

October 19, 2010

MASON COUNTY AUDITOR
KAREN L. HERR

TO: Mason County Auditor, Karen Herr

2010 OCT 21 P 12: 23

RE: PETITION DEMANDING RECALL OF PORT OF SHELTON
COMMISSIONER, DISTRICT 3, JAY HUPP FROM HIS OFFICE

REQUEST OF:

Summary

The Recall Committee, by and through the undersigned legal voters of the Port of Shelton, County of Mason, State of Washington, do hereby demand the recall and discharge of Jay Hupp, Commissioner District 3, of The Port of Shelton pursuant to the provisions of Article 1, section 33 and 34 of the Washington State Constitution and RCW 29A.56.110, et seq., for acts of misfeasance and acts of malfeasance while in office, and for violation of his Oath of Office.

The terms 'misfeasance', 'malfeasance', and 'violation of oath of office' are used in this petition consistent with the provisions of RCW 29A56.110, pursuant to which 'misfeasance' or 'malfeasance' means *any wrongful conduct that affects, interrupts, or interferes with the performance of official duty*; additionally, 'misfeasance' in office means *the performance of a duty in an improper manner*; and, additionally, 'malfeasance' in office means *the commission of an unlawful act*. 'Violation of the oath of office' means *the neglect or knowing failure by an elective public officer to perform faithfully a duty imposed by law*. RCW 29A56.110

Allegation of unlawful acts committed by Commissioner Jay Hupp

Allegation Number 1.

On June 1, 2010, Jay Hupp, acting as Commission Chairman, allowed an illegal motion and voted in the affirmative on said motion to knowingly destroy public records (meeting tapes as defined in RCW 40.14.010) in violation of RCW 40.14.070. The minutes of the June 1, 2010 meeting and private tape footage confirm that Commission Chairman Jay Hupp and Commissioner Tom Wallitner were informed by several members of the public in attendance that such an action was in violation of RCW 40.14.060; 40.14.070 and RCW 40.16.010, and would prevent the public from performing proper oversight of the Port of Shelton.

Please see attached June 1, 2010 minutes and DVD.

Allegation Number 2:

On July 6, 2010, Jay Hupp attempted to cover-up his willful injury to public records (RCW 40.16.010) and the purposeful destruction of public records in violation of RCW 40.14.060 and RCW 40.14.070. The destruction of these public records was ordered by Commissioner/Chairman Jay Hupp and Commissioner Tom Wallitner on June 1, 2010. The meeting minutes of July 6, 2010 verify that after illegally moving and ordering destruction of public records on June 1, 2010, that Jay Hupp then attempted to blame the destruction of taped public records on an employee of the Port.

Please see attached July 6, 2010 minutes.

Allegation Number 3:

Commissioner Jay Hupp has repeatedly violated the Washington State Open Meetings Act. The recall committee cites three examples:

On May 29, 2010 Commission Chairman Jay Hupp conducted Port Commission business outside of the Open Meetings Act by e-mail with Commissioner Tom Wallitner and in doing so violated RCW 42.30.20; RCW 42.30.30; RCW 42.30.60; RCW 42.30.070 and RCW 42.32.030,

On June 18, 2010 Commission Chairman Jay Hupp again conducted Port Commission business outside of the Open Meetings Act by e-mail with Commissioners Tom Wallitner and Jack Miles, and in doing so violated RCW 42.30.20; RCW 42.30.30; RCW 42.30.60; RCW 42.30.070 and RCW 42.32.030.

On July 31, 2010 Commission Chairman Jay Hupp conducted Port Commission business outside of the Open Meetings Act by e-mail with Commissioner Tom Wallitner and Port Director John Dobson again violating RCW 42.30.20; RCW 42.30.30; RCW 42.30.60; RCW 42.30.070 and RCW 42.32.030.

Please also find enclosed Washington State Auditor's Office Accountability Report on the Port of Shelton, number 1002284, dated July 2, 2009 and issued on October 5, 2009 by Washington State Auditor Brian Sonntag.

The Recall Committee believes this report will illustrate and prove a repeated pattern of violations of the Open Meetings Act, misfeasance, malfeasance and failure of Commission Chairman Jay Hupp to uphold his oath of office in light of previous violations.

Please see attached e-mails of meetings and State Auditor Report 1002284.

Allegation Number 4:

Jay Hupp, in his role as Commission Chairman, violated the Open Public Meetings Act with regard to the August 16, 2010 meeting by the following actions:

During a public meeting on August 3, 2010, Jay Hupp, Commission Chairman, announced that there would be a meeting on August 16, 2010 for the Port to hear public comment on the proposed Port Resolution, Lease Option Agreement, and Land Lease between the Port and ADAGE LLC.

Commissioner Hupp stated that each person testifying on August 16, 2010 would have to leave the meeting room after their testimony in order to make room for others to testify. This is in violation of the Open Public Meetings Act RCW 42.30.010 and RCW 42.30.030. Commissioner Hupp does not have the power or authority to demand who can or who can not be present at an open public meeting, unless they are being disruptive at the meeting, RCW 42.30.050. Upon completion of testimony many left because of the procedures established during the August 3rd, 2010, public meeting.

Commissioner Hupp further stated that he would only allow public testimony specific to these three proposed ADAGE documents and that each citizen would be required to cite a specific page and provision of the document and limit their testimony to comments on that provision. By requiring such stringent conditions on public testimony, many citizens were intimidated from attending the meeting, believing that only comments which constituted legal analysis of the documents would be allowed and that their general comments as citizens would not be allowed.

In contradiction of his earlier rules, on August 16, 2010 Commissioner Hupp allowed public testimony from a number of citizens who did not speak specifically to provisions of the Option Lease and or the Land Lease Agreement for ADAGE. The citizens who so testified were primarily brought in from outside the County to express an array of opinions regarding jobs, organized labor endorsements, and support for ADAGE. They appeared to have been coached to mention "Section 5.1 of the Ground Lease," though their comments were not directly related to that provision. In allowing one group of citizens to testify in contradiction of rules and guidelines he had established as Chairman for the Port of Shelton, Commissioner Hupp violated the "Appearance of Fairness Doctrine."

This pattern continued throughout the day. Upon reconvening after the lunch hour at approximately 1:30 p.m., Skip Houser, Port Attorney, stated once again that no public testimony would be allowed that did not cite the page and paragraph of the Option Lease Agreement or the Ground Lease Agreement. Once again Chairman Hupp did not stop continued testimony outside the established guidelines. Commissioner Hupp violated his

Oath of Office by not faithfully and impartially performing his duties as Port Commissioner and Chairman, and further acts of malfeasance and misfeasance continued.

Please see minutes of August 3, 2010 and minutes of the August 16, 2010 hearing, and DVD recordings.

Allegation Number 5:

On July 31, 2010 Commission Chairman Jay Hupp violated his Oath of Office and 'Port of Shelton Resolution 10-02' and the 'Port of Shelton Delegation of Authority to the Executive Director' by purposely excluding Commissioner Jack Miles in an illegal e-mail meeting and failing to provide information and research attached to this illegal e-mail in writing to Commissioner Miles as required in Port Resolution 10-02 and the Delegation of Authority.

Commission Chairman Jay Hupp violated his Oath of Office by failing to require the Port Director comply with the third paragraph of Resolution 10-02 which states: "Whereas, this policy is intended to promote the adoption of objectives by the Commission to further the efficiency and effectiveness of the Executive Director working with the Commission as a body". Additionally, Commission Chairman Jay Hupp violated his Oath of Office by failing to comply with the stated purpose of the Delegation of Authority to ensure that "Any and all Commission directives shall be made to the Executive Director by the Commission acting as a body". In circumventing Commissioner Miles, a publically elected official, Commissioner Hupp failed to uphold his Oath of Office.

Please see attached Port of Shelton Resolution 10-02 and Port of Shelton Delegation of Authority to Executive Director.

Allegation Number 6:

On September 23, 2009, Rahn S. Redman, a Port of Shelton resident and voter, made a public records request of the phone records of Port Commissioner Jay Hupp as provided and described in RCW 42.56.010. This included personal cell phone records as some Port business and communications were and are conducted using personal cell phones, texting and electronic e-mail on personal devices.

RCW 42.56.030 states, "The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. This chapter shall be liberally construed and

its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern."

RCW 42.56.050 provides that, "A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specified in this chapter as express exemptions from the public's right to inspect, examine, or copy public records."

As a result of Commissioner Jay Hupp conducting Port business and communications using his personal cell phone, his phone records are not exempt from public examination and public disclosure listed under RCW 42.56.210 or RCW 42.56.230 and the redaction of these phone records by Commissioner Jay Hupp is a violation of the Public Records Act, RCW Chapter 42.56.

Please see Mr. Redman's attached sworn written testimony, records requests, correspondence and the redacted phone records of Commissioner Jay Hupp.

Allegation No. 7:

During the September 21, 2010, Port of Shelton regular meeting, Commissioner Miles stated to Chairman Hupp that the minutes taken on September 1, 2010 Special Meeting were in violation of the Open Public Meeting Act. Commissioner Miles further stated that Item 4, of the September 1, 2010 Minutes, ACTION/Discussion doesn't comply with the law because it stated only "Matters of interest for all jurisdictions". This description lacks specifics and makes it impossible for citizens to refer to the official Minutes in order to learn what occurred at this meeting.

Commissioner Hupp refuted that proper minutes had not been taken, and stated to Commissioner Miles "that it was his opinion that they were not in violation of the Open Public Meeting Act." By dismissing Commissioner Miles continued efforts to correct the minutes, Commissioner Hupp violated his oath of office. Chairman Hupp refused to correct the minutes thereby denying the legal rights of citizens to review what occurred during the Special Meeting. During the discussion, Commissioner Wallitner stated during the meeting "that he thought they agreed that no minutes were necessary because this was an informal meeting."

The meeting on September 1, 2010 was a joint meeting between the City of Shelton, PUD 3, Mason County, and the Port of Shelton. This meeting was conducted at the Port

of Shelton at their normal place for conducting business and is required to operate under the Open Public Meeting Act, Title 42.30, whenever more than two Commissioners meet to discuss business, RCW 42.30.080.

Under RCW 42.30.010, the people of this state do not yield their sovereignty to the agencies which serve them. The people in delegating authority do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. Those not being present at the meeting have not been afforded the opportunity to review the activities of the September 1, 2010, meeting.

These are further acts and violations of his Oath of Office. See attached minutes of September 1, 2010, and minutes of September 21, 2010, and DVD recordings. The meeting minutes do not accurately describe port business that actually transpired at the meeting as recorded on the tape of the meeting. This is a repeated and ongoing violation.

Allegation No. 8

During the August 16, 2010 Special Meeting, upon completion of public testimony at approximately 1:45 p.m., Commissioner/Chairman Hupp called for an executive session at 2:00 p.m. in violation of RCW 42.30.110(c). The purpose cited in earlier discussion during the Special Meeting, Commissioner Hupp stated "that the purpose of the executive session would be to discuss all the **public input** regarding the Option Lease Agreement, Land Lease Agreement, and the Ports Resolution".

Commissioner Hupp further allowed at least one representative from ADAGE to be present during the executive session without proper notification. In doing so Commissioner Hupp violated RCW 42.30.110(c). The ADAGE representative should not have been present to discuss the lease option agreement, land lease, nor the Port's Resolution during the executive session. Discussion of public input on lease agreements already made public is not a lawful reason for calling a closed executive session under RCW 42.30.110(c).

In accordance with state law, executive sessions held under RCW 42.30.110(c): are for the sole purpose of considering 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.

The public was provided copies of the Option Lease, Land Lease, and the Port's Resolution two weeks prior to the August 16, 2010 Special Meeting and would have no affect for the calling of an executive session under RCW 42.30.110(c). This meeting should have continued under the Special Meeting, RCW 42.30.080.

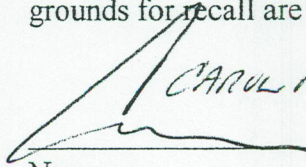
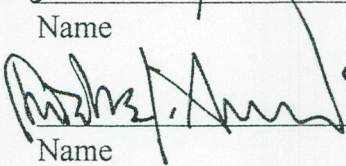
Commissioner Hupp further violated the open public meeting act under RCW 42.30.010. The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

These are further acts and violations of his Oath of Office. See attached minutes of August 16, 2010, and DVD taken on August 16, 2010. The meeting minutes do not reflect what actually occurred as shown on the recording.

Conclusion

In light of the foregoing, the Recall Committee hereby demands the recall and discharge of Commissioner Jay Hupp, Port of Shelton, District 3, State of Washington, for acts of misfeasance and acts of malfeasance while in office, and for violations of his Oath of Office.

I certify under oath, on this 19th day of October, 2010, that the foregoing allegations are true and correct, and that I have knowledge of the alleged facts upon which the stated grounds for recall are based. I am also a qualified elector in the Port of Shelton.

	CAROL FULCHER HEPBURN 970 SE COOK PLANT FARM RD SHELTON WA 98584
Name	Address
Harvey Hepburn	970 SE COOK PLANT FARM RD
Name	Address
John Cox	PO Box 2326 Shelton WA 461 E. Parkway Blvd. Shelton WA
Name	Address
	CHRISTINE ARMOND POB 2326 461 E. PARKWAY BLVD., SHELTON, WA
Name	Address
Shawnie Vedder	1217 W Franklin St Shelton WA 98584
Name	Address

Francis M Pucella 180 E Connemara Way Shelton
Name Address

Sharon Parakeen 719 Dawn Ave Shelton, WA 98584
Name Address

Mr. Bob Mc Bain 401 E. Hiawatha Blvd. Shelton
Name Address

Rebecca M. L. Penoyer 780 E. Peacock Hill Lane, Shelton
Name Address

Barbara B. Myers 180 E. Connemara Way, Shelton 98584
Name Address

Dustin A. Vandenberg 547 E. Mikkelson Rd. Shelton
Name Address 98584

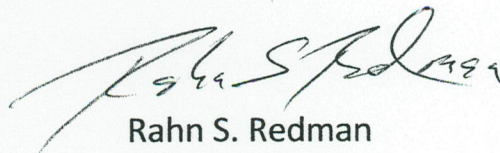
Alan E. Bratche 121 E Fairfield Ct Shelton WA 98584
Name Address

Deborah J. Soper 31 E. Springwood Dr. Shelton WA 98584

Thomas R Parsloe 1410 E Island Lake Dr. Shelton WA 98584

September 21, 2010

I Rahn Redman do hereby make the following statement of my own free will under penalty of perjury. I Rahn S. Redman under the Freedom of Information Act and state law requested on September 23, 2009 at 10:47 AM at the Port of Shelton office at 21 W. Sanderson Way Shelton Washington the cell phone records of Commissioner Jay Hupp and Port of Shelton manager John Dobson. The subsequent cell phone records or lack of were sent to my residence at 311 W. Story Rd. Shelton Washington on November 19th 2009 and as you can see they have been redacted (**BLACKED OUT**) to the point that they bring more suspicion than answers. I had these documents reviewed by Greg Overstreet of Allied Law Group (Mr. Overstreet wrote as editor in chief the Washington State Attorney Generals rule on Public Disclosure) and he is prepared to represent me in litigation against the Port of Shelton, for commissioner Jay Hupp's alleged violation of the Public Disclosure Law. The law allows for a penalty of up to \$100/Day/Document. Mr. Hupp has through his actions created a potential liability for the Port in violation of law and his oath of office to uphold those laws. Penalties like this were created to deter public officials from not having complete disclosure. Transparency is a current phrase being used a lot. In reading these phone records it is impossible to determine if there was or not any collusion between these two or if there were any other potentially unethical communications.

A handwritten signature in black ink, appearing to read "Rahn S. Redman", with a stylized flourish at the end.

Rahn S. Redman

311 W. Story Rd.

Shelton Wa.



Port of Shelton
21 W Sanderson Way
Shelton, WA 98584 360.426.1151 360.427.0231 (fax)

RECEIVED
SEP 23 2009

Port Of Shelton

REQUEST FOR PUBLIC INFORMATION

Name Ryan S Redman
Address 311 W STORY Rd
City Shelton State WA Zip 98584
Phone 427-2438

Describe specific records requested in detail:

Copies of John Dobson's personal cell
+ telephone records if phones were ever used
for port business. Records are to cover from
Time of Employment to present

"Responses to requests for public records shall be made promptly by agencies. Within five business days of receiving a public record, an agency must respond by either (1) providing the record; (2) acknowledging that the agency has received the request and providing a reasonable estimate of the time the agency will require to respond to the request; or (3) denying the public record request. In acknowledging receipt of a public record request that is unclear, an agency may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency need not respond to it."

RCW 42.56.520 (in part)

I agree to pay for copies at the rate of \$.10 per copy up to ten (10) copies; for copies of documents which run in excess of ten (10) copies, or for locating requested documents, there may be charges for administrative time involved, as well as the above copy charge.

Signature Ryan S Redman

Date: 9-23-09

Request Recd By [Signature] OFFICIAL USE ONLY
Date Recd 9-23-09 Time Recd 10:47AM
Date Request Filled _____ Requestor Notified _____
Total Fees: \$ _____ Date Paid _____



Port of Shelton
21 W Sanderson Way
Shelton, WA 98584 360.426.1151 360.427.0231 (fax)

RECEIVED
SEP 23 2009

REQUEST FOR PUBLIC INFORMATION

Port Of Shelton

Name Rahn S Redman
Address 311 W STORY Rd
City Shelton State WA Zip 98584
Phone 427-2438

Describe specific records requested in detail:

Copies of Commissioner Jay Hupp's personal
cell phone ^{calls} if phone was ever used for
port business. Either sending or receiving.
Records requested are for previous 12 months

"Responses to requests for public records shall be made promptly by agencies. Within five business days of receiving a public record, an agency must respond by either (1) providing the record; (2) acknowledging that the agency has received the request and providing a reasonable estimate of the time the agency will require to respond to the request; or (3) denying the public record request. In acknowledging receipt of a public record request that is unclear, an agency may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency need not respond to it."

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Signature Rahn S Redman

Date: 9-23-09

Request Recd By JG OFFICIAL USE ONLY
Date Recd 9-23-09 Time Recd 10:47AM
Date Request Filled _____ Requestor Notified _____
Total Fees: \$ _____ Date Paid _____

VALZ, HOUSER, KOGUT & BARNES, P.S.

ATTORNEYS AT LAW
Westhill Office Park II, Bldg. 15
1800 Cooper Point Rd. SW
Olympia, Washington 98502
(360) 754-8028
Fax (360) 357-2844
www.kenvalz.com

*Ken Valz
Charles H. Houser III
**William P. Kogut
Brian M. Barnes

*Licensed in District of Columbia
** Licensed in Oregon

October 30, 2009

Rahn S. Redman
311 West Story Rd
Shelton, WA 98584

Sent Certified Mail

Re: Request for Public Information dated September 23, 2009
Port of Shelton

Dear Mr. Redman:

As a follow up to my letters of September 29, 2009 and October 1, 2009 pertaining to your three Requests for Pubic Information received by the Port of Shelton on September 23, 2009, I am further responding to your two remaining requests.

As you are aware, I have previously provided to you on October 1, 2009 the Port of Shelton's long distance phone records for the previous seven months.

Enclosed you will find the cell phone records of John Dobson's personal cell phone for those that pertained to Port business. Though the cell phone records of John Dobson are not believed to be public records as they are not held or retained by the Port of Shelton and, therefore, Mr. Dobson could not be required to provide such. The cell phone utilized by Mr. Dobson, personally, is in his name, the cost is not reimbursed by the Port of Shelton, and is not provided for by the Port of Shelton. Therefore, these are individual and private records. In an effort to provide full disclosure and complete transparency to inquiries, Mr. Dobson has elected to disclose those cell phone calls that pertain to the Port of Shelton to the best of his knowledge.

As you will note, the cell phone records have been redacted to preclude the disclosure of personal information of both Mr. Dobson and his wife, and all billing information. Neither of these were requested by you and neither are appropriate to be provided under your Request for Public Information for records of the Port of Shelton, or as provided under the Revised Code of Washington.

As to your request for copies of cell phone records for Port Commissioner and Chairman, Jay Hupp, I have also enclosed his cell phone records. For the same reasons stated above, I have redacted these records and would, again, reiterate that Chairman Hupp is not provided a phone by the Port of Shelton, he is not reimbursed for his calls by the Port of Shelton, and these records are his personal records and not public records of the Port of Shelton.

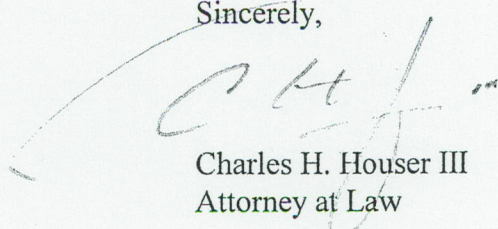
Mr. Hupp also, in an effort to provide full and complete disclosure and, further, to be responsive to all constituents of the Port of Shelton, has provided this information through our office.

I must also further inform you that the disclosure of these phone records do not create any ongoing obligation, further obligation, or any precedent that individual phone records not held or controlled by the Port of Shelton, but in an individual's name will be provided in any future requests for public information.

As previously referenced in my letter of October 1, 2009, I will prepare an invoice for the further costs involved in copying these documents and forward that to you under separate cover. As you are aware, you have agreed to pay for copies at the rate of ten cents (\$.10) per page.

As always, should you have any further questions or concerns, please feel free to contact me.

Sincerely,



Charles H. Houser III
Attorney at Law

CHH/ab

Enclosure as noted

c:/POS/RedmanRequest.lto.4.10.30.09

cc: John Dobson, Executive Director

Richard Byrd, Commissioner

Jay Hupp, Commissioner

Jack Miles, Commissioner

VALZ, HOUSER, KOGUT & BARNES, P.S.

ATTORNEYS AT LAW
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Brian M. Barnes

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** Licensed in Oregon

November 19, 2009

Rahn S. Redman
311 West Story Rd
Shelton, WA 98584

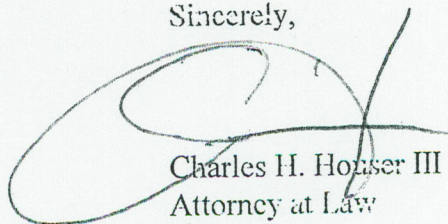
Re: Request for Public Information dated September 23, 2009
Port of Shelton

Dear Mr. Redman:

Enclosed please find the envelope and letter that have been returned to our office that pertain to your Request for Public Information that was dated September 23, 2009. Our office sent this packet to you on October 30, 2009 and, as you can see, the post office returned to sender the package as being unclaimed. I am sending it to you regular mail since you have not claimed this information and I am assuming you are still requesting such.

As always, should you have any further questions or concerns, please feel free to contact me.

Sincerely,



Charles H. Houser III
Attorney at Law

CHH/ab
Enclosure as noted
c:/POS/RedmanRequest.lto.6.11.19.09
cc: John Dobson, Executive Director
Terra Dittmer, Office/Marketing Manager

24y's No.
↓

Summary for [REDACTED] Hupp: 360-490-7182

Your Calling Plan

America's Choice II Familyshare Pri 500 Any Unl
N&W/In Call \$50.00 2y 0205

(see pg 3)

NATL IN Calling-Unlim

Unlimited IN Calling minutes

15 Bonus Minutes Promotion

15 minutes remaining

Unlimited Night & Weekend Mins

Charges

Monthly Access Charges

Current Calling Plan 10/20 - 11/19

Usage Charges

Voice

Verizon Wireless' Surcharges

Fed Universal Service Charge

Regulatory Charge

Administrative Charge

Taxes, Governmental Surcharges and Fees

WA State E911 Fee

Mason Cnty 911 Surchg

WA State Sales Tax

Mason Cnty Sales Tax

Total Current Charges for 360-490-7182

Usage Charges

Voice	Allowance	Used	Billable	Cost
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Total Voice	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

View your bill and call details online for FREE. Sign in to My Verizon at www.verizonwireless.com.

Detail for [REDACTED] Hupp: 360-490-7182

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
9/22	8:31P	360-426-8897	Peak	PlanAllow	Kalispell MT	Shelton WA	10	--	--	--
9/24	6:10P	000-000-0086	Peak	PlanAllow,CallVM	Newport WA	Voice Mail CL	1	--	--	--
9/24	6:11P	360-426-8897	Peak	PlanAllow	Newport WA	Shelton WA	5	--	--	--
9/28	12:20P	360-426-8897	Weekend	PromoAllow	Colville WA	Shelton WA	3	--	--	--
10/01	8:35P	000-000-0086	Peak	PlanAllow,CallVM	Okanogan WA	Voice Mail CL	2	--	--	--
10/01	8:37P	360-426-8897	Peak	PlanAllow	Omak WA	Shelton WA	1	--	--	--
10/02	11:29A	000-000-0086	Peak	PlanAllow,CallVM	Cle Elum WA	Voice Mail CL	1	--	--	--



Invoice Number Account Number Date Due Page
[REDACTED] 11/14/08 5 of 8

Detail for [REDACTED] Hupp: 360-490-7182

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
10/03	1:48P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
10/03	2:53P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
10/10	8:15A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--

Summary for **Hupp: 360-490-7182**

Your Calling Plan

America's Choice II Familyshare Pri 500 Any Uni
N&W/In Call \$50.00 2y 0205

(see pg 3)

NATL IN Calling-Unlim

Unlimited IN Calling minutes

15 Bonus Minutes Promotion

15 minutes remaining

Unlimited Night & Weekend Mins

Charges

Monthly Access Charges

Current Calling Plan 11/20 - 12/19

Usage Charges

Voice

Verizon Wireless' Surcharges

Fed Universal Service Charge

Regulatory Charge

Administrative Charge

Taxes, Governmental Surcharges and Fees

WA State E911 Fee

Mason Cnty 911 Surchg

WA State Sales Tax

Mason Cnty Sales Tax

Total Current Charges for 360-490-7182

Usage Charges

Voice	Allowance	Used	Billable	Cost
-------	-----------	------	----------	------

Shelton WA				

Total Voice

Total Usage Charges

View your bill and call details online for FREE. Sign in to My Verizon at www.verizonwireless.com.

Detail for Diana Hupp: 360-490-7182

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
------	------	--------	------	------------	-------------	-------------	------	-----------------	-----------------------	-------

10/24	2:23P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
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10/27	10:48A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
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11/03	10:37A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
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11/04	11:40A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
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11/12	1:58P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
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Invoice Number Account Number Date Due Page
[REDACTED] 12/14/08 5 of 8

Detail for [REDACTED] Hupp: 360-490-7182

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
11/13	8:58A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
[REDACTED]										
11/19	7:36P	360-426-8897	Peak	PlanAllow	Tacoma WA	Shelton WA	3	--	--	--

Summary for [REDACTED] Hupp: 360-490-7182

Your Calling Plan

America's Choice II Familyshare Pri 500 Any Uni
 N&W/In Call \$50.00 2y 0205
 (see pg 3)

NATL IN Calling-Unlim
 Unlimited IN Calling minutes

15 Bonus Minutes Promotion
 15 minutes remaining

Unlimited Night & Weekend Mins

Charges

Monthly Access Charges

Current Calling Plan 12/20 - 01/19

Usage Charges

Voice

Verizon Wireless' Surcharges

Fed Universal Service Charge
 Regulatory Charge
 Administrative Charge

Taxes, Governmental Surcharges and Fees

WA State E911 Fee
 Mason Cnty 911 Surchg
 WA State Sales Tax
 Mason Cnty Sales Tax

Total Current Charges for 360-490-7182

Usage Charges

Voice	Allowance	Used	Billable	Cost
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	(Shared)	[REDACTED]	[REDACTED]	[REDACTED]
Total Voice				
Total Usage Charges				

View your bill and call details online for FREE. Sign in to My Verizon at www.verizonwireless.com.

Detail for [REDACTED] Hupp: 360-490-7182

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
11/21	1:27P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
11/21	1:29P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
11/21	1:31P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
11/25	9:25A	360-426-2276	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
11/26	9:07A	360-426-2276	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
[REDACTED]										
12/04	9:24A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
12/05	9:46A	360-426-2276	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
12/05	10:56A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---



Invoice Number Account Number Date Due Page
[REDACTED] 01/14/09 5 of 9

Detail for [REDACTED] Hupp: 360-490-7182

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
12/12	10:51A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
12/12	12:31P	000-000-0086	Peak	PlanAllow,CallVM	Federal WA WA	Voice Mail CL	1	--	--	--
12/12	12:32P	360-426-8897	Peak	PlanAllow	Federal WA WA	Shelton WA	2	--	--	--
12/15	9:16A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
12/17	9:28A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
12/19	9:42A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--



Invoice Number Account Number Date Due Page

02/14/09 4 of 8

Summary for [REDACTED] 360-490-7182

Your Calling Plan

America's Choice II Familyshare Pri 500 Any Unl
N&W/In Call \$50.00 2y 0205

(see pg 3)

NATL IN Calling-Unlim
Unlimited IN Calling minutes

15 Bonus Minutes Promotion
15 minutes remaining

Unlimited Night & Weekend Mins

Charges

Monthly Access Charges

Current Calling Plan 01/20 - 02/19

Usage Charges

Voice

Data

Verizon Wireless' Surcharges

Fed Universal Service Charge

Regulatory Charge

Administrative Charge

Taxes, Governmental Surcharges and Fees

WA State E911 Fee

Mason Cnty 911 Surchg

WA State Sales Tax

Mason Cnty Sales Tax

Total Current Charges for 360-490-7182

Usage Charges

Voice	Allowance	Used	Billable	Cost
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Promotional minutes

Total Voice

Data

Total Data

View your bill and call details online for FREE. Sign in to My Verizon at www.verizonwireless.com.

Detail for [REDACTED] Hupp: 360-490-7182

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
12/24	1:27P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
12/29	1:31P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
1/02	9:45A	360-426-2276	Peak	PlanAllow	Matlock WA	Shelton WA	1	--	--	--
1/02	9:46A	360-426-2276	Peak	PlanAllow	Matlock WA	Shelton WA	1	--	--	--
1/02	9:46A	000-000-0086	Peak	PlanAllow,CalVM	Matlock WA	Voice Mail CL	1	--	--	--
1/12	1:30P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/12	3:55P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
1/17	12:45P	360-426-8897	Weekend	PromoAllow	Shelton WA	Shelton WA	1	--	--	--
1/17	12:46P	360-426-8897	Weekend	PromoAllow	Shelton WA	Shelton WA	1	--	--	--
1/17	1:17P	360-426-8897	Weekend	PromoAllow	Shelton WA	Shelton WA	2	--	--	--
1/17	1:20P	360-426-8897	Weekend	PromoAllow	Shelton WA	Shelton WA	1	--	--	--



Invoice Number Account Number Date Due Page
[REDACTED] 03/14/09 4 of 8

Summary for [REDACTED] Hupp: 360-490-7182

Your Calling Plan

America's Choice II Familyshare Pri 500 Any Uni
N&W/In Call \$50.00 2y 0205
(see pg 3)

M2M National Unlimited
Unlimited Mobile to Mobile

15 Bonus Minutes Promotion
15 minutes remaining

Unlimited Night & Weekend Mins

Charges

Monthly Access Charges

Current Calling Plan 02/20 - 03/19

Usage Charges

Voice

Data

Verizon Wireless' Surcharges

Fed Universal Service Charge

Regulatory Charge

Administrative Charge

Taxes, Governmental Surcharges and Fees

WA State E911 Fee

Mason Cnty 911 Surchg

WA State Sales Tax

Mason Cnty Sales Tax

Total Current Charges for 360-490-7182

Usage Charges

Voice	Allowance	Used	Billable	Cost
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Total Voice

Data

Total Data

Total Usage Charges

View your bill and call details online for FREE. Sign in to My Verizon at www.verizonwireless.com.

Detail for [REDACTED] Hupp: 360-490-7182

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
1/20	1:17P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/20	1:22P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
1/21	8:53A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/21	9:03A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
1/21	9:05A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/21	9:06A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
1/21	1:45P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/21	1:47P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
1/21	1:48P	000-000-0086	Peak	PlanAllow,CallVM	Shelton WA	Voice Mail CL	1	--	--	--
1/22	1:46P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/22	2:39P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
1/23	12:58P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/28	11:23A	360-426-8897	Peak	PlanAllow	Olympia WA	Shelton WA	3	--	--	--
1/28	1:18P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/28	4:53P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/29	9:38A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/29	10:17A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/29	10:19A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/29	1:33P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
1/30	1:13P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
2/04	2:25P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
2/06	1:28P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
2/10	12:58P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	3	--	--	--
2/11	1:16P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
2/12	1:34P	000-000-0086	Peak	PlanAllow,CallVM	Shelton WA	Voice Mail CL	4	--	--	--
2/12	1:38P	000-000-0086	Peak	PlanAllow,CallVM	Shelton WA	Voice Mail CL	2	--	--	--
2/13	9:57A	360-426-8897	Peak	PlanAllow	Olympia WA	Shelton WA	4	--	--	--
2/13	1:06P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	5	--	--	--
2/17	9:56A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--



Summary for [REDACTED] Hupp: 360-490-7182

4/14/09

Your Calling Plan

America's Choice II Familyshare Pri 500 Any Uni
N&W/In Call \$50.00 2y 0205
(see pg 3)

M2M National Unlimited
Unlimited Mobile to Mobile

15 Bonus Minutes Promotion
15 minutes remaining

Unlimited Night & Weekend Mins

Charges

Monthly Access Charges

Current Calling Plan 03/20 - 04/19

Usage Charges

Voice

Verizon Wireless' Surcharges

Fed Universal Service Charge

Regulatory Charge

Administrative Charge

Taxes, Governmental Surcharges and Fees

WA State E911 Fee

Mason Cnty 911 Surchg

WA State Sales Tax

Mason Cnty Sales Tax

Total Current Charges for 360-490-7182

Usage Charges

Voice	Allowance	Used	Billable	Cost
[REDACTED]	[REDACTED]	[REDACTED]	--	--

Total Voice

Total Usage Charges

View your bill and call details online for FREE. Sign in to My Verizon at www.verizonwireless.com.

Detail for [REDACTED] Hupp: 360-490-7182

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
2/2										
3/02	9:13A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
3/04	9:19A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
3/04	9:37A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	5	--	--	--
3/04	10:00A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	4	--	--	--
3/06	9:37A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
3/11	10:05A	360-426-1151	Peak	PlanAllow	Matlock WA	Shelton WA	1	--	--	--
3/13	1:14P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	3	--	--	--
3/16	9:20A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--

Summary for **360-490-7182**

Your Calling Plan

America's Choice II Familyshare Pri 500 Any Uni
N&W/In Call \$50.00 2y 0205
(see pg 3)

M2M National Unlimited
Unlimited Mobile to Mobile

15 Bonus Minutes Promotion
15 minutes remaining

Unlimited Night & Weekend Mins

Charges

Monthly Access Charges

Current Calling Plan 04/20 - 05/19

Usage Charges

Voice

Data

Verizon Wireless' Surcharges

Fed Universal Service Charge

Regulatory Charge

Administrative Charge

Taxes, Governmental Surcharges and Fees

WA State E911 Fee

Mason Cnty 911 Surchg

WA State Sales Tax

Mason Cnty Sales Tax

Total Current Charges for 360-490-7182

Usage Charges

Voice	Allowance	Used	Billable	Cost

Total Voice

Data

Total Data

Total Usage Charges

View your bill and call details online for FREE. Sign in to My Verizon at www.verizonwireless.com.

Detail for [REDACTED] Hupp: 360-490-7182

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
3/20	1:25P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3/20	10:49A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
3/25	1:52P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3/26	9:08A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	3	---	---	---
3/26	12:41P	360-426-8897	Peak	PlanAllow	Olympia WA	Shelton WA	3	---	---	---
3/30	8:50A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	3	---	---	---
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3/30	1:02P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
4/02	12:33P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4/03	11:18A	360-426-8897	Peak	PlanAllow	Olympia WA	Shelton WA	3	---	---	---
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4/03	1:09P	360-426-8897	Peak	PlanAllow	Olympia WA	Shelton WA	4	---	---	---
4/06	9:44A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
4/10	9:50A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
4/10	3:24P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4/14	1:04P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
4/14	1:05P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
4/14	1:49P	000-000-0086	Peak	PlanAllow,CallVM	Shelton WA	Voice Mail CL	3	---	---	---
4/15	1:14P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	3	---	---	---
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4/17	4:10P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---

Summary for [REDACTED] Hupp: 360-490-7182

Your Calling Plan

America's Choice II Familyshare Pri 500 Any Uni
N&W/In Call \$50.00 2y 0205
(see pg 3)

M2M National Unlimited
Unlimited Mobile to Mobile

15 Bonus Minutes Promotion
15 minutes remaining

Unlimited Night & Weekend Mins

Charges

Monthly Access Charges

Current Calling Plan 05/20 – 06/19

Usage Charges

Voice

Verizon Wireless' Surcharges

Fed Universal Service Charge
Regulatory Charge
Administrative Charge

Taxes, Governmental Surcharges and Fees

WA State E911 Fee
Mason Cnty 911 Surchg
WA State Sales Tax
Mason Cnty Sales Tax

Total Current Charges for 360-490-7182

Usage Charges

Voice	Allowance	Used	Billable	Cost
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Total voice				
Total Usage Charges				

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Detail for [REDACTED] Hupp: 360-490-7182

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
4/20	9:39A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
4/20	9:40A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
4/21	7:38P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
4/21	7:39P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
4/22	1:08P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
4/22	3:11P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
4/22	3:52P	360-426-8897	Peak	PlanAllow	Olympia WA	Shelton WA	2	---	---	---

Detail for [REDACTED] Hupp: 360-490-7182

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
4/23	1:10P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
[REDACTED]										
4/24	9:34A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	3	--	--	--
4/24	1:22P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
4/24	3:37P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
4/27	1:49P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
4/27	3:19P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
4/28	9:33A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
4/28	9:34A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
[REDACTED]										
4/29	4:53P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
4/30	9:16A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
[REDACTED]										
5/06	11:39A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
5/08	1:24P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
5/12	8:09P	360-426-8897	Peak	PlanAllow	Pasco WA	Shelton WA	3	--	--	--
5/14	5:42P	360-426-8897	Peak	PlanAllow	Hobart WA	Shelton WA	2	--	--	--
5/15	2:55P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
5/18	9:42A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
5/18	10:53A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
5/18	10:54A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
5/18	11:40A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
5/18	1:03P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--

Summary for [REDACTED] Hupp: 360-490-7182

Your Calling Plan

America's Choice II Familyshare Pri 500 Any Uni
 N&W/IN Call \$50.00 2y 0205
 (see pg 3)

M2M National Unlimited
 Unlimited Mobile to Mobile

15 Bonus Minutes Promotion
 15 minutes remaining

Unlimited Night & Weekend Mins

Charges

Monthly Access Charges

Current Calling Plan 06/20 - 07/19

Usage Charges

Voice

Verizon Wireless' Surcharges

Fed Universal Service Charge
 Regulatory Charge
 Administrative Charge

Taxes, Governmental Surcharges and Fees

WA State E911 Fee
 Mason Cnty 911 Surchg
 WA State Sales Tax
 Mason Cnty Sales Tax

Total Current Charges for 360-490-7182

Usage Charges

Voice	Allowance	Used	Billable	Cost
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Total Voice				
Total Usage Charges				

View your bill and call details online for FREE. Sign in to My Verizon at www.verizonwireless.com.

Detail for [REDACTED] Hupp: 360-490-7182

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
5/20	11:57A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
5/27	10:54A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
5/27	3:05P	360-426-8897	Peak	PlanAllow	Olympia WA	Shelton WA	1	---	---	---
5/28	3:29P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
5/29	1:50P	360-426-1151	Peak	PlanAllow	Tumwater WA	Shelton WA	1	---	---	---
6/01	1:43P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---

Detail for [REDACTED] Hupp: 360-490-7182

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
6/02										
6/02	10:20A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
6/02	10:32A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	3	--	--	--
6/02	1:07P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
6/03	9:44A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
6/03	1:26P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
6/04	9:12A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
6/05	1:32P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
6/08	9:46A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	7	--	--	--
6/17	11:20A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	18	--	--	--
6/19	2:39P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--

Summary for *Hupp* [REDACTED] 360-490-7182

Your Calling Plan

America's Choice II Familyshare Pri 500 Any Uni
 N&W/IN Call \$50.00 2y 0205
 (see pg 3)

M2M National Unlimited
 Unlimited Mobile to Mobile

15 Bonus Minutes Promotion
 15 minutes remaining

Unlimited Night & Weekend Mins

Charges

Monthly Access Charges

Current Calling Plan 07/20 - 08/19

Usage Charges

Voice

Verizon Wireless' Surcharges

Fed Universal Service Charge
 Regulatory Charge
 Administrative Charge

Taxes, Governmental Surcharges and Fees

WA State E911 Fee
 Mason Cnty 911 Surchg
 WA State Sales Tax
 Mason Cnty Sales Tax

Total Current Charges for 360-490-7182

Usage Charges

Voice	Allowance	Used	Billable	Cost
[REDACTED]	(shared)	[REDACTED]	[REDACTED]	---
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	---
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	---
Total Voice				
Total Usage Charges				

View your bill and call details online for FREE. Sign in to My Verizon at www.verizonwireless.com.

Detail for *Hupp*: 360-490-7182

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
6/24	11:11A	360-426-1151	Peak	PlanAllow	Tonasket WA	Shelton WA	2	---	---	---
6/24	11:13A	000-000-0086	Peak	PlanAllow,CallVM	Tonasket WA	Voice Mail CL	2	---	---	---
6/24	11:15A	000-000-0086	Peak	PlanAllow,CallVM	Tonasket WA	Voice Mail CL	2	---	---	---
6/28	6:39P	360-426-8897	Weekend	PromoAllow	Tonasket WA	Shelton WA	7	---	---	---
6/30	8:16P	360-426-8897	Peak	PlanAllow	Omak WA	Shelton WA	2	---	---	---

Detail for [REDACTED] Hug 360-490-7182

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
7/02	9:32A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
7/02	2:49P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
7/02	2:51P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
7/02	2:52P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
7/10	2:24P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
7/13	1:06P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
7/13	1:39P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	6	--	--	--

Detail for [REDACTED] Hupp: 360-490-7182

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
[REDACTED]										
8/13	11:51A	360-426-8897	Peak	PlanAllow	McCleary WA	Shelton WA	1	--	--	--
8/14	11:17A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
8/18	10:46A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
8/18	11:17A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--
8/18	1:03P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	--	--	--
8/19	9:29A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	--	--	--

Summary for [REDACTED] Hupp: 360-490-7182

Your Calling Plan

AC Family SharePlan 500
 (see pg 3)

M2M National Unlimited
 Unlimited Mobile to Mobile

15 Bonus Minutes Promotion
 15 minutes remaining

Unlimited Night & Weekend Mins

Charges

Monthly Access Charges

AC Family SharePlan 500 09/20 - 10/19

Usage Charges

Voice

Verizon Wireless' Surcharges

Fed Universal Service Charge
 Regulatory Charge
 Administrative Charge

Taxes, Governmental Surcharges and Fees

WA State E911 Fee
 Mason Cnty 911 Surchg
 WA State Sales Tax
 Mason Cnty Sales Tax

Total Current Charges for 360-490-7182

Usage Charges

Voice	Allowance	Used	Billable	Cost
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Total Voice

Total Usage Charges

View your bill and call details online for FREE. Sign in to My Verizon at www.verizonwireless.com.

Detail for [REDACTED] Hupp: 360-490-7182

Voice

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
8/21	1:40P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
8/21	1:41P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
8/21	2:51P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
8/24	1:27P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
8/24	2:57P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
8/24	2:58P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
8/25	10:52A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---

Detail for [REDACTED] Hupp: 360-490-7182

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
8/26	9:45A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
8/28	1:22P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
8/31	1:30P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
8/31	1:52P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
9/01	9:11A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
9/01	11:30A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	3	---	---	---
9/02	2:39P	000-000-0086	Peak	PlanAllow, CallVM	Shelton WA	Voice Mail CL	4	---	---	---
9/04	12:56P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
9/04	12:57P	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
9/08	9:36A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
9/08	9:44A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
9/08	9:52A	360-426-1151	Peak	PlanAllow	Shelton WA	Shelton WA	4	---	---	---
9/11	1:24P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
9/14	10:30A	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	3	---	---	---
9/14	2:45P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	1	---	---	---
9/15	1:32P	360-426-8897	Peak	PlanAllow	Shelton WA	Shelton WA	2	---	---	---
9/16	7:23P	360-426-8897	Peak	PlanAllow	Kellogg ID	Shelton WA	4	---	---	---

Port of Shelton
Regular Commission Meeting Minutes
June 1, 2010

I. CALL TO ORDER

Commissioner Hupp called to order the regular meeting of the Port of Shelton Commission at 2:04 PM in the Commission Chambers.

The following persons were present: Commissioner Wallitner, Commissioner Miles, John Dobson, Executive Director; Teresa Rebo, Property Development Manager; Wendy Smith, Executive Assistant; Jayne Kramer, Bill Bruder, Roger Newman, Louis Cofoni, Conley Watson, John Dodge, The Olympian; Richard Byrd, Al Brotche, Carl Jungmayer, Karen Sandberg, Katherine Price, Austin Farr, Linda Gruer, Bob Stone, Laura Lewis, Maitri Edwards, Todd Fredson, Norm Eveleth, Patrich & Antoinette Butler, Carol Hepburn, Jason Dose, City of Shelton, Mary Duncan, Mason County Journal; Cassie Smith, Patricia Grover, D.H. Seph, Brenda Hirschi, Roslynne Reed, Candi Kuhr, John Johnson, Theresa Jacobson, Joyce Hannum, Janice Vocke, Cindy Helms, Della Rogers, Trisha Lovgren, Bill Forster, Shawnie Vedder, Diana Burke, Matt Matayoshi, EDC; Dedrick Allan, KMAS.

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMENT/CITIZEN OPEN FORUM

Commissioner Hupp - public comment will be limited to 15 minutes and the purpose of this time usually is to adjust the proposed agenda but it is open for comment for anything the citizens would like to discuss.

Louis Cofoni

Jet engine testing – agrees that marketing is good – is county receptive to business – new businesses do due diligence – does county have what it takes to attract businesses – PR associated with testing of engine good for Port and County.

Todd Fredson

Concerns with ADAGE and discomfort with info being disbursed. This will burn 3 times more fuel than Simpson and Mason County can't support that amount of fuel – where is it coming from? Concerned may need to shut down plant for weeks at a time due to lack of fuel. Jay asked for him to wait until the end when Jim Gaston could hopefully answer some of his questions.

Guest

Will comment time be limited?

Commissioner Hupp stated that the intent is to have until 3:30 PM before having to adjourn into Executive Session.

Brenda Hirschi

Requested that the dollar amounts be read as they pertain to the check report.

IV. ADOPT AGENDA

Commissioner Miles asked that the item on ADAGE be a public hearing

Commissioner Hupp stated that it would need to be advertised

Port Attorney Houser corrected the letters cited under Commissioner Comments to be (l) and (g) respectively.

V. APPROVE MEETING MINUTES

The Commission approved the meeting minutes of May 18, 2010.

For the Workshop Minutes of May 25, 2010

Commissioner Hupp stated that Commissioner Miles wanted the email which was sent on May 11th to John Dobson entered into the record. Commissioner Hupp said that it needs to either be quoted verbatim or added as an Addendum prior to meeting notes being approved. Commissioner Miles would like them to be added verbatim. Will be up for approval next meeting.

VI. DISCUSSION/ACTION ITEMS

ADAGE

Commissioner Miles started the item by Requesting that Port stop all negotiations, activities and communications with ADAGE. People don't want it and need to stop wasting taxpayer's dollars. Commissioner Miles made a motion that Port of Shelton stop negotiations and communications with ADAGE. Commissioner Hupp seconded motion and called for discussion.

Commissioner Miles stated that it is apparent that the community does not want it here; he has read the material and heard the concerns.

Commissioner Wallitner said that he doesn't feel there is enough information to make a decision. Said he has also studied all issues but does not have enough information to condemn ADAGE and cannot make a decision without more information

Commissioner Miles stated that ADAGE should be able to answer all questions now.

Commissioner Hupp said that he has dedicated the last 25 years to business development and ran on that platform. He said that the site at Johns Prairie has been carefully planned to be heavy industrial and this business as proposed fits that site in every aspect. Any opposition to this RCW 42.36 dictates the appearance of fairness as it relates to land use issues. This is a land use issue and the Port must adhere to the law. He demands that Port remain neutral until more information is gathered.

The vote:

Those in favor: Commissioner Miles

Those opposed: Commissioner Wallitner, Commissioner Hupp. Motion failed

2nd Draft of letter to the Governor

Letter approved with changes which have been made on draft.

Recording meeting minutes

Commissioner Miles said that the Port of Shelton would no longer keep recordings of meetings after minutes are typed. He feels that we need to keep audio available for visually impaired individuals and that we must accommodate as per Americans with Disabilities Act (ADA).

Commissioner Miles made a motion that all meeting minutes be available on audio files and kept available for a minimum of 2 years.

Commissioner Wallitner – seconded motion

Discussion

Commissioner Wallitner asked why this is needed.

Commissioner Hupp said that up until 18 months ago they never recorded but always taken minutes as required by law. They started recording of workshops in order to be a solution to getting minutes available to get accurate hardcopy minutes. Once these are done there is no need for the recording.

Attorney Houser said that this is the 2nd or 3rd time Port has addressed this issue. He read the statute which addresses minutes. He indicated that there are a number of problems if there are two copies on file, written and audio. If this is a public record we might need to get approval of all individuals on audio file. He does not believe that there is any ADA requirement to have audio minutes available.

The vote:

In favor: Commissioner Miles

Against: Commissioner Wallitner, Commissioner Hupp. Motion failed

Official name when signing agreements

Commissioner Miles moved to request that all leases and agreements be identified as Port of Shelton. Motion seconded by Commissioner Hupp.

Attorney Houser stated that the legal name of the Port is Mason County Port District No. 216 and that is more specific. Doing this correctly it should be Mason County Port District #216 aka Port of Shelton or dba Port of Shelton

Commissioner Miles stated his concern that citizens cannot find under that name.

Attorney Houser said that all requests for Port of Shelton would include documents under that name.

Commissioner Hupp noted that this name is familiar as it is also used in Foreign Trade Zone. #216 is state designated number for Port of Shelton

Motion: Any further agreements and leases be identified as the Port of Shelton.

Commissioner Wallitner stated that Mason County Port District #216 is the Port

Commissioner Hupp verified that this would not cause any administrative problems.

Attorney Houser said it can be easily accommodated.

The vote: Motion passed unanimously.

VII. CHECK CONTROL REPORT

Checks #21304 -21349 approved in the amount of \$30,997.17 and all obligations of Port are current. No additional comments. – accepted as presented.

VIII. STAFF COMMENTS

Executive Director will be attending a water law seminar in Seattle this Thursday and Friday.

IX. PUBLIC COMMENTS

Rick Byrd

Would like clarification of meetings vs. workshops

Attorney Houser clarified that a workshop is the same as a regular meeting.

John Smith

Resident since 1990 – commissioner has duty to health and welfare of community – if people are opposed commissioner should comply

Al Brotche

Requests an advisory ballot and described when questions are posed let the community give direction. The will of people is duty of commissioners. Commissioner Hupp commented that what he is asking for is not the responsibility of port but rather responsibility of county.

Roslyn Reed

Clarification of meeting recordings, would they need to request a copy prior to minutes being approved? Would there be a charge? Would they need direction of Attorney General regarding contacting individuals on the audio? Attorney Houser stated again that audio recordings are not official minutes but simply a tool to create minutes. The audio in itself are not minutes, rather a draft form for the purposes of assisting the secretarial process of creating minutes. Roslyn Reed would like a copy of direction of Attorney General. Attorney Houser said it is AGLO 1972 #19 and it specifies written record. All of this information is available on Attorney General's website. These minutes are not a record until and unless the Board chooses to make them a record. Roslyn Reed suggests that commissioners attend League of Women Voter's meeting on Open Public Meetings Act and she will send date and invitation.

Kathryn Price

Received tapes within 24 hours for \$25.00 from other government agencies. Is unusual to not provide that record to the citizens.

Brenda Hischi

Believes that commissioners want to comply with spirit and letter of law as it applies to Open Government Act and asks that commissioners review and reassess. This should not be a problem when you listen to citizens and follow the letter of law. Commissioner Hupp remarked that the attorney is here for Executive Session and just happened to be available to answer questions. If not for the difficulty in past getting minutes produced they would have never recorded. This creates an administrative problem to have and is not needed today. Minutes today are very thorough, more than required and prompt so there is no need to record.

Craig Watson

It is a misdemeanor for the Board to not keep complete minutes. If knowingly the record is not accurate it is a felony. It behooves board to ensure minutes are accurate. Asks the board to consider both audio and written as minutes. Commissioner Hupp stated that this is not administratively feasible to have verbatim of minutes.

Tom Davis

He is a property investor and has asked realtor to dump his property once contract with ADAGE is signed. There is a formula to get external influence impact but cannot determine loss due to stigma. Revenue flows will decrease and human and financial tragedy is devastating concept.

Bill Bruder

Revert back to what gov says renewable natural resource is and trees are one. ADAGE will not have adequate fuel to run engine for more than 5-6 years. Another example of other natural renewable resources are buffalo there were 30 million at one time, now there are none.

Carol Hepburn

Property value, she will be leaving if ADAGE is built here. She owns a dance studio that is 28 years old and her husband has small engine repair business. Planning to start a small organic fruit farm. Three businesses that will be leaving.

Austin Farr

Question directed at Commissioner Wallitner, why can you not find time like Commissioner Miles to educate on this issue. Public elects commissioners to represent them. Commissioner Wallitner stated that he has same information as Commissioner Miles but still needs more. He has found people who favor ADAGE and people who don't. He is not going to change direction until he has more information. Austin said then Commissioner Wallitner you will not be reelected.

Linda Helms

Has the Port had special meetings with ADAGE? If so how can public get minutes of those meetings? Commissioner Hupp answered that there have been no special meetings with commission and ADAGE. There have been staff meetings with ADAGE and he has joined staff on a few of these.

Teresa Jacobson

How does public get minutes of meetings with ADAGE? Commissioner Hupp stated that there are no minutes or recordings these were staff level meetings. Teresa asked if these meetings are when \$18,000 has come into the Port? Commissioner Hupp stated that these are perfectly normal transactions to pay fees during feasibility study period. These meetings do not become public until at least two commissioners are involved. Commissioner Hupp was involved in two meetings due to his expertise and history, but has had nothing to do with meetings which addressed contracts – that is

what they hire staff for. John Dobson explained process that he is negotiating with ADAGE regarding the options agreement and he has that authority. He briefs commissioners on the issue and once to the options phase will pass along to commissioners. Teresa asked about the documents referenced earlier in meeting were they signed in one of the non-public meetings? John Dobson stated no. Commissioner Hupp asked her to restate question. Teresa added that there were two documents referenced which did not state the Port of Shelton. Were those two documents discussed and signed in a public forum? John Dobson stated that they were signed by him in the presence of the Port's attorney and all commissioners were advised. Commissioner Miles wanted to clarify that the two documents recovered only one was identified as Port of Shelton, other identified as Mason County Port Dist. #216.

Della Rogers

Heavy industrial doesn't mean all heavy industrial needs to be approved. Major polluting project which is before the commissioners. Asks that they study, listen; take into consideration all impacts on county. Gave example of agricultural zoning and would they permit a hog farm. Commissioner Hupp said he is traveling down neutral road with considerable pressures from both sides. Commissioner Miles stated that he finds it interesting that this Port would rather protect pocket gophers than their own citizens.

Guest asked why the park is next door to something that could kill them. Will destroy our clean air. Commissioner Hupp said that the location of ball fields was choice of community. Guest stated that the Port should have warned public they were going next to a heavy industry site.

Guest asked if the executive director told Commissioner Miles that he needed a FOIA to get public documents. Commissioner Miles said John Dobson was upset when Commissioner Miles recovered ADAGE documents and stated further requests would require a FOIA. He said at the meeting last week that that wasn't what he meant, but that is what he said.

Tone Butler

Applauds work to bring business and jobs to community, but is concerned about property values and other businesses going elsewhere. Two incinerators who will want to come here?

Earl Gruler

Dr. Helm and Craig Watson has presentation that commissioners should see.

Janice Vocke

Addressed the recording of the meetings. She was a handicap recorder of Kitsap County and often clients have multiple handicaps. We need to try and make things assessable to all. She would suggest a sentence be added to bottom of agenda stating that meeting is recorded. She grew up in Tacoma and knows that what is legal isn't always good and healthy. Cigarette smoke is one example. This was legal and reported to be healthy at the time.

X. COMMISSIONER COMMENTS

Commissioner Miles

I am going to stand over here for a change (moved to podium). First I want to thank the community for their concerns over this Adage issue. I want to thank you for your involvement because there is something stinking in Denmark and I need your help to clear it up. I would request that the comments that I am going to make to the commission that I get no interruptions please. It is quite clear that John Dobson and I have differences of opinion. Over the last year Mr. Dobson and a certain

commissioner have tried to diminish my abilities to operate as a commissioner and more importantly as a representative of the public. Though the commission a year ago voted to give Mr. Dobson the authority to sign leases without commission approval up to a certain dollar amount it is my belief that Mr. Dobson has abused that authority and I was not one of the commissioners who voted to extend that authority. In relations to me he has been argumentative and blatantly insubordinate. In meetings with him on most Monday mornings I provide my input for consideration most of the time I feel that my input appears to be insignificant. One particular disagreement Mr. Dobson and I are having he feels that he doesn't answer to the public that he is not accountable to the Public. That is absolutely wrong. The following are several specific incidents and what I believe are misappropriations that I feel is my duty as an elected member of this community to bring to the public's attention.

1. In early September of 2009 when I first learned of Adage, this was something that Mr. Dobson explained as a business lead and said that it would be a good fit for this community and mentioned his investment with Areva. Which at the time didn't mean anything to me but he said he was very familiar with Areva. Since discovering that connection, he has failed to be forthcoming with the public about his involvement with Areva. A partner with Adage.

I have requested documents from Mr. Dobson's hire packet that was originally viewed by commissioners those materials which I once possessed were destroyed following the hire process. Copies were knowingly on file just before Mr. Dobson's reorganization of administrative staff. Former and current members have told me that those files were purged and disposed of and that information I have requested may not be available. When I asked about it in a study session last week, Mr. Dobson said that those files are personal and are not to be seen by anyone. Those documents contained responses to questions this commission asked prior to the interview. Some of those questions specifically identify in conflicts of interest, business dealings, and associations.

3. Former and current staff members are uncomfortable with Mr. Dobson's unaccountable methods of decision making. Mr. Dobson refuses to follow the laws of the municipal corporation and I feel that this it's the opposite of the public process that we are all sworn to uphold as public officials. When advised that the Port cannot do something his way Mr. Dobson decided to get rid of those certain staff members who were trying to help him through the public process. Because of his so called reorganization those actions put this Port in potential legal jeopardy. Port of Shelton has a Port Attorney, Skip Houser, however Mr. Dobson has used a few other unfamiliar attorneys at will and are paid for with Port money. On May 25, 2010, I requested the names of those attorneys and their law firms, I also requested the amount the Port has spent on attorneys to date and thus far I have received no response. As a commissioner I have the right to seek information, ask questions and I don't need the Board's approval. Our role as commissioners we are the check and balance of this organization.
5. Mr. Dobson on many functions with the Washington Pilot's Association, which by the way, is a fantastic statewide organization, has unfortunately used his position here, at the Port for his personal gain as the President of that organization. I have expressed several times, in conversations with Mr. Dobson, that this is a conflict of interest.
6. Mr. Dobson has allowed unauthorized use of Port property while entertaining the American Eagle car and allowing the engine after burner to be tested here on port property without a signed agreement or having insurance on file to protect this organization for should anyone get hurt.

Finally, the public has asked many times whether or not the Port has signed any agreements with Adage. His answer has been no. But the recently discovered documents that were obtained by me prove otherwise. One of those documents had identified the Port as Mason County Port District No. 216 misleading, in my opinion. I believe that you have violated the public's trust Mr. Dobson. The fact that you have knowingly mislead this community, disrespected my position as a commissioner, and lied to the community about ADAGE. I can't personally fire you but I am certainly asking for your resignation and I would hope that the public would support me in that effort.

Commissioner Hupp

Was going to bring up a letter that he received at the All Ports Meeting asking for a signature of support, but he will hold that until next week.

Commissioner Miles asked if second item under Executive Session was pertaining to him. Attorney Houser answered no and clarified the purpose of the Executive Session.

A. Real estate (airport tenant) Pursuant to RCW 42.30.110 – I

B. Personnel Pursuant to RCW 42.30.110-G

Commissioner Hupp adjourned the regular meeting at 3:42PM into Executive Session. The intent was to reconvene the regular meeting at 4:30PM. Anticipated action on first item but not on the second item.

4:31PM Back in Regular Session

Took no action on either item in Executive Session – will continue discussion at a later date. Commissioner Miles left the Executive Session early and did not return once regular meeting reconvened.

XI. ADJOURNMENT

With no additional business **Commissioner Hupp** adjourned the meeting of the **Port of Shelton Commission at 4:32PM** in the Port's commission chambers.

Minutes submitted by: Teresa Rebo & Wendy Smith

Minutes approved by: Commission Chairman Hupp

Minutes approved by: Commissioner Wallitner

Minutes approved by: Commissioner Miles

Port of Shelton
Regular Commission Meeting Minutes
July 6, 2010

I. CALL TO ORDER

Commissioner Hupp called to order the regular meeting of the Port of Shelton Commission at 2:00 PM in the Commission Chambers.

The following persons were present: Commissioner Wallitner, Commissioner Miles, John Dobson, Executive Director; Teresa Rebo, Property Development Manager; Wendy Smith, Executive Assistant; Carol Hepburn, Steve Bloomfield, Roger Newman, Roslynn Reed, Ann Ollie, Conley Watson, Dick & Jo Curtis, Janice Vocke, Mary Duncan, Shelton Journal; Dennis Frost, Olympic Air; April Pooler, Al & Chris Brotche, Jason Dose, City of Shelton; Tom Davis, Leah Balmer, Kelly Barr, Sheila Martin, Richard Byrd, Dedrick Allan, KMAS.

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMENT/CITIZEN OPEN FORUM

Commissioner Hupp passed around pictures of jet land speed car and spoke of their test on July 4th. Commissioner Hupp stated that given the disruptions and lack of civility in previous meetings is beyond what is acceptable for a business meeting. As of this meeting we are going back to the standard as set years ago and as is written at the bottom of the agenda. Each of the two public comment periods will be limited to 15 minutes. Each person will have three minutes to speak and will need to stand up to the podium and state their name and address for the record. Guest asked who made this decision. Commissioner Hupp answered the decision was made by the Chairman, as was the decision to loosen up initially.

Steve Bloomfield, Seattle Shellfish

Wanted to give a fairgrounds update. Said he has two days of his labor remaining there then he will be done. The fairgrounds and buildings will be ready to be used for fair and other events. The process has been interesting and time consuming but will have success with events in future.

Richard K. Curtis

Read Commissioner Wallitner's position statement during election.

Tom believes strongly in the basic premise of the Open Public Meetings Law which states: "The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

Al Brotche

Commissioner Wallitner made a statement that Al should go back to county board of commissioners. He asked if Commissioner Wallitner has done so himself.

Commissioner Wallitner stated that he feels that the citizens should make the request, not other commissioners. Al went on to say that on June 15, Commissioner Wallitner said something exciting was going to happen and that they would be pleased with results. Commissioner Wallitner said that he had hoped that citizens going to county commissioners would change their mind. He said he doesn't believe that port advisory ballot would be effective. He would be ok with survey but others are not interested and say they are not effective.

IV. ADOPT AGENDA

Agenda adopted as presented.

V. APPROVE MEETING MINUTES

The Commission approved the following meeting minutes:

June 15, 2010

June 22, 2010

Special meeting of June 23, 2010

VI. DISCUSSION/ACTION ITEMS

Recorded Minutes

Commissioner Miles stated that there is a possible resolution regarding recording of minutes. A few weeks ago he had requested audio records be kept and this resolution would be to keep the audio recordings for 6 years. John Dobson added with the changes in staff there was discussion and direction in reviewing filing systems. Wendy Smith has the background on this issue. Wendy Smith stated she came to the Port in mid February and was tasked with reviewing filing of notes, documents, minutes etc. There were several inconsistencies with some files existing, some were gone and there were complaints that minutes were not getting to the commission in a timely manner. There was numerous correspondence with Attorney Houser. All the Commissioners and the director were at a WPPA Conference Wendy made the decision to delete these files from the server as the Port Attorney had approved deleting audio files once minutes are approved by commissioners. The files were deleted prior to knowing or reviewing the public record retention requirement for audio files. Called the vendor who backs up our system and tried to recover the backup files but these are being overwritten so could we could not retrieve. Going forward all audio files are being saved for 6 years. Executive Director read new resolution which adopts a formal policy regarding archiving of audio files.

Commissioner Miles made a motion to approve Resolution 10-03 as presented and thanked the other commissioners for coming back to this issue.

Commissioner Wallitner seconded the motion. Discussion?

Commissioner Wallitner asked in event there is a discrepancy which prevails?

Commissioner Hupp answered the written minutes prevail. If it is determined there was an error minutes can be amended at a later date.

The Vote. All in Favor - unanimously approved.

VII. CHECK CONTROL REPORT

Checks #21414 – 21488 approved in the amount of \$124,069.08 have been approved and accepted as presented

VIII. STAFF COMMENTS

Wendy Smith

Stated there will be no commission pack this week. Commissioners said thank you.

John Dobson

The Marina Patron Guide on website for all to see and in August 1 we will renew all lease agreements and begin putting new guide into effect. Some changes are the new boathouse standards and allowing only one person per slip. We had a wonderful conversation with marina committee regarding piling issue and discussion of funding and they are willing to provide some funding for the piles. There was good cooperation and feedback from the group. Commissioner Hupp asked where are we in adoption of comprehensive plan? John Dobson stated that it should be ready to come back at the next workshop and possibly be approved at the next meeting.

The Comp plan and Patron Guide are both available on our website. Commissioner Wallitner asked about marina piling issue. John Dobson explained there are over 200 pilings that need to be replaced. We are discussing a flat fee from each marina tenant to be put into escrow account with some funds from Port – possibly matching.

Washington State Auditor's Office
Accountability Audit Report

Port of Shelton
Mason County

Report Date
July 2, 2009

Report No. 1002284

Issue Date
October 5, 2009



WASHINGTON
BRIAN SONNTAG
STATE AUDITOR



**Washington State Auditor
Brian Sonntag**

October 5, 2009

Port Commission
Port of Shelton
Shelton, Washington

Report on Accountability

We appreciate the opportunity to work in cooperation with your Port to promote accountability, integrity and openness in government. The State Auditor's Office takes seriously our role to advocate for government accountability and transparency and to promote positive change.

Please find attached our report on the Port of Shelton's accountability and compliance with state laws and regulations and its own policies and procedures. Thank you for working with us to ensure the efficient and effective use of public resources.

Sincerely,

BRIAN SONNTAG, CGFM
STATE AUDITOR

Table of Contents

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Mason County
July 2, 2009

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Schedule of Audit Findings and Responses	5

Audit Summary

Port of Shelton
Mason County
July 2, 2009

ABOUT THE AUDIT

This report contains the results of our independent accountability audit of the Port of Shelton for January 1, 2006, through December 31, 2008.

We evaluated internal controls and performed audit procedures on the activities of the Port. We also determined whether the Port complied with state laws and regulations and its own policies and procedures.

In keeping with general auditing practices, we do not examine every transaction, activity or area. Instead, the areas examined were those representing the highest risk of noncompliance, misappropriation or misuse. The following areas were examined during this audit:

- Accounting/financial reporting
- Investments
- Cash receipting
- Bid law compliance
- Open public meetings/records laws
- Disbursements
- Payroll
- Conflict of interest/ethics laws
- Insurance/risk management

RESULTS

In most areas, the Port complied with state laws and regulations and its own policies and procedures.

However, we identified a condition significant enough to report as a finding:

- Port of Shelton did not comply with the Open Public Meetings Act.

Related Reports

**Port of Shelton
Mason County
July 2, 2009**

FINANCIAL

Our opinion on the Port's financial statements is provided in a separate report, which includes the Port's financial statements.

Description of the Port

**Port of Shelton
Mason County
July 2, 2009**

ABOUT THE PORT

The Port of Shelton was incorporated in 1948 and is supported through taxes, user fees and grants. The Port owns the Shelton Marina, Sanderson Airfield and adjacent industrial complex, and the Johns Prairie industrial site. The Port also rents developed land to industrial and commercial users, builds facilities for industrial and commercial purposes, and rents completed facilities to tenants.

An elected three-member Board of Commissioners governs the Port. The Board appoints an Executive Director to oversee the Port's daily operations as well as its 11 employees. For the years under audit, the Port had annual operating budgets of approximately \$1.6 million.

ELECTED OFFICIALS

These officials served during the audit period:

Port Commission:

Jack Miles
Richard Byrd
Marlene Taylor (through December 2007)
Jay Hupp (effective January 2008)

APPOINTED OFFICIALS

Managing Director
Auditor

Attorney

Robert Robinson
George Fox (through January 2008)
Jan Fancher (effective February 2008)
Charles H. Houser III

PORT CONTACT INFORMATION

Address: Port of Shelton
21 W. Sanderson Way
Shelton, WA 98584

Phone: (360) 426-1151

Web site: www.portofshelton.com

AUDIT HISTORY

Historically we have audited the Port every two years. However, in 2005 the Port required a federal single audit and received a one-year accountability audit along with the required single and financial audit. The current audit covers a three-year period. Prior to this audit, the Port had not received a finding since the 1997-1998 audit. We believe this reflects the Port's desire and commitment to maintain strong financial accountability.

Schedule of Audit Findings and Responses

Port of Shelton
Mason County
July 2, 2009

1. Port of Shelton did not comply with the Open Public Meetings Act.

Description of Condition

During our audit of the Port's compliance with the Open Public Meetings Act, we found meeting minutes were not available for approximately 20 special meetings that the Port held during the audit period. We also found that when executive sessions were held, the minutes frequently did not adequately describe how the Port met the requirements for executive sessions. Specifically:

- No minutes were taken for Commissioner Retreat meetings on September 13, 2006, February 12, 2008, or for a Commissioner workshop and study session on November 27, 2007.
- Beginning in February 2008, the Port scheduled study sessions for the second, fourth, and fifth Tuesdays of each month. No minutes were taken for study sessions in 2008.
- Executive sessions were usually described as being held for litigation or personnel reasons, along with a reference to state law (RCW 42.30.110). However, this description is not detailed enough to show compliance with the Act. The Port needs to specifically identify allowable subcategories within the law.
- On April 15, 2009, the Port took action during executive session to hire its executive director. The minutes stated when the Board adjourned from executive session and came back into public session, it welcomed John Dobson aboard as the Port's new Managing Director. At the next regular meeting, the Port recognized the error and passed a motion to hire the new executive director.
- Minutes frequently did not record the planned length of executive sessions. The minutes recorded the beginning and ending times of the sessions, but did not show that the ending time was announced to the public at the beginning of the session. Examples of this exception were noted 10 different times during 2007.

Cause of Condition

Port officials did not understand the requirement to take minutes at all meetings, including study sessions and retreats. They also were unfamiliar with requirements concerning executive sessions.

Effect of Condition

The Port did not ensure all its business was conducted in front of the public as required by state law. Further, without record of some of the Port's meetings, the Port cannot provide a record to the public of what, if any, action was taken during those meetings.

Recommendation

The Port should establish policies and procedures to ensure compliance with the Open Public Meetings Act.

Port's Response

The noted deficiencies have been corrected and should not arise as issues in the future. An additional step of ensuring public access to all information through the recording of all workshops has been taken. We will also ensure that all executive sessions include the appropriate paragraph reference.

Auditor's Remarks

We appreciate the steps the Port is taking to resolve this issue. We will review its progress during our next audit.

Applicable Laws and Regulations

RCW 42.30.20 Definitions, states in part:

... (3) "Action" means any transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final action. "Final action" means a collaborative positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

RCW 42.30.30 Meetings declared open and public.

All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

RCW 42.30.60 Ordinances, rules, resolutions, etc., adopted at public meetings – Notice – Secret voting prohibited, states in part:


No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void.

RCW 42.30.070 Times and places for meetings—Emergencies—Exception states in part:

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. . . .

RCW 42.30.110 Executive sessions, states in part:

- (1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

- (a) To consider matters affecting national security;
 - (b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;
 - (c) 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. However, final action selling or leasing public property shall be taken in a meeting open to the public;
 - (d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;
 - (e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;
 - (f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;
 - (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;
 - (h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;
 - (i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an 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.
- 

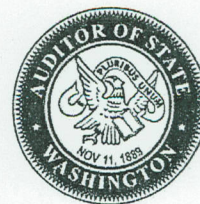
This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

- (A) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;
- (B) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or
- (C) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

RCW 42.32.030 Minutes, states in part:

The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection.



ABOUT THE STATE AUDITOR'S OFFICE

The State Auditor's Office is established in the state's Constitution and is part of the executive branch of state government. The State Auditor is elected by the citizens of Washington and serves four-year terms.

Our mission is to work in cooperation with our audit clients and citizens as an advocate for government accountability. As an elected agency, the State Auditor's Office has the independence necessary to objectively perform audits and investigations. Our audits are designed to comply with professional standards as well as to satisfy the requirements of federal, state, and local laws.

The State Auditor's Office employees are located around the state to deliver our services effectively and efficiently.

Our audits look at financial information and compliance with state, federal and local laws on the part of all local governments, including schools, and all state agencies, including institutions of higher education. In addition, we conduct performance audits of state agencies and local governments and fraud, whistleblower and citizen hotline investigations.

The results of our work are widely distributed through a variety of reports, which are available on our Web site and through our free, electronic subscription service. We continue to refine our reporting efforts to ensure the results of our audits are useful and understandable.

We take our role as partners in accountability seriously. We provide training and technical assistance to governments and have an extensive quality assurance program.

State Auditor
Chief of Staff
Deputy Chief of Staff
Chief Policy Advisor
Director of Audit
Director of Special Investigations
Director for Legal Affairs
Director of Quality Assurance
Local Government Liaison
Communications Director
Public Records Officer
Main number
Toll-free Citizen Hotline

Brian Sonntag, CGFM
Ted Rutt
Doug Cochran
Jerry Pugnetti
Chuck Pfeil, CPA
Jim Brittain, CPA
Jan Jutte, CPA, CGFM
Ivan Dansereau
Mike Murphy
Mindy Chambers
Mary Leider
(360) 902-0370
(866) 902-3900

Web Site
Subscription Service

www.sao.wa.gov
<https://www.sao.wa.gov/EN/News/Subscriptions/>

Wendy Smith

From: John Dobson [johnd@portofshelton.com]
Sent: Tuesday, June 01, 2010 11:08 AM
o: 'John Dobson - WPA'
Cc: Brandon Palmer; Al Frey; Wendy Smith
Subject: FW: Entabulator
Attachments: Entabulator.wmv

From: Jay Hupp [mailto:jayhupp@comcast.net]
Sent: Saturday, May 29, 2010 10:26 AM
To: Dick Astley; Vern Poupitch; Bruce Jorgenson; Ralph Carrigan; Tom Wallitner; John Dobson
Subject: Fw: Entabulator

Not sent to Jack

You have to watch the attachment. I don't know how he did that without a monitor or how he did it without cracking a smile.

Jay

----- Original Message -----

From: John Krause
To: Jay Hupp ; Steve Bloomfield
Sent: Thursday, May 27, 2010 8:35 PM
Subject: Fw: Entabulator

This is an anti Adage spokesman offering an alternate method of producing power. And while I am at it, take a look at the following explanation of the Tacoma Landfill system for producing power.

"Landfill gas collection system

After garbage is put into the landfill, microorganisms in the garbage digest the buried waste producing a gas. Landfill gas contains methane, carbon dioxide and trace gases. To prevent the gas from building pressure or migrating underground, extraction wells remove it.

In 1986, the City installed the first phase of its landfill gas collection system, which was upgraded in 1988. After an additional 60 acres of the landfill was capped in 1990 and 1991, the gas system was modified and expanded.

In general, the Tacoma Landfill gas collection system consists of:

- More than 300 gas extraction stations, each of which has up to four individual wells. Inside the wells, there are perforated pipes vertically inserted into the ground at depths ranging from 15 to 105 feet.
 - More than 200 of the extraction stations extract landfill gas directly from the buried garbage.
 - 108 of the extraction stations (a total of 295 individual wells) are in native soil along the perimeter of the landfill to capture any excess gas before it migrates off-site.

- Blowers that draw the gas out of the wells and direct it via lateral pipes (running just above the ground) to a single flare station where the gas is burned in large, tower-like flares at very high temperatures. In 1998, the City installed a system to convert the gas into electricity. A portion of the extracted gas produces enough electricity to light several hundred homes each year.
- 134 monitoring probes that keep a constant check on the performance of the system. The gas monitoring system consists of:
 - 68 monitoring probe stations along the landfill perimeter (each station has from one to five individual probes)
 - 66 probe stations off-site
 - On a regular basis, landfill technicians monitor each probe and well station and check buildings and meter vaults on- and off-site for the presence of landfill gas. The Tacoma-Pierce County Health Department oversees the utility's monitoring activities."

itabulator

is isn't quite aviation or rocket science, but I think you'll enjoy it. Those of you with a solid technology background will understand every word.

veral years ago, Rockwell International decided to get into the heavy duty transmission business.

e were getting ready to tape our first introduction video.

a warm up, the professional narrator began what has become a legend within the trucking industry.

is man should have won an academy award for his stellar performance.

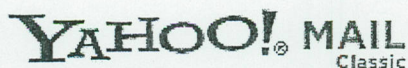
w remember this is strictly off the cuff, nothing is written down.

I think you will enjoy this once in a lifetime performance from this gentleman.

Penny Stock Jumping 2000%

Sign up to the #1 voted penny stock newsletter for free today!

AwesomePennyStocks.com



Fw: Adage Mason County SEPA Figure 2 Site Plan Revisions

Friday, June 18, 2010 7:47 AM

From: "Jay Hupp" <jayhupp@comcast.net>

To: "Tom Wallitner" <TMW@WALLITNER.COM>, "Jack Miles" <jackbroadcaster13@yahoo.com>, "John Dobson" <johnd@portofshelton.com>, "Wendy Smith" <wendys@portofshelton.com>

FYI

Jay

----- Original Message -----

From: Jay Hupp

To: GASTON Jim (EXT)

Sent: Friday, June 18, 2010 7:39 AM

Subject: Re: Adage Mason County SEPA Figure 2 Site Plan Revisions

My plan is to hold a Special Meeting later in the week to deal with two lease extensions, including yours.
Jay

----- Original Message -----

From: GASTON Jim (EXT)

To: Jay Hupp

Cc: John Dobson

Sent: Friday, June 18, 2010 6:55 AM

Subject: RE: Adage Mason County SEPA Figure 2 Site Plan Revisions

Thanks Jay.

On the subject of the access agreement extension - our management is very interested in having it signed next week. How can we make that happen?

Jim

From: Jay Hupp [mailto:jayhupp@comcast.net]

Sent: Thursday, June 17, 2010 9:03 PM

To: GASTON Jim (EXT)

Cc: John Dobson; 'Wendy Smith'

Subject: Re: Adage Mason County SEPA Figure 2 Site Plan Revisions

Jim & Tom,

Thanks for the visit this morning. It was helpful to get a better perspective on your side of the issues. I'm thinking now that there may actually be more validity in a survey by the Port than doing an advisory ballot. That would help solve your time crunch problem and still give us a valid input on community opinions. It would be a very simple survey with probably only one question which would be worded by a national pollster. We will discuss that at our workshop on Tuesday and you and Tom are welcome to sit in on it.

Jay

----- Original Message -----

From: GASTON Jim (EXT) *Project Manager / ADAGE*

To: Jay Hupp

Cc: DEPONTY Tom (AREVA US)

Sent: Wednesday, June 16, 2010 6:40 AM

Subject: RE: Adage Mason County SEPA Figure 2 Site Plan Revisions

Jay - Tom and I would still like to sit with you Thursday morning for a general discussion / update.

Could you meet us at 10 at the Port?

Jim

From: Jay Hupp [mailto:jayhupp@comcast.net]

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Subject: Re: Adage Mason County SEPA Figure 2 Site Plan Revisions

Jim,

Thanks for the input. John will be getting together with you on the details and I'll attend meetings as appropriate. Along that line, have you decided anything, one way or the other, about your proposed meeting for Thursday or was this the subject to be discussed later?

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Thoughts?

Also - in our SEPA we are referencing that the Site will be cleared per the Port's Forest Management Plan. Does the Port have a FMP?

Jim

From: Steve Willie [mailto:steve@jwmaeng.com]

Sent: Monday, June 14, 2010 5:24 PM

To: key@keyenvironmentalsolutions.com; GASTON Jim (EXT)

Cc: 'Bailey, Sharon'; 'Goff, Vanessa A'; KOBLITZ Luciana (AREVA US); SULLIVAN Paul (AREVA US); 'Scott Severs'

Subject: Adage Mason County SEPA Figure 2 Site Plan Revisions

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The revisions are that it shows the wetlands delineation and the onsite fire loop for fire suppression in fuel storage, truck dump, and power block areas.

Thanks, Steve, JWMA.

YAHOO! MAIL
Classic**Fw: Adage Mason County SEPA Figure 2 Site Plan Revisions**

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6/18/2010

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Thanks, Steve, JWMA.

6/18/2010

Communications from John D to
both Jay H & Tom W without Jack M

misread the public on this issue. It truly looks as if Adage is pulling your strings and that you have become their puppet. The only way I see any chance of redeeming the Ports reputation now - is through a vote.

As a finale note, let me urge you to genuinely try to understand the concerns of the public. People who are against Adage for one reason or another are not bad people - they just have a different set of values than you do. In a democracy we acknowledge these differences as all people are allowed to voice their opinions in votes. You are failing your fiduciary duty as Port Commissioner when you don't have empathy for those who think different than Jay Hupp.

Steve Ness

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RE: Existing boiler emissions

john.d@portofshelton.com

Sent: 7/31/2010 11:03:27 AM

To: nwsalmon@hctc.com

Attachment:

Tags:

You're a Godsend . . .

It is too difficult for us to put you out in front of the anti-biomass folk . . . they would not listen anyway. But I know Tom and Jay really appreciate seeing this stuff.

Truly . . . Thanks again!

John F. Dobson
Executive Director
Port of Shelton
360-426-1151

-----Original Message-----

From: Gerry Ring Erickson [mailto:nwsalmon@hctc.com]

Sent: Friday, July 30, 2010 8:53 AM

To: John Dobson

Subject: Existing boiler emissions

John,

Mason County received a list of 52 existing boilers in the state from ORCAA. I did a review of that list, which can probably be obtained by request to the Mason County commissioners.

There are about seven facilities which are of the same order of magnitude as the proposed Adage facility (1/4 to nearly the same thermal capacity rating). I wrote a summary of those seven, which I have attached. Feel free to share this with the Port commissioners.

Of particular interest is the Grays Harbor Paper facility on the western (upwind) edge of Hoquiam. ORCAA have not received any health related complaints about this facility. In the last five years, they have received ten odor complaints and ten visible smoke complaints. The boilers are older technology and are not fired by natural gas at startup, hence the smoke until up to temperature.

Gerry

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FW: Existing boiler emissions

john.d@portofshelton.com

Sent: 7/31/2010 11:09:33 AM

To: jayhupp@comcast.net; tmw@wallitner.com; wendys@portofshelton.com

Attachment: BoilerElectricityGeneration.doc, ATT00001.txt

Tags:

You may find this most interesting regarding emissions and health risks . . .

Note I am not forwarding this email to Jack. Skip and I had further conversation today about Jack's involvement with the protestors. He was spotted with them by Paul Roberts as he was leaving town on Thursday.



Skip said that he will do further research on the "Fairness Doctrine" and possibly instruct, or at least address this at our next meeting.

John F. Dobson
Executive Director
Port of Shelton
360-426-1151

-----Original Message-----

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Sent: Friday, July 30, 2010 8:53 AM
To: John Dobson
Subject: Existing boiler emissions

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FW: ADAGE

john.d@portofshelton.com

Sent: 7/31/2010 11:13:29 AM
To: wendys@portofshelton.com

Attachment: Port of Shelton Resolution - CLEAN 07-29-10.pdf, Port of Shelton Resolution - REDLINED 07-29-10.pdf

Tags:

The goal is to have a CLEAN Option to Lease and a CLEAN Lease by Monday afternoon. I want to post it to the website and then have it for the commissioners on Tuesday. Please keep tabs on when we finally get all three in a CLEAN format.

John F. Dobson
Executive Director
Port of Shelton
360-426-1151

From: shouser@mindspring.com [mailto:shouser@mindspring.com]
Sent: Thursday, July 29, 2010 3:57 PM
To: Wendy Smith; John Dobson
Subject: FW: ADAGE

John and Wendy:

Attached is the Resolution on Adage that has been cleaned along with the redlined version. Again, this document does not get posted or shared until John approves such. I would strongly suggest that we do not give any documents to the Board until they can all provided as a package.

Thanks

Skip
Charles (Skip) H. Houser III
Valz, Houser, Kogut & Barnes PS
Attorneys at Law
1800 Cooper Point Road SW #15
Olympia WA 98502
Phone 360.754.8028
Fax 360.357.2844
shouser@mindspring.com

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Municipal Research and Services Center of Washington

Working Together for Excellence in Local Government

Updated 04/07

The Appearance of Fairness Doctrine

The appearance of fairness doctrine is a rule of law that requires government decision-makers to conduct quasi-judicial hearings and make quasi-judicial decisions in a way that is both fair in appearance and in fact. A matter is quasi-judicial when the legal rights, duties, or privileges of specific parties are decided in a contested case proceeding by non-judicial decision-makers, such as city or county councils, planning commissions, boards of adjustment, and hearing examiners. The doctrine has been applied primarily to quasi-judicial land use decisions, and its purpose is to bolster public confidence in the fairness of such decisions by

the elimination of actual bias, prejudice, improper influence or favoritism, but also in the curbing of conditions which, by their very existence, tend to create suspicion, generate misinterpretation, and cast a pall of partiality, impropriety, conflict of interest or prejudgment over the proceedings to which they relate.

Chrobuck v. Snohomish County, 78 Wn.2d 858, 868 (1971).

The doctrine as applied to quasi-judicial land use decisions, developed by Washington Supreme Court in the late 1960's, was codified by the state legislature in 1982. See [Chapter 42.36 RCW](#). Land use decisions to which it has been applied include site-specific rezones, preliminary plat approvals, conditional use permits, variances, and shoreline substantial development permits. The doctrine does not apply to legislative or policy-making decisions, such as the adoption or amendment of comprehensive plans or zoning decisions of area-wide significance. [RCW 42.36.010](#)

In practice, the doctrine should work to disqualify from the quasi-judicial decision-making process those decision-makers who have prejudged the issues, who have a bias in favor of one side in the proceeding, who have a conflict of interest, or who cannot otherwise be impartial. Also, it prohibits "ex parte" communications between a decision-maker and a proponent or opponent of the matter being decided. [RCW 42.36.060](#). Nevertheless, it does not apply to statements made while campaigning for elective office and it is not implicated by the receipt of campaign contributions. [RCW 42.36.040, .050](#).

If a decision-maker's participation in a quasi-judicial decision violates the appearance of fairness doctrine and that participation was challenged in a timely manner, a court can invalidate the decision. A new hearing and decision will then need to be made without the disqualified decision-maker.

Reference Sources

- Statutes
- [Chapter 42.36 RCW](#) - Appearance of Fairness Doctrine - Limitations
- [Court Decisions](#) (967KB)
- [Frequently Asked Questions \(FAQs\)](#)

Documents

- *The Appearance of Fairness Doctrine in Washington State*, MRSC Report No. 32 (January 1995). This publication can be viewed in either [HTML](#) or [Adobe Acrobat](#). This MRSC publication provides a detailed overview of the doctrine, questions and answers on the doctrine, summaries of all

reported appellate case law on the doctrine from Washington courts (through 1999), and sample city council procedures for quasi-judicial hearings.

Related Resources

Port of Shelton
Regular Commission Meeting Minutes
August 3, 2010

I. CALL TO ORDER

Commissioner Hupp called to order the regular meeting of the Port of Shelton Commission at 2:00 PM in the Commission Chambers.

The following persons were present: Commissioner Wallitner, Commissioner Miles, John Dobson, Executive Director; Teresa Rebo, Property Development Manager; Wendy Smith, Executive Assistant; Steve Bloomfield, Roger Newman, Marv Faughender, Norm Eveleth, Gale Burke, Al & Chris Brotche, Steve Mallahan, Donald Jones, Beth McBain, Tom Davis, Conley Watson, Jan Land, Nancy Moran, Roslynne Reed, Mark Thompson, Terri Thompson, Christine Hoyt, Jason Dose, City of Shelton; Brandon Harnish, Vincent Dupea, Fran Precott, Pat Vandekey, Paul Jones, James Thomas, Maitri Edwards, George Ganter, Ron Dap, Will Stakelin, Christopher Penoyar, Matt Matayoshi, EDC; Deborah Woslum, Frank Woslum, Mary Duncan, Mason Journal; Dedrick Allan, KMAS.

II. PLEDGE OF ALLEGIANCE

Teresa Rebo led the Pledge of Allegiance

III. PUBLIC COMMENT/CITIZEN OPEN FORUM

James Thomas

Voiced unconditional support for ADAGE. He said it will bring jobs to a community that desperately needs it. It will bring tax revenue which will benefit all in the room. They will burn wood debris and he fails to see what the problem is.

Beth McBain

She is a long time resident of Mason County and is here as a representative of the Hiawatha Park Association. She has a letter to be submitted for the record. She read part of letter. She submitted a petition with over 3000 signatures asking for an advisory ballot. She asked the commission how they would respond. Commissioner Hupp stated that this commission has responded twice in a formal vote and that this commission is not in favor of a public vote. Ms. McBain asked if that was how they all felt and Commissioner Wallitner stated that is the way he feels. Commissioner Hupp again stated that it is the position of the commission.

Chris Penoyar

Asked that his letter be entered into public record. He read from the letter and submitted petition signed by medical staff.

Matt Matayoshi

Asked for clarification of petition submitted.

Attorney Houser

Read the petition stating that it is for an advisory ballot.

Tom Davis

Wanted to give an example of a resident in Hiawatha Park. She is in need of selling her property and had it listed at \$430,000. Went into a contract with buyer. The buyer withdrew because of the proximity of biomass incinerator to the home. The realtor tried to reassure buyer which was inconsequential.

James Thomas

Does commission have a staff of qualified environmental engineers? Commissioner Hupp responded that this whole subject rests with the county. James Thomas agreed.

IV. ADOPT AGENDA

Agenda adopted as presented.

V. APPROVE MEETING MINUTES

The Commission approved the following meeting minutes:

July 20, 2010

VI. DISCUSSION/ACTION ITEMS

Contract Ratification

Commissioner Hupp discussed mechanics of how leases are negotiated, administered, etc. He indicated that some leases don't come to the commission but are instead approved by Executive Director. All background negotiation is done prior to coming to commission. The leases do not become public prior to being approved. John Dobson stated the Port is about jobs, creating jobs. This contract is for Lynch Creek Farm, Andrew Hunter, Owner. It is a greens company on the retail side. They have a direct mail catalog also. They are looking at building 1 and a 5 year lease. Since they are a new company the Port made rent factor attractive for the first year and will build things up as time goes on. Looking for Commission approval. Commissioner Wallitner made a motion and it was seconded. Commissioner Hupp asked if there was any discussion. Commissioner Miles asked about the future construction of a refrigerated building how this lease would be affected. John Dobson said that he has discussed plan to build refrigeration building down the road and would hope to accommodate tenants in the future. Commissioner Hupp said he is delighted to see this come together at the Port. This is a classic rural company who has grown and needs more facilities and they employ local people. Commissioner Hupp called for the vote. Vote passed unanimously. Citizen asked for the rent amount. John Dobson said the lease amount will be approximately \$2120/month.

Adage Option to Ground Lease

John Dobson said he started working on project in July 2009 and it is the most comprehensive document he has seen done at port. All documents are available on website and he encourages everyone to read and give their opinion. He went on to say that the Option to Ground Lease included 87 acres in our Industrial Park. The option is for 4 years but is split between the first 2 years, then a second option for an additional 2 years. This option grants access for surveying and engineering but not for construction. The ground lease will not be signed until all items noted in the resolution are permitted. The ground lease is for 40 years and Ports use revenue dollars to build infrastructure to attract companies. ADAGE is going to be paying for everything to bring property up to their desired needs including the rerouting of Capital Hill Road, sewer, water, power to the grid. The Port will harvest the timber and ADAGE will clean it up. There is a total cost between \$2M and \$3M all paid for by ADAGE. There have been concerns about the availability of material for ADAGE to burn so included in the lease the Port has asked for guarantee that if they have to shut down the Port will get a \$1M performance bond guarantee. The Port Resolution allows for the option leading to ground lease given that ADAGE completes all requirements as per the formal Resolution. The resolution is also available on website. Asks commission and public to take serious look and would like input. Commissioner Hupp stated that he documents were on web as of last night. There is 80 pages of lawyer work. The commission will be studying over the next couple of weeks. There is no requirement for public input or public hearing but they do normally provide opportunity for public comment on action itself. The commission will take better part of a morning and afternoon if needed to take public comment on the 80 pages of documents. Suggests that when people give comments they identify paragraph they are referencing. Special

meeting on the morning of August 16th beginning at 10:00am. The commission will take public input for as long as it takes. This is an extraordinary step in direction of transparency. This Port has never done this before and this ensures that the public has every opportunity for input beyond what is required by law. This topic will be discussed between commissioners at workshop on 8/10/10 and will be brought to formal meeting on 8/17/10. Commissioner Hupp stated that he is open to formal discussion regarding process. Commissioner Wallitner stated he is Ok with Aug 16th for as long as it takes. Commissioner Miles said he is pleased to see public has opportunity and appreciates concerns. Asks that they look through documents, study and give commission best feedback to make any changes. Stated that the commission has spent at least 7 hours going over document in executive session and it is not a short document. This will take some time to read and review. Commissioner Hupp stated if size of input exceeds capacity of room some will have to wait outside and filter in. Guest asked if they will need more time between public input and final decision. Asked if they can make their final decision later so they have more time to evaluate what was said at public comment session. Commissioner Hupp said he will entertain motion for the dates for workshop on 8/10 and on 8/16 for public input and 8/17 for commission decision. Commissioner Miles asked why are we putting the cart before the horse? Why sign before process is complete with ORCAA and SEPA? John Dobson stated that this is an option agreement and the qualifier is that they have to clear permits. The Port is not a legislative body so they must clear ORCAA and SEPA. If they do then the commission would sign a lease agreement. Once county issues permits we have an obligation. Commissioner Hupp said this is normal progression and does not put the cart before the horse. This is normal progress and a normal course of events. There will be no ground occupied by ADAGE until they have gone through all the permitting processes. Commissioner Wallitner stated that the Port has an obligation by law to lease land to them. Commissioner Miles asked why is commission voting on this? Commissioner Hupp stated that he will invite discussion after a motion. Workshop on 10th, public hearing on the 16th, possible decision on the 17th. Commissioner Wallitner made the motion. Commissioner Hupp seconded the motion.

Discussion

Attorney Houser reiterated the process and stated there may be minor or major changes. This is a typical process. The commission may need more time to digest public input and if so can make that choice. This process is historical for Port of Shelton to hold. The legal description has been verified as correct and by statute and case law use of property is subject to SEPA. The Port is not involved in that review. The role of Port is that they will not accept option until SEPA and other requirements are satisfied. Commissioner Miles stated that they would we need more time after public input to make final decision. John Dobson offered to wait and see what the public has to say on the 16th. If something significant was missed then there is the opportunity to delay final decision if needed. August 17th not an absolute. If serious concerns with lease and option will consider making changes. Attorney Houser stated he and staff will be prepared to make changes after public input and get changes to ADAGE for approval. Any issue raised will be addressed not ignored. Commissioner Hupp stated that the motion was to set up a schedule to continue addressing ADAGE package at the workshop on 8/10/10, on 16th a scheduled hearing starting at 10:00am at the port, and a regular meeting on the 17th.

The Vote: In favor: Commissioner Hupp, Commissioner Wallitner Opposed: Commissioner Miles. Motion carries.

Katherine Price

Could be 3,000 people who signed the petitions here for the public hearing – this venue too small – is this all you can do? Commissioner Hupp The intent is to be here in this room and allow public opportunity to address public document. Those that want

to speak on this document if they cannot be accommodated all at the same time then will need to wait outside until there is room.

VII. CHECK CONTROL REPORT

Checks #21531 - #21560 in the amount of \$76,398.60 have been approved and accepted as presented

VIII. STAFF COMMENTS

John Dobson

Would like to thank Teresa Rebo for her work on a very lengthy and difficult contract to negotiate for Lynch Creek Farms. Teresa and Attorney Houser spent better part of 5 weeks working through the details. Thank you Teresa for your good work.

John Dobson expressed disappointment in that the proper pats on the back did not get to right people. Port staff spent thousands of hours and the Port spent between \$70-\$75K dollars to get fairgrounds up to speed. But the real credit should have gone to John and Rachel Hansen did not get credit due. They had to sign lease agreement with Port and put together insurance, negotiate contracts, etc. – Community should be thankful for their diligence to keep the fair going and Steve Bloomfield and his wife for the work they did also.

IX. PUBLIC COMMENTS

Fran Prescott

Would like to know if minutes will be taken and published in time for public to review them? Commissioner Hupp stated the meeting will be recorded and the extent of minutes will be however it works out to be administratively efficient. The intent of the hearing is to provide comment to the commission. Fran asked if they can come in and listen to tapes. Commissioner Hupp said they are public information. Commissioner Miles stated that a few weeks ago the commission adopted a resolution keeping audio files for up to 6 years. She can put in public information request to get copy of the audio. Commissioner Hupp again stated that what we are doing is not required under any statute in state of Washington. They are doing this in an attempt to be as transparent as possible. Fran stated that the community is very concerned and very upset by port bringing this to community and should be allowed to hear the public comments.

Steve Bloomfield

Asked about the request for submission of letters from Commissioner Miles two weeks ago – any letters? Count? Commissioner Hupp said we will get back to you in commissioner's comment period.

Guest

Wondered if at the next meeting they could have microphones, she is having trouble hearing. Commissioner Hupp stated that the input is to commission.

Al Brotche

Stated that he will want copy of minutes asking people to leave public meeting and will file complaint with state auditor for not conducting public meeting accordingly. This is not due process. Commissioner Hupp asked him to please formally request. Al Brochet said that he would like minutes saying Commissioner Hupp would clear room if too many are in room. He will submit letter to commissioners. Commissioner Wallitner stated maybe they should cancel the meeting.

Tom Davis

Asked Commissioner Wallitner if they were supposed to be grateful for the opportunity this late in the game. His input will be to take lease and throw it in the garbage and

tell ADAGE to take a walk. They have asked to discuss personally and it has never happened.

Theresa Jacobson

She respectfully requests from Commissioner Hupp a one word yes or no answer. Is it the normal course of business for the Chairperson to call a person at home with inflammatory remarks? Commissioner Hupp stated I can't answer that. Is it normal I don't know.

Terry Thompson

Made a comment regarding minutes that they only go through July 10th so they will need different way to get timely. Asked if ADAGE is going to have insurance to cover health of people? No one will read information that is out there – who do we sue when health issues come up? Commissioner Hupp stated there is a policy in the agreement.

X. COMMISSIONER COMMENTS

Commissioner Miles request results of letter which have been received.

Commissioner Hupp said letters and various input from various sources. The validity of input is questionable. There were 148 letters or forms received with 103 in favor of ADAGE and 45 were against. Commissioner Miles stated this is completely different from what I was told by John just this morning and John said to wait. The numbers jumped in last couple of hours which he finds questionable. To Al he suggest a request for copies of minutes and audio files from today's meeting to submit to auditor. Further went on to say that after 7 hours of going over material feels like they are being held hostage. If he votes no told there will be a lawsuit. This goes back to when commission confirmed Executive Director authority to approved leases. Attorney Houser interrupted saying they are not bound by option agreement; Executive Director signed access agreement only. Commissioner Miles stated when this body allowed the Executive Director to have this much flexibility he has Attorney Houser again interrupted as counsel to the Commission. Commissioner Miles stated if the access agreement or use agreement not been signed would we be here today being forced and being told... - Attorney Houser answered yes you would be here and you are not being forced. Commissioner Miles said that he was told we would be sued. Attorney Houser said they can be sued whether you enter into or don't enter into this agreement. He can't give legal advice until something has happened. Commissioner Miles said that he is being told that if this commission as a whole turns this down they will be sued. Attorney Houser stated he has not told him that and he is the Port's legal counsel. Commissioner Miles asked why bother voting when we don't get that option? He stated let the Executive Director do it and let him be named in the lawsuit. Commissioner Miles asked where does this community get their voice? That number is a bunch of crap (referring to response results). The community is not being represented and they are at a meltdown. There is no advisory ballot, some public comment, will allow public hearing but where is the real process? The areas called Port property are owned by the public and paid for by taxes. He hopes that something is found in the SEPA or ORCAA that can alleviate all of this. He still encourages everyone to send in certified letters. This is not over – don't bundle – send individually – be heard – call friends and family to sign petitions.

Commissioner Wallitner stated that he would like to remind everyone that respect and good manners are required at all times. He asked Attorney Houser if anyone has the right to lease Port property? Attorney Houser answered that this is correct. Commissioner Wallitner stated that this must go through process – state, county permit process will result in documented facts and those facts will determine whether or not they can build on Port property.

Commissioner Hupp wanted to comment on the Fair. He was hurt greatly that county fair might go away as he grew up around county fairs. He was pleased fair was saved

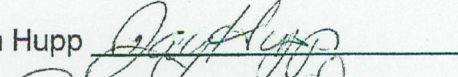
and this was a county fair not glitz or commercial. He hopes community can capitalize on efforts put forth to make happen and move forward into something that is better than before – will do everything we can to support this as it is the right thing for the community. The minutes will not be approved until next business meeting on 8/17/10. Asked Al Brotche if he would rather have the tapes to file the complaint on or would you rather wait to have the actual signed minutes on the 17th? Al said he will be sending a letter.

XI. ADJOURNMENT

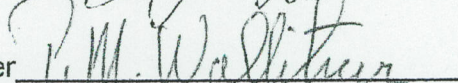
With no additional business **Commissioner Hupp** adjourned the meeting of the **Port of Shelton Commission at 3:32PM** in the Port's commission chambers.

Minutes submitted by: Teresa Rebo, Property Development Manager & Wendy Smith, Executive Assistant

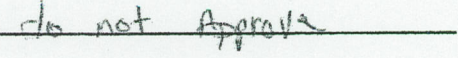
Minutes approved by: Commission Chairman Hupp



Minutes approved by: Commissioner Wallitner



Minutes approved by: Commissioner Miles



**Port of Shelton
Special Meeting Minutes
August 16, 2010**

I. CALL TO ORDER

Commissioner Hupp called to order the special meeting of the Port of Shelton Commission at 10:00 AM on August 16, 2010, in the Port of Shelton Commission Chambers.

The following persons were present: Commissioner Miles, Commissioner Wallitner, John Dobson, Executive Director; Teresa Rebo, Property Development Manager; Wendy Smith, Executive Assistant; Timothy Downes, Amy Brackman, Fran Ault, Christine Armond, John Cox, Deborah Soper, Dana Bone, Bonnie Pitts, John Smith, Becky Penoyar, Deboah Waslund, CJ Watson, Chris Brotche, Linda Helms, Joel Craig, Theresa Jacobson, Greg Helms, Clint Rice, Merwyn Swanson, Steven Herrick, Benny Wright, Eric Seislove, Lance Deyette, Paul Jones, Joe Harrington, Tami St. Paul, Ken Ervin, C. Watson, Don DeMulling, Rick Hoss, Rick Patek, Bill Thieler, Pat Wadsworth, Greg West, Jerry Bonagofsky, Matt Matayoshi, EDC; Barbara Parsloe, Neil Jones, Spencer Jones, Cindy Blackshear, Pat Vandehy, Beth McBain, Annette McGee, John Starks, Allen Brotche, Dale Maso, Fran Prescott, Janel Suppes, Gibb Johnston, Roslynne Reed, Terri Jeffreys, Sheri Pierog, Steve Bloomfield, Dedrick Allen, KMAS.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag of the United States of America was led by Executive Director John Dobson.

III. ADOPT AGENDA

Commissioner Miles requested the agenda be amended to include Executive Session following meeting for purposes of reviewing contracts and real estate. No objection – agenda amended.

IV. ACTION/DISCUSSION ITEMS

Public Testimony on Adage Option to Lease, Resolution and Lease.

Commissioner Hupp reviewed process for meeting. They will work off of sign in sheets, when called please step to podium, identify self, 3 minute limit however written testimony will be taken as well. Please reference paragraph you are speaking to. Will be turning over to Attorney Houser.

Attorney Houser gave introduction and said he will be keeping track of time. Please identify what you are speaking to and there is no need to adjust the microphone.

Steven Herrick – Bricklayers Union – Tukwila

Represent union workers, 5.1 page 10 and 6.1 on page 11 Ground lease. Attracting new business and jobs. More than 750 jobs during construction and 25 during operation. Hiring local and bringing economic benefit to community. They will pay over \$4.7 M in taxes and \$2.1 M thereafter. This will help community.

Paul Jones – Shelton

4.1 page 8 ground lease – base rent. They are not building on back of tax payers. ADAGE is going about in right way and they will support community with new jobs.

Tami St. Paul – Shelton

Speaking on behalf of operating engineers apprentice training program. 5.1 ground lease. She is excited about opportunity for 15% of apprentice utilization that ADAGE has high opportunity to meeting. There are 5 apprentices from this area currently working long distances and she would like them to have opportunity to learn their skills close to home. Urge to approve.

Don DeMulling – Puyallup - 32 year member of local iron workers

5.01 jobs. Good paying family wages jobs means a way out of poverty. Less economic pressures on other resources such as food bank. Asks commission to support.

Rick Patek – Olympia

5.1 Option. Biomass plant will lead us toward energy independence and wean us off foreign oil dependence. It will also bring jobs.

Chris Brotche – Page 17, section 9 Lease Option – Shelton

Suggests everyone read whole document. One part of many puts Port at great risk. Requests language be removed and that ADAGE be held responsible for hazardous materials on property. She is putting faith in attorneys. Job is to support public interest and protect public. There are a lot of things that need to be tightened up and indicated the Port doesn't have to sell our soul. Doesn't have to be so one sided. Give honest consideration as these are things we are going to be responsible for forever. It is up to you guys to make sure this is a little bit fair. Requested comments be part of the public record and if any revisions requested a two week comment period.

Greg West – 5.1 of ground lease – represents JH Kelly – Longview

Thinks this is good for community and will create lots of jobs. Urge commissioners support.

Jerry Bonagofsky – Pierce County - represents contractors loggers association

He represents over 750 logging companies and they support ADAGE. Logging key part of economy for over 150 years and this project can restore local jobs. Will be valuable asset and the \$1M security bond represents ADAGE's commitment. With your support we will see another 150 years where logging will be part of this community.

Matt Mattayoshi – 6.1 ground lease

\$7.4M in taxes plus \$2M in taxes a year thereafter. This is important for your community. Thank you for putting together a comprehensive lease.

Barbary Parsloe – Resolution

Grateful for resolution and for requiring ADAGE receive all permits before breaking ground. Unusual to incorporate resolution into a contract. This seems much weaker than putting language in contract. Language in option is contrary to resolution itself. 2.3 Option To Lease allows for immediate execution. She believes it is import that provision be strengthened. 2.b. language should be incorporated. One organization's resolution is not binding to another. In Option ADAGE section 4 several specifics. Lessors conditions one brief paragraph, there is a blank where there is not a number for Port resolution number. This needs to be referenced by resolution number. Wanted to add that it is important ADAGE not start construction until appeals are resolved. Urge to vote no but if yes should not go forward in this format. Requested comments be part of the public record and if any revisions requested a two week comment period.

Neil Jones – Shelton - 4.1 page 8

ADAGE's intention is to become part of community. They are not playing typical games trying to get taxpayers to pay. They are spending millions to build their plant. Vote yes for more jobs, yes for growth for Mason county and yes for ADAGE.

Spencer Jones – Section 5.3 Ground Lease - Shelton

ADAGE must comply with all 4 environmental laws before breaking ground. Approving lease will not give ADAGE any free rides and it will bring new jobs, tax revenue and growth to Mason county. Supports ADAGE project and encourages Commission to do same.

Cindy Blackshear – Allyn - Option page 5

Optionee shall pay works out to \$11.50 per month per acre. This encumbers property for 24 months but doesn't seem fair to residents. It does double for next 2 years to \$23.00 per acre per month. This doesn't appear to be good use of our property. She proposed alternative of first right of refusal so Port can continue to offer to other potential lessees. This is about half of normal amount - \$250.00 per acre is common. There is no remedy for non performance. 40 years ago her grandmother leased land in Texas for \$10.00 per acre.

Pat Vandehy – Shelton

14.5 surrender/removal of improvements of ground lease – Page 27 – read citation – no baseline for soil condition and water. If they are contaminated or uncontaminated so if they get stuck getting rid of what is on there is no guarantee there is no hazardous material. Page 35 – read citation. 793 jobs proposed with 533 during construction of plant. These will be highly computerized and it only takes 24 to run plant. These will be highly trained and there is no indication they will be from this area. We may be stuck with very difficult situation if we get stuck with hazardous waste.

Beth McBain – Shelton - Option page 17 section 8 – failure to close

Read citation. It is critical that all read – especially Mason county residents. This appears to be one sided in favor of optionee. Required Port to grant 40 year lease to ADAGE. Asking legal staff to look for balance and try to put some teeth in it for the Port. Requested comments be part of the public record and if any revisions requested a two week comment period.

John Starks – 4.5 page 9 ground lease – logger – Pierce County

Hard to see what has happened to families he has grown up with. It is important to keep any options open for the forest industry.

Allen Brotche – Shelton – resident of Port – will be submitting 24 pages on Option and 14 pages on Lease –read citation.

Shouldn't there be some sort of cap on attorney fees? Request Port replace paragraph with more suitable language and add provision to cap legal fees to a specified amount. Page 4 section 2 Lease – read citation. Should be similar cancellation for Port as ADAGE. Request Port remove "and irrevocable" and add language to allow Port to cancel. Requested comments be part of the public record and if any revisions requested a two week comment period.

Amy Brockman – Shelton – GL page 10 article 5 – read citation.

Requests the following language be added "solely for the incineration of woody biomass, no other biomass fuel shall be used"

Christine Armond – Option page 6 section 3 – Shelton – read citation.

Defined "governmental authority" and asked doesn't this provision continue the pattern of giving ADAGE unlimited power with no safeguards to protect Port and citizens?

Request first sentence of 3biv be removed. Requested comments be part of the public record and if any revisions requested a two week comment period.

Debra Sopher – Shelton – Option page 1 recital – read citation. Which party is at risk if there are fines? – paragraph 5 – read citation – requests ADAGE's responsibility be added – page 6 – section 3 – access to property – read citation. It is unreasonable for Port to give unlimited power of authority to ADAGE. Request this be redrafted or remove phrase. Page 17 section 8 – why aren't values for default comparable for both parties? Isn't specific performance a difficult burden? Why would Port grant ADAGE right to specific performance? Lives here and is invested here.

Dana Bone - page 6 – section 3 – Mason county – read citation. Why is Port granting ADAGE sole and absolute discretion to control activities? Request Port remove phrase "in it's sole discretion and other language. Requested comments be part of the public record and if any revisions requested a two week comment period.

Bonnie Pitts – Ground Lease – page 9 – Shelton – journeyman of local 7.
\$1M down seems to be over and above. Urge to support ADAGE

John Smith – resident of MS since 1999 – couldn't find language but he is opposed to whole concept. ADAGE has repeatedly said they would comply with all regulations. Language they are using is important they use "best technology" but this is different than what most think. Include language in contract to implement "maximum technology" and state limits of dioxin in contract.

Becky Penoyar – Option page 5 section 2 – Shelton
Hoping Port's legal counsel represents citizens of Port as they rely on legal advisors to make appropriate changes to lease to protect citizens. Page 6 section 3b – read citation. Why isn't ADAGE paying for all costs for all governmental approvals – should ADAGE be paying for expenses. PUD just incurred \$27,000 in copying costs related to their new facilities. She requests removal of "at no cost or expense to Optionee" and substitute verbiage requiring ADAGE pay for costs. Page 26, section 14 ground lease – read citation. Why is port giving up legal rights? Examine section and remove language which reduces it's rights and legal options.

Joel Craig – Pierce County – local 7 mason county
ADAGE has committed to bring infrastructure to site on their own dime not on taxpayers back. This will benefit port 's infrastructure and community. Urge port to approve.

Theresa Jacobson – ground lease page 15 section 8.1 – Shelton – read citation.
This has very subjective language. What does 'reasonably safe" mean? We own the port property and this does not protect our property. Requests language be strengthened to protect port and community. Requested comments be part of the public record and if any revisions requested a two week comment period.

Greg Helms – Union – Option page 5 section c – read citation.
Is this the market value for tying up almost 90 acres of this type of property – if water and sewer available won't property be worth much more than this?

Linda Helms –Mason county - Option page 7, paragraph ci – read citation. Is a \$12K annual payment sufficient? Why is this so out of balance? Why grant ADAGE unlimited rights without approval of the Port, i.e., the citizens – are number of other options for this property and opportunity for our children which would not have a toxic footprint. ADAGE does not fit our community she suggests deleting last 2 paragraphs of this section. Requested comments be part of the public record and if any revisions requested a two week comment period.

John Cox – Shelton – Page 17 section 9 – read citation.

Isn't this backwards? Shouldn't ADAGE verify property doesn't contain hazardous substances and then indemnify Port if they are later found – how would port prove ADAGE is responsible? Request language be added holding ADAGE responsible. Requested comments be part of the public record and if any revisions requested a two week comment period.

Dale Mason – Local 502 – 486 members – Puyallup – Section 5.1 GL

Have approx 100 people in surrounding area. New construction jobs and annual repair will create jobs in area. Jobs to surrounded community are forest industry – slash piles being burned in woods creates problems – all have same concerns – jobs and environment.

Fran Prescott – Section 5.3 page 10 GL

Upgrades would be required to meet current technology so lease should be required to be upgraded on 10th, 20 and 30th anniversary and every 10 years thereafter. Lease Page 15 – article 9 – insurance – need more detail. Requests clause be expanded and self funded to protect from bankruptcy. This would be required for loan purposes – if there is no loan there is no insurance. Option page 6 option 8 – read citation. Requests language changes as stated still has stack of additional questions would like included in record and responded to.

Janelle Suppes – Shelton – GL page 9 section 4.5 – read citation.

Wouldn't this provision provide more protection if ADAGE if's required to get Bond? Request that Port specify that ADAGE get bond from AAA rated insurance company. Page 11 Section 4.5 - read citation – section 7.2h required Port to supply water – how can port assume responsibility – who bears costs – delete 7.2h and all references. Requested comments be part of the public record and if any revisions requested a two week comment period.

Clint Rison – Montesano

Represent electricians in Mason and Grays County - 5.1 of Lease. Timber dependent community. It is always advantageous to have contractors closest to plant do the work. This will support local businesses and will allow apprentices to learn their trade locally. Young will be able to stay here, earn family wage and contribute to community. ADAGE will bring economic benefits – what better place to get woody biomass than Mason county

Merwyn Swanson – Puyallup – boilmakers union – 5.1 of GL

Tremendous opportunity for young people. They have a lot of member who live in this region and do a lot of environmental work with these plants. This is top of the line premiere equipment which meets EPA standards. The City of Tacoma has biomass burner at Simpson that runs efficiently and cleanly. Smoke off slash burning dirtier. This will create jobs for local people and will open opportunities.

Debra Wasland – Shelton – 5.1 GL

Why muzzle opposition by having to address paragraph while those in favor are allowed to editorialize?

C Watson - 5.1

Stated in an aversion ADAGE can burn this is not so good. A boiler is considered dust prone, dangerous and will burn up.

Attorney Houser stated there were 47 signed up and some chose not to testify.

Commissioner Hupp stated he feels that this has served the purpose of special meeting and asked the other commissioner's for their opinions. Commissioner Wallitner stated if people want to speak more on another section he would like to allow that. Attorney Houser stated that he only saw one person who said they would like to piggyback on previous comments. Commissioner Hupp asked for a show of hands of those who would like to make additional comments as it is their intention to carry on as long as necessary. Stated that there will be a break for lunch and meeting will reconvene at 1:15pm for additional comments. The intent to proceed to Exec. Session following additional comments. Attorney Houser stated if taking additional comments suggests they be limited to 1 minute and not redundant.

1:16p.m. back in session

Commissioner Hupp asked that comments are limited to 1 minute. Please don't be repetitive – need to get on to Executive Session to consider comments. Commissioner Miles stated point of order. He stated the comments are out of realm of what we had published on our website. There has been a lot of personal comment which has been allowed. Need to limit comments to specific paragraphs. Attorney Houser stated that he didn't want to be too strident and cut people off. Felt they should have opportunity. He will be much more precise and specific at this second round. Commissioner Miles asked to clarify are we continuing from this morning? Attorney Houser stated they will have one minute to clarify or comment on something they have heard then focus back on ground lease or option to lease. Commission decided to allow 3 minutes for new testimony and 1 minute and a half for repeat people.

Barbara Johnson – Page 10C - read citation.

This clause places the tax payers at a unacceptable level of risk – requests language added – gave written copy.

Barbara Parsloe – section 4.1, 4.4 page 8 and 9 of Lease

Regarding 4.1 base rent. This limits increase that occurs annually to 1.5%. This is perhaps unrealistic. She proposes that this be changed to a standard index. 4.4 says ADAGE is able to retain and offset all payments. Believes right of offset is too broad. On page 19 to 23 – seems so one sided in favor of ADAGE as ADAGE has unlimited rights to assign it's rights to other parties without Port approval. Paragraph 12.4 section 4 extends time financing agent can act. 12.4.6 needs clarification as it is 5 pages of very confusing language which is not protecting the rights of the Port.

Sherry Pierog – 5.3 of ground lease – Aberdeen

Encourage to support lease as biomass has no issues with environment.

Beth McBain – Page 21R – last page of Option stated that this is a joint effort but the port has given away the defense of undue influence – request R be stricken.

Requested comments be part of the public record and if any revisions requested a two week comment period.

Chris Brotche – 5.1

Wanted to piggyback on statements regarding section c of the Option. Section C of the Option allows for unlimited use of staff. The biggest expense is within staff – need to have limits. 5.1 regarding what can be burned. This needs to be in writing that this facility is for wood waste products only – please do your duty of sworn oath.

Steve Bloomfield – 5.3 GL – page 10 – ADAGE must comply with all environmental laws then by approving lease Port will not be giving ADAGE any free rides.

Linda Helms – Resolution - #5 ORCCA – entire Mason County physicians have come out against this and until ORCCA comes out with approval doing business with ADAGE should be put aside until specifics from that authority.

Greg Helms – item 6t page 16 – Option

Rerouting of road - request road work should not begin until all permits have been approved. Outline financial responsibilities of rerouting the road.

Roslynne Reed – Option section page 4 gg – rerouted road – read citation.

Has agreement been reached with Manke? Has work started? Have all permits been obtained?

Teri Jefferies – board of trustees Shelton Chamber of Commerce – 5.1 – Chamber support lease agreement and it's content. Commissioner Miles made an objection and stated we are looking at specifics as they pertain to changes to the documents. Attorney Houser asked Ms. Jefferies if she had something to submit in writing? Yes – submitted.

Theresa Jacobson – item G bottom of page 13. Requested comments be part of the public record and if any revisions requested a two week comment period. Read citation and stated local residents are concerned that aquifer is actually a class 1 and that identifying it may prohibit the building of a power plant. She requests concerns of citizens be addressed before any agreements signed.

Christine Armond – Page 16 of Options

Representations, warranties, covenants – water and sewer – item S – read citation – request language regarding rates be changed as submitted.

Gibb Johnston – 5.1

Native to this area and aware and connected to area . Dioxins are a large byproduct of burning anything and they dissipate with time. In a 10 year cycles drops 50% at the surface. They were told that Simpson has wood that would last forever but they were rescued in 1947. Now they buy from Canada and Idaho, anywhere they can buy logs – the supply for this plant is not here – local garden supply will be put out of business.

Commissioner Hupp thanked KMAS for bringing sound system and tents.

Commissioner Miles thanked Dedrick for helping with audio recorder. Commissioner Hupp adjourned to Executive Session Pursuant to RCW 42.30.110 (c) starting at 2PM for approximately 2 hours.

4:00pm – back into regular session – 5 minute break. 4:12pm –back into Executive Session for another 2 hours. 5:10pm – out of Executive Session and back into regular session.

V. COMMISSIONER COMMENTS

Commissioner Hupp stated there was no action take in Executive Session.

Commissioner Wallitner stated he had lease expert read lease documents and got this quote “you have very adequately protected the port and it's tax payers” – comes from person who has impressive credentials. Commissioner Hupp stated all involved have done great job. Commissioner Miles said he will reserve comments until tomorrow.

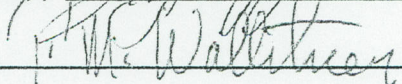
Attorney Houser stated that the lines of demarcation are coming closer together and people actively listening. Gave credit to Board for opening up process it was a healing process. Each are starting to appreciate other side's position. Commissioner Hupp appreciated Attorney Houser's ability to maintain tone in meetings.

VI. ADJOURNMENT

With no additional business **Commissioner Hupp** adjourned the Special Meeting of the **Port of Shelton Commission** at 5:15 PM in the Port's commission chambers.

Minutes submitted by: Teresa Rebo, Port Development Manager and Wendy Smith,
Executive Assistant

Minutes approved by: Commission Chairman Hupp 

Minutes approved by: Commissioner Wallitner 

Minutes approved by: Commissioner Miles Do NOT Approve

PORT OF SHELTON

RESOLUTION 10-02

Resolution of the Port of Shelton Commission Clarifying Commissioner and Staff Interactions

WHEREAS, the Port of Shelton Commission has previously adopted a policy pertaining to the delegation of authority to the Executive Director at its regularly scheduled Board Meeting of September 1, 2009; and

WHEREAS, the Commission has included within that policy the specific direction and intent that any and all commission directives shall be made to the Executive Director by the Commission acting as a body; and

WHEREAS, this policy is intended to promote the adoption of objectives by the Commission to further the efficiency and effectiveness of the Executive Director working with Commission as a body; and

WHEREAS, the Commission has determined a need to further clarify and demonstrate its commitment to this policy.

NOW, THEREFORE BE IT RESOLVED, by the Port of Shelton Commission as follows:

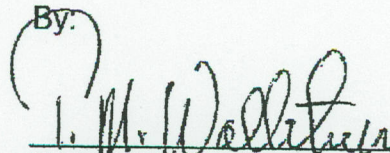
1. In order to ensure effective and efficient operation of the Port of Shelton and further coordinate the demands and workload of the Executive Director, and staff reporting to the Director, the Board of Commissioners agree to comply with the Delegation of Authority to the Executive Director policy previously adopted.
2. Further the Board and each Commissioner shall recognize that the Executive Director works for and reports to the Commission as a body and not for an individual Commissioner and therefore specific requests and tasks of the Executive Director from a Commissioner shall be brought to the Commission for review, prioritization and further direction to the Executive Director.
3. Specific requests for information, research or preparation of materials other than ongoing monthly reports and routine documents prepared for the Commission shall be provided for review to the Commission in writing.

4. Individual Commissioners shall also bring any concerns pertaining to the Executive Director to the Board for review and resolution and disposition prior to making public comments and motions affecting the Executive Director or any employee of the Port of Shelton.

ADOPTED by the Port of Shelton Commission as a special meeting thereof held this 7th day of June, 2010.

PORT OF SHELTON
BOARD OF COMMISSIONERS

By:

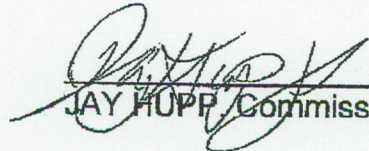


T.M. WALLITNER, Commissioner

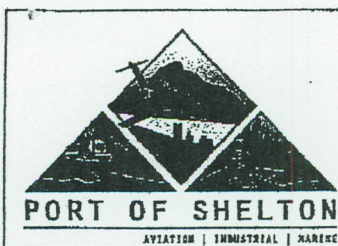
By:

JACK MILES, Commissioner

By:



JAY HUPP, Commissioner



Port of Shelton

DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR

1.0 PURPOSE

The Port Commission is responsible for the establishment of policy objectives for the Port of Shelton. The Commission is also responsible to retain an Executive Director to implement the policy objectives it establishes. Any and all Commission directives shall be made to the Executive Director by the Commission acting as a body.

By approval of the Commission the following policy is adopted for establishing and delegating administrative authority to the Executive Director.

2.0 APPLICABILITY

With the exception of the limitations identified herein, the Executive Director shall be responsible for the operation, maintenance, administration and use of the Port's properties and facilities; for the development of industrial districts; the implementation of construction work, alterations and improvements to the Port's real estate and physical facilities; personnel administration (salary and benefits, task and project assignments, hiring, firing, training, grievance procedures, employee enrichment and improvement, etc.); administration of contracts; delivery of services essential to the Port's mission; financial and accounting matters; legal matters and all other administrative matters. Further, the Executive Director is hereby authorized to publish notice of any and all public hearings which are required by law or are necessary for Commission action.

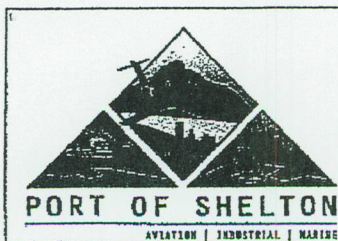
The Executive Director shall retain administrative staff, which shall operate and manage according to directives from the Executive Director. The Executive Director shall regularly inform and consult with the Commission regarding significant Port business transactions. The Executive Director may delegate to appropriate Port staff such administrative authority or reporting requirements as is necessary in the efficient exercise of the Executive Director's authority. Unless otherwise required, the Executive Director shall inform the Commission promptly following all material actions undertaken pursuant to this Delegation of Authority.

3.0 POLICY

3.1 LEASES OF REAL AND PERSONAL PROPERTY

3.1.1 General Policy

- (a) Except as otherwise provided herein, all real and personal property belonging to the Port (when available for leasing), shall be leased under an appropriate written lease executed in accordance with RCW 53.08.080;
- (b) The amount of rental shall be fair rent for property;



Port of Shelton

DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR

- (c) The use to which the property may be put by the tenant shall be expressly stated and shall be in accordance with the standards of use adopted by the Port;
- (d) The proposed final terms of the lease arrangement and the lease bond shall be approved as to form by Port Counsel and generally consistent with other existing Port leases in the same or similar circumstances; and
- (e) The Executive Director shall ensure that all terms are complied with and shall take necessary measures to cause compliance or to protect the Port's legal position, including, but not limited to, giving of all notices provided for in the lease.

3.1.2 Leases Executed by the Commission

The following leases shall be submitted to the Commission for approval:

- (a) Leases in which the term of the lease, including any options for renewal, exceeds five years; or;
- (b) Leases in which the monthly rental amount exceeds \$2,000 per month.

3.1.3 Leases Executed by the Executive Director


Except as provided above, the Executive Director is authorized to approve all other leases.

3.2 LEASE BONDS AND RENTAL INSURANCE

The Executive Director is authorized to take all necessary actions on behalf of the Commission and its officers in connection with lease surety bonds, lease surety, rental insurance and/or other insurance coverage required for leases.

3.3 LEASES OF HARBOR AREA AND WATERWAY

The Executive Director is authorized to execute all harbor area and waterway leases on behalf of the Commission.

	<p>Port of Shelton</p> <p>DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR</p>	
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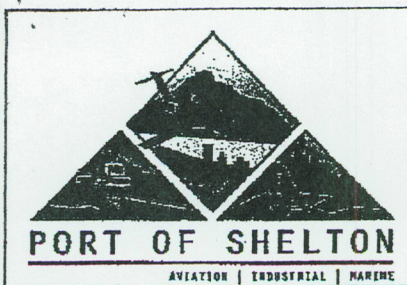
3.4 REAL PROPERTY OPTIONS PURCHASES AND SALES

The Executive Director shall be authorized to make and accept offers on real property without prior Commission approval, provided that such offers clearly indicate the offer is subject to approval of the Commission or other similar language. When the Commission authorizes the acquisition of real property by purchase or condemnation, the Executive Director shall take all necessary steps, including securing appraisals, to secure title of such property for the Port. When the Commission authorizes the sale of real property, the Executive Director shall take all necessary steps to complete the transaction including but not limited to accepting deposits, opening escrow and signing all necessary documents.

3.5 CONTRACTS FOR PERFORMANCE OF WORK

3.5.1 Work Contract Awards

- (a) The Executive Director may, without prior Commission approval, execute on its behalf, small works roster contracts where the total estimated contract does not exceed \$50,000 so long as all statutory procedures are followed, including bid and performance surety requirements.
- (b) The Executive Director may, without Commission approval, prepare plans and specifications; issue notices calling for bids; award and accept contracts for work where the total estimated contract price does not exceed \$50,000; provided all requirements of RCW 53.08.120 are met, and further provided that such work is within authorized capital budget limits
- (c) When any emergency shall require the immediate execution of a contract for work, the Executive Director, pursuant to the procedures of RCW 39.04.020 and 39.04.280, as amended or succeeded, is authorized to make a finding of existence of such emergency and execute any contracts necessary to respond to the existing emergency, provided that the Executive Director shall, at the first Commission meeting following the Executive Director's finding of the existence of any emergency, request Commission ratification of the finding of emergency and any contracts awarded and/or executed pursuant to that finding. From the inception of any such emergency, the Executive Director shall continuously advise the Commission of the development of the



Port of Shelton

DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR

emergency situation and the progress of any contracts executed to remedy the emergency.

"Emergency," as used in this policy, is any situation which requires prompt action to protect life or property.

3.5.2 Change Orders

In instances where contracts for the performance of work have been awarded and individual changes in plans and/or specifications are necessitated to properly accomplish the work, the Executive Director is authorized, without prior Commission approval, to execute on its behalf individual change orders to the contract if all of the following conditions are met:


- (a) The change order shall not exceed \$50,000;
- (b) The contract provides for issuance of change orders;
- (c) The individual change order has been approved and certified by the Project Manager as being necessary to the proper accomplishment of the work called for in the basic contract; and
- (d) The total cost of all approved change orders when added to the contract cost, remain within authorized capital budget amounts.

3.6 PERFORMANCE OF WORK BY PORT CREWS

Prior Commission approval shall not be required where individual capital or maintenance projects are to be carried out by Port crews, inmate crews or day laborers (when deemed appropriate) which do not exceed \$50,000 and which are within authorized capital budget amounts.

3.7 CONTRACTS FOR ACQUISITION OF MATERIALS, EQUIPMENT AND SERVICES

The Executive Director may acquire, without prior Commission approval, utilities, materials, equipment, supplies and services (including services provided by public agencies) on the open market, pursuant to published rates or by competitive bidding when necessary for the normal maintenance and operations of the Port. Said acquisitions shall, when appropriate, be approved as a part of normal monthly expenses and shall be within authorized budgets.

	<p>Port of Shelton</p> <p>DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR</p>	
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3.8 CONTRACTS FOR PROFESSIONAL SERVICES

The Executive Director shall contract for professional and consultant services where deemed necessary in carrying out Port operations where the cost of the proposed service for any single project will not exceed the amount of \$50,000.

3.9 DISPOSITION OF UNCOLLECTIBLE ACCOUNTS


The Executive Director is authorized to establish procedures for and to write off any uncollectible accounts in the amount not to exceed \$10,000, subject to the following general guidelines:

- (a) Prior to writing off any account receivable or uncollectible, the Executive Director shall be satisfied that reasonable effort has been made by the Port to collect the account and shall, in appropriate circumstances, authorize action in court of law or if more appropriate in the case of small amounts, to assign the same to collection agencies for the purposes of attempting to finally collect such accounts.
- (b) If, after attempting normal account collections procedures, the account is still uncollectible after 180 days, or more, the Executive Director shall be authorized to write off of the account.
- (c) Any account in excess of \$10,000 which is deemed to be uncollectible shall be referred to the Commission for final write-off except where said account has been referred for final collection or settlement, in which case, it shall be processed in a manner consistent therewith.

3.10 ADJUSTMENT AND SETTLEMENT OF CLAIMS

Claim," shall be defined as the assertion of any position, right or responsibility by or against the Port but not including (1) uncollectible accounts, or (2) claims asserted by or against the Port which have become the subject of litigation as referenced below:

- (a) No claim against the Port shall be considered unless proper notice has been served by the claimant.
- (b) All claims shall be presented to the Commission for approval and payment when a tentative agreement has been reached. Except as provided under paragraph 'C' below, no claim shall be paid unless authorized by the Commission.
- (c) Any claim not exceeding \$10,000 may be adjusted and settled by the Executive Director without prior reference to the Commission

	Port of Shelton	
	DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR	

provided that the Port Counsel has rendered his opinion to the Executive Director that payment of the claim is justified on the basis of one or more of the following circumstances:

1. A substantial likelihood that the Port is or will be found liable; or
2. The likelihood that a judgment rendered in the case would be in the amount claimed or higher; or
3. The likelihood that the expenses involved in litigation would be unnecessarily high in relation to the amount claimed.

3.11 LITIGATION

The Executive Director, in coordination with Port Counsel shall be responsible for management of litigation in which the Port has an interest.

3.12 EXPERTS

The Executive Director may hire experts as deemed necessary for litigation in which the Port has an interest.

3.13 INSURANCE

- (a) The Executive Director shall work with insurance brokers to negotiate and obtain appropriate policies of insurance to cover Port property, liability, employee, and Commission coverage and other areas appropriately included within a comprehensive insurance program.
- (b) The Executive Director is authorized to approve from time to time changes or modifications within the policies of insurance including programs to provide self-insurance or deductible provisions so long as such programs are promptly and regularly reported to the Commission.

3.14 INVESTMENT OF TEMPORARILY IDLE PORT FUNDS

- (a) "Temporarily Idle Port Funds" are defined as those funds which are not required for immediate expenditure.
- (b) In accordance with applicable law and Port District Resolutions relating to the investment of public funds, the Executive Director is authorized to direct the Port Director of Finance in the investments of temporarily idle Port funds. These directives shall permit, but shall not be limited to, investments in authorized government securities, sale of such investments and necessary interfund



Port of Shelton

DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR

transfers. A listing of all investments shall be prepared and reported to the Commission periodically so they may be informed of the status of investments of temporarily idle Port funds.

3.15 ISSUANCE OF TARIFFS

The Executive Director is authorized to issue agreements, tariffs and tariff amendments as necessary.

3.16 TRAVEL


- (a) In order to facilitate necessary Port operations, the Executive Director is authorized to approve, without prior authorization of the Commission, travel by employees and/or other authorized representatives of the Port for the purpose of attending meetings with customers, suppliers, consultants, associations of which the Port is a member, educational and training seminars, information seminars pertaining to Port operations, or other similar purposes. Authorization is subject to budgetary limits.
- (b) The limits of such authorization shall be for travel within the continental United States and the province of British Columbia, Canada. Reimbursable travel expenses shall not exceed \$5,000 per trip.
- (c) Attendance of meetings located beyond the above geographic area or costs in excess of \$5,000 shall require Commission approval.

3.17 TRADE DEVELOPMENT PROGRAMS

The Executive Director is authorized, consistent with budget and statutory limitations, to develop and carry out programs of trade development (which may include tourism and tourism promotion), advertising (including the use of advertising firms within budgetary authority), and promotion of the Port, including its properties, facilities and services. Such programs shall be reviewed by the Commission periodically to remain informed of changes which occur.

3.18 RULES AND REGULATIONS

The Executive Director is authorized to adopt any administrative rules and regulations necessary for the efficient operation of the Port.

	Port of Shelton	
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3.19 AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT

It is the basic policy of the Port to provide equal opportunity to the users of all Port services and facilities, all contracting entities, Port employees and applicants for employment, and to assure that there be absolutely no discrimination against any persons on grounds of race, creed, color, national origin, sex, sexual preference, marital status, age, or the presence of any sensory, mental or physical handicap. This policy is to be implemented by the Executive Director.

3.20 MISCELLANEOUS

The Commissioners hereby authorize the Executive Director to take all actions necessary to resolve any matter not specifically addressed herein. If the resolution of any such matter requires the payment by the Port of any sum exceeding \$10,000, the Executive shall first obtain formal approval from the Commission prior to resolving any such matter.

Port of Shelton
Special Commission Meeting Minutes
September 1, 2010

I. CALL TO ORDER

Commissioner Hupp called to order the special meeting of the Port of Shelton Commission at 10:00AM on September 1, 2010, in the Port of Shelton Commission Chambers.

The following persons were present: Commissioner Miles, Commissioner Wallitner, John Dobson, Executive Director; Wendy Smith, Executive Assistant; Teresa Rebo, Property Development Manager; Commissioner Tim Sheldon, Mason County; Commissioner Linda Ring-Erickson, Mason County, Commissioner Ross Gallagher, Mason County; Commissioner Mike Byrne, City of Shelton; Mayor John Tarrant, City of Shelton; Commissioner Dawn Pannell, City of Shelton; Dave O'Leary, Executive Director, City of Shelton; Commissioner Linda Gott, PUD 3; Chris Brotche, Conley Watson, Al Brotche, Laura Lewis, Wyla Wood, Executive Director, PUD 3; Nancy Moran, Joel Myer, Jan Land, Teresa Jacobsen, Fran Prescott, John Smith.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by PUD 3 Commissioner Linda Gott.

III. ADOPT AGENDA

Adopted as printed

IV. ACTION/DISCUSSION ITEMS

Matters of interest for all jurisdictions

V. COMMISSIONER COMMENTS

None

VI. ADJOURNMENT

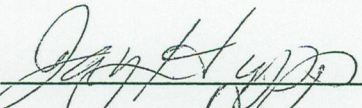
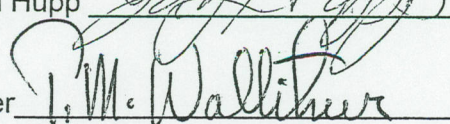
With no additional business **Commissioner Hupp** adjourned the special meeting of the **Port of Shelton Commission** at 11:15AM in the Port's commission chambers.

Minutes submitted by: Wendy Smith, Executive Assistant

Minutes approved by: Commission Chairman Hupp

Minutes approved by: Commissioner Wallitner

Minutes approved by: Commissioner Miles

Do Not Approve

Port of Shelton
Regular Commission Meeting Minutes
September 21, 2010

I. CALL TO ORDER

Commissioner Hupp called to order the regular meeting of the Port of Shelton Commission at 2:00 PM in the Commission Chambers.

The following persons were present: Commissioner Wallitner, Commissioner Miles, John Dobson, Executive Director; Teresa Rebo, Property Development Manager; Brandon Palmer, Engineering Tech.; Wendy Smith, Executive Assistant; Roger Newman, Conley Watson, Nancy Williams, Matt Matayoshi, EDC; Jason Dose, City of Shelton; Patricia Vandehy, Fran Prescott, Donald Jones, Grant Zatborich, Maitri Edwards, Terri Thompson, Dennis Frost, Pat Vincent, Marlene Brigham, Cheryl Farrell, Bob Love, Dedrick Allan, KMAS; Mary Duncan, Mason County Journal.

II. PLEDGE OF ALLEGIANCE

Mr. Love led the Pledge of Allegiance

III. PUBLIC COMMENT/CITIZEN OPEN FORUM

Commissioner Hupp explained that there is 15 minutes allocated for comments that are intended to speak to items on the agenda or to be added to the agenda – please keep comments to such.

Jason Dose – City of Shelton

Should comments on Comp Plan be addressed now or at public hearing?

Commissioner Hupp - At hearing.

Conley Watson

Would like to take opportunity to give card to Jack Miles – to show appreciation for his work – 3,200 signatures, 27 doctors and many, many kids.

IV. ADOPT AGENDA

Commissioner Hupp would like to remove two items 7.A – as a result of an unauthorized release of internal draft document which serves the purpose that the letter intended in first place, no longer any reason to discuss. The second item 7.B. also pertains to the unauthorized release of an internal document – due to Internet circulation it has served its purpose – no reason to discuss further. If no objection he will remove both items from the agenda. Commissioner Miles wanted know more about why they were on the agenda. Commissioner Hupp said the issue was the removal of the items. Agenda modified by removing items 7 A & B from the agenda. Accepted agenda as modified.

V. APPROVE MEETING MINUTES

Commissioner Hupp – Lets determine if there are any deletions, additions or changes on the minutes of 9/01/10. Commissioner Miles stated that he believes minutes do not reflect what was discussed and would like minutes to be revised. Commissioner Hupp said this would be difficult and would involve complete rewrite of minutes and asked if that was the intent of your request? Commissioner Miles stated minutes are a reflection of agenda, not the meeting.

Commissioner Hupp asked what he would like changed? Commissioner Miles said that they agreed to keep audio files for up to 6 years. Commissioner Hupp said the audio of the meeting have nothing to do with the minutes of the meeting and asked if he would like to make a motion? Commissioner Miles made a motion that the special meeting minutes of 9/01 reflect each of the entities of government at this meeting, and that we follow the intent of the open public meeting minutes law. Commissioner Hupp asked what the open public meeting law had to do with this. Commissioner Wallitner asked if they had agreed at that meeting that no minutes would be taken as he recalls that discussion. Commissioner Miles stated meeting minutes must reflect what was discussed and those meeting minutes of 9/01 do not.

Commissioner Hupp said in your opinion. Commissioner Miles said in the law. Commissioner Wallitner seconded the motion for purposes of discussion.

Commissioner Wallitner said he recalls the chairman saying this is an informal meeting, and we will not keep minutes. Commissioner Miles said that is my objection.

Commissioner Wallitner said we have the audio file. If people want to know what happened they can listen to the audio. Commissioner Wallitner said I am tired of this 3rd grade nonsense. Commissioner Miles said I am not the student here. The issue is following the law – if you choose not to keep meeting minutes you are in violation of the law. Commissioner Wallitner asked why were they not taken? Commissioner Miles said that I don't know and it is not my job to ensure they are taking minutes.

Commissioner Hupp said minutes were taken, they comply with the law, they are published. Commissioner Miles asked what do they say?

Commissioner Wallitner said can we get on with Port business?

The vote;

In favor: Commissioner Miles; Opposed: Commissioners Hupp & Wallitner

Motion fails. Minutes stand as published.

The Commission approved the following meeting minutes:

Special Meetings: September 1, 2010

Regular Commission Meetings: September 7, 2010

Commission Workshops: September 14, 2010

VI. CHECK CONTROL REPORT

Checks #21675 - #21721 in the amount of \$161,259.20 have been approved and accepted as presented.

VII. DISCUSSION/ACTION ITEMS

Public Hearing on Amending the Comprehensive Plan

John Smith

He said he has been following issues closely and would like to inform commissioners that not even the Port can give permission to ADAGE to chemically trespass on private property.

Commissioner Hupp asked what does that have to do to the Comp Plan changes? Mr. Smith said he was making a statement so that it is on record. Commissioner Miles asked does comp plan have no section on biomass? Mr. Smith said he doesn't know about that but says you don't have legal authority to authorize one of your tenants to trespass and you may be subject to personal liability.

Jason Dose – City of Shelton

Requested attachments but now realized it is an internal issue with his computer at work but he thought they were not posted. He hasn't been able to review relative to 2006 adopted plan

VIII. STAFF COMMENTS

Executive Director said that DaVita is at the fairgrounds and Teresa will speak to it. Teresa said this is a fundraiser for kidney dialysis. Backroads put it together for a company named DaVita. There are about 450 cyclists who are finishing a marathon at the fairgrounds. There will be a big celebration tonight and they are camping and spending the night at the fairgrounds.

IX. PUBLIC COMMENTS

Katherine Price

Just wanted to thank Jack Miles for continuing to realize that he works for the people who elected him.

John Smith

Just wanted to share that he became aware of letter to Bran Owen. So he called his office and invited to meeting today. He didn't show up so perhaps not as concerned about it as you are.

X. COMMISSIONER COMMENTS

None

XI. ADJOURNMENT

With no additional business **Commissioner Hupp** adjourned the meeting of the **Port of Shelton Commission at 2:38PM** in the Port's commission chambers.

Minutes submitted by: Teresa Rebo, Property Development Manager and Wendy Smith, Executive Assistant

Minutes approved by: Commission Chairman Hupp

Minutes approved by: Commissioner Wallitner

Minutes approved by: Commissioner Miles