

## Public Comments July 20, 2021

From: Bill Putney <bill@portofpt.com>  
Sent: Tuesday, July 20, 2021 10:48 AM  
To: Bertram Levy <bertramlevymusic@gmail.com>  
Cc: Eron Berg <Eron@portofpt.com>; Karen Erickson <karen@portofpt.com>; Pete and Cathy Langley <ptf@olypen.com>; Dave King <Dkingpt@gmail.com>; Ernie Baird <erniebaird@gmail.com>; Ashlyn Russell <ptwatercraft@gmail.com>; C L Hasse <clhasse@gmail.com>  
Subject: Re: Commission expansion

Bertram,

Thank you for being consistently involved in and an advocate for our Port. Yes, I agree that it need not be on the ballot this year. The Port does pay for a share of the ballot whenever we have an issue and this since we have a pair of commission races on the ballot (even though neither seat is contested) this would be a freebee. But as you point out it is something that can well wait for another year or two. It's gone on this way for the four decades since OPMA was enacted, another year or so won't change things and by then everyone should have had time to fully understand the issues.

Bill

On 7/20/21 10:33 AM, Bertram Levy wrote:

Thank you for the prompt and detailed response. Your points are well taken and deserve in depth public scrutiny. That is the very reason that I so forcefully expressed my concern - things like this take time to educate the constituency and not rushed through a special meeting to meet the ballot deadline. If it takes the next commission to decide to move forward on this issue it is far better than the stresses of selling to the reluctant voters.

I am also glad to hear that the proposal was your idea - it is helpful to dispel the rumors that this was a manipulation by Pete Hanke to maintain control of the commission and I will be sure to clarify this to others if they voice the rumors.

Bertram

On Tue, Jul 20, 2021 at 9:56 AM Bill Putney <bill@portofpt.com> wrote:

Bertram,

Sorry, the move from 3 to 5 was my idea. That's not a new thought for me. I looked at the RCWs some time ago and it looked like a hard thing to accomplish and there were other irons in the fire. Now with the days counting down, I thought it was time to have legal counsel look at how it might be done. I don't feel it has to be done this year but, I think a 3-person commission is an artifact of a pre-OPMA environment and doesn't work well, for reasons I'll try to express. A majority of Ports still operate on 3 person Commissions. I think there are a number of reasons why that may work for them and not for the Port of Port Townsend very well. 1) There are some ports that are remnants of the mosquito fleet days, and they virtually have commissioners and no or little staff. 2) Some ports don't like to ask the voters for anything, and they'll put up with anything to avoid it. The RCWs allow going from 3 to 5 only by a vote of the people. 3) Some ports, while they have public meetings, have virtually no public participation. They can pretty much do or say anything and it goes unreported. I don't believe that is the way any government agency could operate in our community. 4) My suspicion is that there are some Port Commissions that play silly buggers with OPMA. I don't think any of our Commissioners want that and our legal council would rub our nose in it if they discovered it going on.

Looking at the local governmental landscape, we have a City Council that has 9 members, a Board of County Commissioners that has 3 members and the PUD and Port Commissions that each have 3 members.

Let's look at that a little deeper. Any four of the City Council can sit in a room and work out issues. Take hours doing it and create a working compromise. If you try to work through all the nuance or the constellation of possible solutions to an issue, you can turn business meetings into marathon events. Would that encourage public participation or discourage it? The County Commissioners is a full-time body. They could have five eight-hour meetings a week. They have the time to build consensus and find the best solution. But do you know any member of the public that would attend 40 hours of Commission meetings a week? I could sit and watch CSPAN all day, but I don't.

The PUD is in the same boat with the Port. A couple meetings a month to work it all out. One PUD Commissioner commented to me that a three-member board has to let the Executive drive the agenda and the outcomes because the Commission can't collaborate to do it. My observation has been exactly that for the Port. Looking back at both the Larry and Sam days, the Commission was largely ratifying staff's plans for the Port. I think that cuts the people out of the process and is a bad thing. Coming to the Port Commission I didn't realize the extent to which that is an inevitable result of a three-person Commission in a post OPMA world. One way I tried to change that dynamic was to have far more Commission Workshops. While I was the President of the board, I tried very hard to get a lot of the horse trading done in the Workshops because we could take one or two issues and give that a lot more time than a business meeting allows. Decisions, as is required by law, were made in the Port Commission Meeting, but a lot of good work was done in advance in the Workshop. I think to an extent, that has put the Port Commission back in the driver seat and made staff functionaries. That's not to diminish the role of staff, we are lucky to have a very talented and conscientious group of people working for us who appreciate the distinctively different roles the Commission and Staff have to play.

The Commission, the people's representatives, set policy/direction. Provides oversight to ensure that the intent of the Commission carried through in staff's execution of policy. Takes corrective action when a policy is either not being applied as intended or was flawed and has not had the intended effect. I underscored that because I believe that is all an elected commission should be doing, but it should do that at the highest possible level. If a commission fails in that or abdicates that duty and responsibility it weakens the public's control of the institution.

Having the time to work things out before a vote moves us closer to the intent of the Legislature. Now, what if the Commission could create a subcommittee of two Commissioners to extensively work through an issue and bring that back to the full Commission in a workshop? What we commonly do now is to ask Staff to step outside their role as operatives and propose policy. How does that color the outcome? I think that's exactly what you are pointing to when you characterize the "Larry times". I think a five-person board could take us another step back from those times and toward the publicly elected Commission executing it's proper role. I think it is far more likely that the Commissioners together will be making better policy than that they would create a cabal out of sight of the public. The intent of OPMA is to insure public oversight, comment and control of public agencies. I think a Commission that more can fully represent the public within the collaborative environment a five-person board would allow.

Now on to the other issues you bring up...

I lauded Pam's arrival on the Commission, after nearly a century of the Commission being exclusively an all-male body. I made that comment in nearly every forum I spoke at in the days following her election. If you don't think I was happy to see that, you don't know me very well. Knowing two years ago that I probably wouldn't run for a 2nd term, I spoke to Carol Hasse about running for the District 2 seat at the Wooden Boat Festival after a talk she gave on sail making. From talking to her and working with her from time to time, I thought she would be an excellent Commissioner. She is articulate, she listens and evaluates, a thoughtful person, she has run a successful business, is respectful of people and cares about the Port and our heritage and our responsibility to the community. I was thrilled that she called me some months ago and asked me

about running and said she would run if I would endorse her. I endorsed her candidacy gladly and paid her filing fee, as I promised/threatened to do two years ago.

I don't have a preference for all male, all female or mixed boards. I want thoughtful, capable people on the Commission because that's what makes boards work well and that's good for the Port and ultimately good for the tenants and the people of Jefferson County.

I think the hope or presumption that adding two more seats on the Commission would restore male primacy to the Commission contains a flawed premise. We could have two more men, two more women, one of each or include one or more gender nonbinary people. But, whatever happened, it would be the choice of the voters to make. If you want a certain outcome, go out and campaign for it. There is little anyone now sitting on the Commission can directly do assure that outcome.

I understand that Mitch McConnell's name is nearly the worst label you can muster these days, but I think the parallels between Mitch and Pete are thin. Throughout my term on the board, the Commission has made every effort to adhere strictly to the RCWs and I think the intent of the Legislature. We have had legal counsel represented at nearly every meeting with the expressed purpose of keeping us on the straight and narrow. Mitch on the other hand has no compunction about changing the rules to fit the current situation. I hope that as something that will not happen to the Port Commission.

With regard to the IDD. Let's look at the context. In all the years since the IDD legislation was passed, no Port had ever got an IDD approved through the ballot. If the IDD went through unopposed, that was within what the Legislature dictated, and I would have been happy with that because I felt that the IDD was an important tool for the Port to have. It went to a petition and that petition was successful. At that time there was a lot of thought about just giving up on the IDD because it's chance of passing was slim given the history. I had more faith than that in the people of Jefferson County. Also, I felt that even if I only got to get out and tell more people about how important the Port is to their lives and to the community, it was worth my effort. I went out to the public and spoke. I went on the radio and every public forum that was offered to explain what the Port was about and why I thought the IDD was important to the Port at that time.

When it was all over and the IDD passed, I got a lot of slaps on the back at the next Washington Public Ports meeting as having done this miraculous thing and quizzed about how it was done. I had to explain that I didn't know how it could be reproduced in other parts of the state. I further explained that people in Jefferson County pay attention. They ask questions and listen to and evaluate the answers they get. They talk to friends and ask more questions. Then they vote.

Far from "ramming" something through without public input, I did the exact opposite. I took the issue as far as I could to the entire county, not just those who regularly attend Port meetings. The IDD is a financial tool that every Commission over the IDD's life can use to the Port's best advantage at that moment. I tried to explain that it was nearly impossible or at the very least wrong headed for a current Commission to dictate to future Commissions how the IDD revenues should be spent. Control of that funding rests with the voters to elect Commissioners, they feel will best carry out their desires. My hope was that it would give the Port more financial flexibility to do important things for the future of the Port without having to raise lease rates to a level that would drive some tenants out. The Port of Port Townsend is a special thing. I think of it as something that has grown to function in a very special way. Each tenant has a roll to play in the success of the others and it works. As much as possible, if we can keep moorage rates within the means of locals rather than the best rate, we might get from others we serve the community. I think the IDD has helped to accomplish that to an extent. But my time of having any direct influence over that is closing. Taken on the whole I think the IDD has helped the Port become more financially stable and I'm happy for my part in that.

Best Regards,

Bill

Bill Putney

District 2 Commissioner - Port of Port Townsend

On 7/20/21 6:03 AM, Bertram Levy wrote:

Dear Eron, 20 July 2021

I have had time to reflect on your question regarding expansion of the commission to 5 and I think it is a bad idea and politically divisive.

The ability for 2 commissioners to talk to each other in private summons up all the memories of the Crocket years where policies were decided behind closed doors. Hidden from public scrutiny, a commissioner can bully another into advancing their agenda. We have worked so hard to make the Port actions transparent under your leadership and the valiant effort of Pam Petranek. We should not go back there.

The community still vividly remembers the previous attempt by Commissioners Hanke and Putney to ramrod the IDD levy without public input. Even worse questions are being raised about whether Pete Hanke, like Mitch McConnell, is rushing to use the departing Bill Putney vote to dilute the influence of the 2 women commissioners neither of whom have personal entrepreneur aspirations in Port Hudson nor the airport. Analogies to the proposed expansion of the US Supreme Court are being expressed.

The community will not return to those dark Crocket Pivarnik years without a major fight. If this issue is put on the ballot the letters to the editors, campaigning, community forums and finger pointing will not put the Port in a positive light and be a major distraction that we don't need. It makes me ask, what is wrong with the 3-person commission now that it should require a special meeting to rush a major change?

Any change of such magnitude and far-reaching consequence should be part of the strategic plan and carefully studied under the watchful eye of your constituency, before a special meeting is called, you need to convince us that the 3-person commission is not working.

Respectfully,

Bertram Levy

---

From: Eron Berg

Sent: Tuesday, July 20, 2021 12:20 PM

To: Ashlyn Russell <ptwatercraft@gmail.com>; Pete Hanke <phanke@portofpt.com>; Bill Putney <bill@portofpt.com>; Pam Petranek <Pam@portofpt.com>

Cc: Diana Talley <lunataku@gmail.com>; Bertram Levy <bertramlevymusic@gmail.com>; ptf@olyphen.com; Ernie Baird <erniebaird@gmail.com>; C L Hasse <clhasse@gmail.com>

Subject: RE: 3 vs 5 commissioners discussion ill-timed

Hello Ashlyn,

This question was raised at the last commission meeting under the discussion of governance. There are many great reasons to expand a leadership board, mostly in my opinion, to do with increasing representation, broadening the diversity of opinion among leadership and building a stronger governance model. At no time had I ever imagined a larger commission to be less representative – that is a surprising perspective and one that I will certainly consider. I shared my thoughts with Diana Talley as follows:

As someone who spent nearly 4 years serving on a 3-member commission and also served on and served with 5 and 7 member councils, I will tell you from a form of government standpoint, it is a frustrating model. I would go so far as to say it is fundamentally flawed. Most county and special purpose governments in Washington use it because there is no easy way to change; none of the 281 cities and towns use it because they have an easy model to change (interesting note, Shelton was the last to use a commission form). More leaders at the table provide an opportunity for more representational leadership, diversity in thought and experience and less concentrated power.

Ultimately this is a question for the voters of Jefferson County and if there is little interest in a commission with more seats at the table, then that's ok too. We've made it nearly 100 years with a three-member commission and while I believe a five-member model is a better model of governance, that is just my opinion.

Moving forward, based on my one-on-one discussions with the commissioners, the commission is not planning to have a special meeting to address this question within the 2021 election cycle. It will likely come up at a future workshop for discussion and consideration, timeframe TBD. I'm copying everyone on Bertram's email so anyone who is concerned can know that this is not an issue to worry about this summer and when it comes up, there will be ample opportunity for the commission and community to discuss as part of any decision to place the question on a future ballot.

Thanks,

Eron

From: Ashlyn Russell <ptwatercraft@gmail.com>

Sent: Tuesday, July 20, 2021 11:50 AM

To: Eron Berg <Eron@portofpt.com>; Pete Hanke <phanke@portofpt.com>; Bill Putney <bill@portofpt.com>; Pam Petranek <Pam@portofpt.com>

Subject: 3 vs 5 commissioners discussion ill-timed

Dear Port of Port Townsend ED Eron Berg and Commissioners Pete Hanke, Bill Putney and Pam Petranek

This is a historic moment in time for the Port of Port Townsend; At the end of this cycle, two of three Port commissioners will be brilliant and dedicated women.

The timing for a seemingly urgent "special meeting" to propose a change from 3 to 5 port commissioners runs the risk of being perceived as thinly veiled misogyny. I am concerned that pushing this agenda forward right now would invite negative press on a port administration that is only just beginning to rebuild community trust.

While there may well be explanations in favor of a 5 member commission for larger populations and richer ports, I can also think of significant drawbacks for Jefferson County as part of this conversation, should there be one.

Our commissioners gain perspective by engaging their community and right now a focus on public relations is providing the greater return.

As one maritime business owner, I request that the Port avoid this distraction to limited resources until other already identified priorities are checked off as "accomplished".

With the best of intentions toward a highly functional and successful Port, and sincere respect to each of you working for the same,

Ashlyn Brown

Port Townsend Watercraft LLC.