtable
- Tenant Meetings

Commissioner Orange reported attending the following:

- Port Report
- Tenant and Community Meetings
- Port Tour

Commissioner Oliver reported attending the following:

- Port Report
- Met with Jim Luce

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 would be held on June 25th at 8:30 a.m. She also highlighted several upcoming port and community events, including the Trail Segment 2 ribbon cutting on July 2 at 10:00 a.m.

RECESS

The regular meeting was recessed at 10:18 a.m. for a short break and to sign documents. Commissioner Oliver announced that the commission will hold an executive session beginning at 10:30 a.m. pursuant to RCW 42.30.110(1)(i) for the purposes of discussing with legal counsel litigation or potential litigation to which the agency, governing body, or member acting in official capacity is, or is likely to become, a party, when public knowledge

regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. He stated the executive session will conclude no later than 11:00 a.m.

EXECUTIVE SESSION

Executive session was held from 10:30 a.m. – 10:59 a.m. for the purpose of discussing potential litigation pursuant to RCW 42.30.110(1)(i). No final action was taken during the executive session.

ADJOURNMENT

There being no further business to come before the Port of Vancouver USA Board of Commissioners, the Tuesday, June 11, 2019 regular meeting was adjourned at 10:59 a.m. by Commissioner Oliver.

PORT OF VANCOUVER USA
BOARD OF COMMISSIONERS

Michelle Allan, Executive Services
Manager, June 11, 2019, Regular
Port of Vancouver USA Board of
Commission Meeting

Jerry Oliver, President

Don Orange, Vice President

Eric LaBrant, Secretary

**Port of Vancouver USA
Renewable/Clean Energy Policy
As Adopted June 25, 2019**

Introduction

The Port of Vancouver USA is an integral part of Southwest Washington's local and regional economies, moving cargo, supplying land and facilities for industry and acting as a transportation hub for products moving via river, road and rail. The port recognizes that there is continued global demand for fossil fuel products while across the world many are shifting toward renewable and cleaner energy sources. The port also recognizes there is a robust system of checks and balances to assess and permit projects, including staff review and recommendation, Board of Commissioners approval, and local, state and federal rules and permitting processes.

The Port of Vancouver USA will continue to meet the statutory obligations of a Washington state port and will promote economic development, financial stewardship and environmental sustainability. The port is committed to supporting tenant operations while supporting global transition to renewable, clean energy sources.

Policy statement

- 1) The port shall support a global shift toward renewable and clean energy sources by:
 - a. Examining opportunities to support innovative businesses and emerging technologies.
 - b. Continuing demonstrated leadership in the movement of wind energy components to support new and existing wind energy projects.
 - c. Supporting tenants in the pursuit of grants to assist with their transition to renewable energy sources and/or innovation in renewable energy technologies.
 - d. Supporting state and/or federal legislation that facilitates renewable energy and biofuel projects, usage, and/or innovation in renewable energy technologies.
 - e. Supporting tenants in projects that further the supply and distribution of biofuels and renewable, clean energy products.

- 2) The port chooses not to pursue new bulk fossil fuel terminals for international export of bulk fossil fuel cargoes on current port-owned industrial property. This policy is not intended to preclude the port's ability to evaluate renewable energy opportunities on a project by project basis.

- a. The port will follow all regulations as required by the Federal Commerce Clause, Federal Shipping Act of 1984 and other local, state and federal requirements.
- 3) The port shall support tenants in their operations as contractually obligated and defined by their leases. This policy is not intended to preclude any use allowed under current leases and extensions. The port shall continue to follow port processes and applicable local, state and federal regulatory processes for tenant expansions.
 - a. Existing tenants with current, permitted uses that plan to expand outside their premises and/or change their permitted use must go through the current port and regulatory processes.
 - b. Existing tenants shall have operational flexibility to make facility modifications that allow the tenant to operate safely and efficiently within their existing permitted capacities and as allowed under current leases.

Guiding principles

- 1) The port will pursue and actively market for renewable, clean energy projects in accordance with its 2018 Strategic Plan.
- 2) The port will support existing tenants and approach projects, customers and cargoes with a "triple bottom line" methodology that considers social, economic and environmental factors.
- 3) The port will meet its primary purpose and obligations under state law as a special-purpose district and economic development entity that protects trade and facilitates interstate commerce.
- 4) The port will pursue projects, customers and cargoes that have market viability and are executable and permissible.
- 5) The port's Board of Commissioners will continue its authority to approve new and amended leases.

RESOLUTION X-2019

**A RESOLUTION OF THE PORT OF VANCOUVER USA BOARD OF COMMISSIONERS
ADOPTING RENEWABLE/CLEAN ENERGY POLICY**

WHEREAS, the Port of Vancouver USA is an integral part of Southwest Washington's local and regional economies, moving cargo, supplying land and facilities for industry and acting as a transportation hub for the movement of products via river, road and rail.

WHEREAS, the port has long been a leader in supporting renewable energy, including the movement of wind energy components to support new and existing wind energy projects across the nation and through purchasing Renewable Energy Credits for nearly a decade equal to 100% of its estimated energy use in buildings in which it controls utilities.

WHEREAS, while there is a continued global demand for fossil fuel products, many nations, communities and businesses across the world are shifting toward biofuels, renewable and cleaner energy sources.

WHEREAS, we look forward to a future where renewable energy will take a larger role in supporting the movement of commerce.

WHEREAS, this policy addresses only existing port-owned property, and is not intended to address or preclude the transport, storage or use of fossil fuel as a secondary component of a non-fossil fuel facility, the transport of fuel from marine cargo terminals, nor the handling or storage of any project cargo.

WHEREAS, the port will follow all regulations as required by the Federal Commerce Clause, Federal Shipping Act of 1984 and other local, state and federal requirements.

WHEREAS, there is a robust system of checks and balances to assess and permit projects, including staff review and recommendation, Board of Commissioners approval, and local, state and federal rules and permitting processes.

WHEREAS, in the interest of continuing to meet the statutory obligations of a Washington state port while balancing economic development and financial and environmental sustainability, the port is committed to supporting a global transition to renewable, clean energy sources.

NOW, THEREFORE, BE IT RESOLVED by the Port of Vancouver Board of Commissioners that the Renewable/Clean Energy Policy, as set forth in the attached exhibit hereto and made a part hereof, be adopted.

ADOPTED at a regular meeting of the Port of Vancouver Board of Commissioners on the _____ day of June 2019 and signed in authentication of its adoption.

**PORT OF VANCOUVER USA
BOARD OF COMMISSIONERS**

President

Vice President

Secretary

DRAFT