

**Port of Skamania County
Minutes of the Board of Commissioners
June 19, 2014, 3:00 pm**

Special Meeting

Call to Order: Commissioner Bolstad called the meeting to order at 3:10 pm.

Attendance: Commissioners Tony Bolstad (via telephone), Gail Collins, and Kevin Waters; Attorney Ken Woodrich, Executive Assistant Julie Mayfield, Finance Manager (and Interim Executive Director) Randy Payne. Guests John McSherry (Port Executive Director on Administrative Leave), Monica Masco, Doug McKenzie, Scott Mathany, Gary Collins, Amy Weissfeld, Sandra Bacus, Lynn Richards, Jim Jordan, Colleen Callaghan, Bob Hamlin, Andreas Ehrlich, Don Stevens, Jim Garrison, Tom Jermann, Dave Hood, Colleen Kelly, Joe Bacus, Mary Repar.

Public Comment: Guests had one minute to make a comment. Ken directed to record the meeting; it took Julie a few minutes to get the recorder started, while the first comments were being made.

Scott: Said if he had an employee who acted like John, he would be fired the next day.

Gary: He's not in support of retaining John.

Colleen C.: She spoke in support of John and also brought a message of support from Cindy Williams.

Joe: There is no indication that comments made by John were anything more than his personal opinion, the First Amendment allows for that. Joe saw the list of John's accomplishments, especially in economic times that are unprecedented—John's made the Port a much more viable entity than it ever was before; he should be retained.

Mary: Zero tolerance is not a good policy, there are ways to deal with issues; it's not feasible to get rid of an employee who has done so much for this county; she's not sure if some other employee has been chosen; keep John and give him second chance.

Sandy: She's reviewed his job performance—why doesn't he get a raise? It is outrageous that you would fire him; our first amendment gives us the right to express our views, because you don't like it doesn't make it wrong—many people agreed with him; the Pioneer lost her letter to the editor that was supposed to be in this week's paper about John's job performance, which will show his performance, you are doing harm to us if you remove him—our taxes are sky rocketing and you want to remove the one asset that is bringing money into the county—she doesn't get it.

Lynn: She sees there is no problem with change, she knows of people who have moved here from big cities because they want a change; she doesn't know John but has talked to a number of people in the community who say it's getting harder to work with him—she doesn't know that to be true, just from what they said—just saying that change is good.

Jim J.: In a county with so much failed financial administration, there is one part of the county that has worked for many years through many changes of elected Port commissioners: John's work as Executive Director of the Port—the record is really clear. All the background buzz of semi-automatic weapons, opinions, craziness, and emails, and fights in the Eagles club is just nonsense and how could you consider getting rid of the guy that really functions well for our county when so many things have not functioned well.

Monica: She's said it before, and she'll say it again: John works nonstop and has done an excellent job and all this stalling is getting very annoying; please bring John back to work.

Dave: John has done very good work for this community; this should not be political.

Bob: The Commissioners are in a difficult role in this situation—they are being forced to do something that they should not have to do; it would be nice to say John has his first amendment rights to say what he wants and do what he wants and you can, but sometimes there are consequences to your actions; there's going to have to be a thorough review of what he did, if he needs some counseling so this doesn't happen again. An individual who is a leader in the community can't go out and behave in any manner they see fit and not see some consequences.

Tom: He submitted a letter of his opinion in support of John at the last meeting; he stands by it now, and two weeks ago, he'll stand by it a year from now.

Don: Was here two weeks ago, as Mayor of North Bonneville and a Port tenant, he understands there are underlying factors that some times the media is not always factual about, but he did read that the legal aspect of the confrontation has been resolved; there are other ways to deal with issues without divesting the community of John's work.

Colleen K.: She is very supportive of John as owner of Port tenant Clark & Lewie's—she has struggled with many roadblocks opening this business and John has been very supportive and helping in every way.

Jim G. He noted that having to be politically correct is not constitutional and that we could find ourselves under Marshall Law very soon, especially in light of our economic climate.

Amy: Known John for 18 years, as grant writer, PDA Board, Chamber Board—she knows about economic development and it's not easy in these times and in this county; like others who have spoken, she supports John as a huge asset to our county, it would be an absolute shame to lose this asset to our county over this incident.

Andreas: Violence is totally out of bounds, and terribly uninformed people gossiping is very bad, and all this backbiting of people who have power over somebody—this is adolescent. He's known John for a long time, and knows he's been phenomenal to him and those around him. We should all leave him be—he was acting on his own time and not on Port property.

Commissioners Waters and Bolstad thanked everyone for attending and Commissioner Bolstad apologized for having to call in since he was in Panama with his business. Ken invited John to give his presentation in public or executive session—John chose public for the first part.

John began by addressing an apparent list of issues the Commission wanted to hear about:

- *Using the Port's email to engage in unauthorized policy decisions without clearly identifying the opinions expressed were mine and not those of the Port District.* He did send an email from his *personal* email, not the Port's (he passed out a copy of the email). There was a threat to work for the Chamber Executive Director to be fired. As a Chamber Board member recently and many times in the past (as well as being the president at one time) he understands he is one person of 16 on that board, which requires two-thirds of the vote to fire anyone. He said he would have brought that to this board if he would have pursued this, which he did not. He gave an explanation of what it means to serve on a board. He would have brought the question of the Chamber Board raffling tickets to sell an AR-15 rifle to the Chamber Board. He explained the Chamber's newsletter stated that's what they were doing for the Stevenson Fire Department. He wondered if the organization was registered with the state and if they were a Chamber Member. He asked some city council members if they had approved this. He wondered about liability issues that may come to the

Chamber. These were all management questions—none of them had anything to do with the Second Amendment [Right to Bear Arms]—it was an issue of policy. He has guns personally and has no problem with the Second Amendment. The Chamber’s by-laws state:

Section 2, Paragraph 1: “...objective is to prevent and address controversies which are detrimental to the expansion or growth of businesses in the community...” The largest contributor to the Chamber (call it “taxpayer”) is Skamania Lodge—he wondered if anyone had consulted Skamania Lodge about their position on this controversial issue of raffling an AR-15, as evidenced by researching the media. John cited another controversial issue that the Chamber dealt with in the past: legalization of marijuana. Casey [C. Roeder, Chamber Director] brought this issue to the Chamber Board, whether businesses selling marijuana would be allowed to join the Chamber—this issue was thoroughly debated on how it would affect Skamania County’s image. Now we have the Chamber selling raffle tickets for a controversial issue for a group [Firemen’s Association] that was not even a Chamber member, without consideration of the Board. John did much more research and there was much more in this issue than that email. Unfortunately, there was another issue that arose out of this situation that precluded John from being able to bring this issue to the Port Commission. This is not a second amendment issue; the questions he had were directly related to policy issues. The Chamber promotes tourism for this area—would promoting this activity hurt our tourism? John never took any action to harm the Chamber Director’s work.

- *While serving as the Port’s representative on the Chamber Board, without the Port Commission’s authority, offering to allow the Chamber Board Director to keep her job if another Chamber Board member would resign his position on the Board.* John sent a text message to Paul Pearce, on his personal time and on his personal phone, because Paul had responded to John’s initial email by leaving a voice message on John’s phone, threatening John’s job and saying he would contact all the Port Commissioners and see to it that John loses his job. John noted he has the Paul Pearce voicemail message available and would play it in the meeting—the Commissioners declined to have it played noting they all had heard it and agreeing it was very bad. John’s “offer” for Paul to resign from the Chamber Board then, was in direct response to this caustic voicemail from Paul, threatening John’s job. John acknowledged that he had no real authority to take away Casey’s job, as one on a board of 16, but that he would stop “questioning” whether Casey should have sought approval from the Chamber Board before selling the raffle tickets, if Paul would resign. John could not find any justification for the Port Commission to remove him from his job for this.
- *Confronting a city council member while he was on his own personal time about John’s concerns about a local organization’s raffle of an assault rifle while he was serving on the Chamber Board representing the Port without first seeking the Commission authorization or endorsement.* This is the same issue about whether he was representing the Port or not. John stated Robert Muth is the city counselor who is a friend of John. Robert signaled to John and initiated a conversation. As friends, John acknowledged him. John noted he himself was not drunk—he had organized and was holding a fundraiser for the Eagles, which helps people; his band played at it and he was working at the door collecting money, and he was completely sober. He

did not know that Robert was not sober, when Robert grabbed on to him and would not let go. John called the police and told them he was assaulted.

- *Engaging in a physical altercation with that public official putting a negative public light and damaging the Port's goodwill with local agencies.* John agrees the Port was put in a negative light since it was in the local newspaper. John apologized for putting the Port through this. In responding to this concern, he noted that he acted in self defense. Publicity to the Port is what makes this difficult, he appreciated the support and noted that he didn't ask anyone to come to this meeting to support him. He apologized for putting the Commissioners through this. He has not seen any evidence of this hurting the Port's goodwill with local agencies however. He knows all the city council members, including Robert, and they support him and has seen the same support from North Bonneville. He brought out a list at last meeting with all the local groups he's worked very positively with through the years, with one exception. Given his experience in working with community members and stakeholders, he does not feel there is anything he can't overcome and is willing to apologize to others and invited the Commissioners to come with him.

Commissioner Waters affirmed all public had a chance to speak and then closed public comment at 3:27 pm. Ken noted it is entirely up to John to continue addressing items in a public session at this point in the meeting to cover other items the Commission wants to discuss, from a list he was reading from. John decided to continue in executive session—he noted he developed a personal improvement plan that may address some of the issues of concern about discipline.

Executive Session: Commissioner Waters, acting as President, called for an Executive Session from 3:50 pm to 4:51 pm for 61 minutes per RCW 42.30.110(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public.

Commissioner Waters announced no decisions had been made. He announced that John is taken off of administrative leave and will be back to work Monday, however, they are working with John on a number of items that he and they need to think about and will have worked out by next meeting.

Adjournment: The Chairperson adjourned the meeting at 4:56 pm.

Next Meeting: The next regularly scheduled meeting is June 24, 2014, 3:00 pm, at the Port office conference room: 212 SW Cascade Avenue, Stevenson, Washington.

APPROVED BY:

Commissioner Tony Bolstad, President (District 1)

Commissioner Kevin Waters, Vice-President (District 3)

Commissioner Gail Collins, Secretary (District 2)

ATTEST:

Julie Mayfield, Executive Assistant