

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF APRIL 18, 2019



The Special Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Chris Stephens at 6:50PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:

Chris Stephens, Chairman
Brian Brennan, Vice Chairman
Jean Getchell, Secretary
Everard Ashworth
Jackie Gardina

Commissioners Absent:

None.

Port District Staff:

Oscar Peña, General Manager
Brian Pendleton, Deputy General Manager
Gloria Adkins, Accounting Manager
Dave Werneburg, Marina Manager
Richard Parsons, Consultant
Jessica Rauch, Clerk of the Board

Legal Counsel:

Timothy Gosney

AGENDA

CALL TO ORDER: By Chairman Stephens at 6:50PM.

PLEDGE OF ALLEGIANCE: By Commissioner Ashworth.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

ACTON: Commissioner Brennan moved, seconded by Commissioner Getchell and carried by a vote of 5-0 to adopt the April 3, 2019 Special Meeting Agenda.

PUBLIC COMMUNICATIONS: None.

CLOSED SESSION REPORT: Mr. Gosney stated that the Board met in closed session; discussed and reviewed all items on the Closed Session Agenda. Staff was given instructions on how to proceed as appropriate and there was no action taken that is reportable under The Brown Act.

STANDARD AGENDA:

Chairman Stephens opened discussion by calling for Public Comment on Items 1 and 2:

Stephanie Caldwell, President and CEO of the Ventura Chamber of Commerce, was speaking as a resident of Ventura in support of Brian Pendleton for General Manager and the efforts and contributions he has made in many different organizations in Ventura, not just with the District.

Sam Sadove expressed concern with the selection process, saying it has not been open and transparent and does not meet the requirements of the Brown Act. He stated there is an agenda with no attachments; no job description; no compensation and those are things required to be disclosed to the public during the hiring process. A process of open recruitment is to the better advantage of the Harbor and in fairness to Brian.

Commissioner Brennan asked Legal Counsel to clarify if the Brown Act has been violated. In respect to the Brown Act, Mr. Gosney stated that appointment does not necessarily include compensation or even the job description. There is a job description for the General Manager; the General Manager is not part of the salary resolution because he has been subject to a separate employment agreement and it's clear that all the details of an employment agreement haven't been worked out as of this time because the selection has not yet been made. It would be ideal to have all those details worked out when we get to the decision time, but we aren't there yet. Once the terms of the employment agreement are worked out, the agreement will be presented to the Board in a public meeting.

Vikki Brock is concerned about the process, not the candidate. See Attachment 1 for full comment and packet that was handed out at the meeting.

Lynn Mikelatos, owner of The Greek and Margarita Villa, believes the District should not pass up the opportunity to go out for a nationwide open recruitment because we need new eyes for a new vision for the District.

Oscar Peña, General Manager for the District stated that Brian has been instrumental to the District during the time he has been here and is well qualified for the position. He hopes the Board makes a decision on this matter tonight and appoints Brian to the General Manager position when his contract expires.

1) Consider Appointment of a General Manager

Recommended Action: Voice Vote.

That the Board of Port Commissioners consider the appointment of a General Manager effective May 1, 2019.

Commissioner Comments:

Commissioner Brennan acknowledged Mr. Peña's wonderful leadership over the last 20 years and thanked him for his service and everything he has done. When he was appointed to the Board, staff was already looking at creating a Deputy General Manager position to transition into a General Manager; it wasn't a secret. It was on the agenda, the public saw it; it wasn't something that was a surprise. He does not believe in going back and revisiting a decision; we should look at moving forward, not back. One thing about a small organization like the District is to build loyalty from within the organization to hold onto good employees. He recognizes that there is probably a disagreement on process, but perhaps not on the decision. This is a little disappointing, but he understands where the public is coming from, we are just looking at the process differently. Commissioner Brennan stated

that the Deputy General Manager position was put into place to eventually move into the General Manager position because that is where you do a lot of the work and gain the experience to take over leadership at the District.

Commissioner Getchell appreciates and supports the process of open recruitment. See Attachment 2 for her full comment, which she read into the record.

Commissioner Ashworth agrees with Commissioner Getchell's comment describing the process as flawed. Promoting from within is key because we see in Brian those attributes which the position was created around and he has met every dimension the Board presented to him. He has turned around our dredging program that was in need of attention when he first arrived. The Board recently had the opportunity to have an interview with Brian so he could explain to us the attributes he can continue to provide in the roll of General Manager. That presentation confirmed for Commissioner Ashworth that there is nothing he would do differently than what Brian has suggested. He agrees that this process may not have been in the traditional sense; but we're not a traditional type of business. Commissioner Ashworth hopes the Board can move forward and recognize the contributions Brian has made and appoint him to the position.

Commissioner Gardina stated that everything Commissioner Getchell has laid out in the timeline and that Commissioner Brennan and Ashworth have admitted is that the process has not been as transparent or as open as one would hope from a public agency. She is someone who believes deeply in process. It aids with good decision making and has the benefit that goes beyond seeing a lot of different candidates. So it has been difficult for her to come to a conclusion about how best to move forward.

When she started on the Board, there was an informal if not formal succession plan that had been developed; the Board had laid out goals for Brian to meet and Brian has met those goals. At that time, she wasn't comfortable voting on anything related to the General Manager especially as it related to Brian because she didn't know him, she didn't have the opportunity to observe his work over the past four years or what strengths he brought to the organization. Then the Board had the opportunity to interview Brian and she had a separate meeting with him as part of her Board orientation and she was able to hear him talk about the Harbor, how it exists now and its future. During the interview and separate meeting, he impressed her with his thoughtful approach and enthusiasm for the District's future. So given that a prior Board decision had developed a succession plan, that she had been impressed with his presentation and further conversation, she became much more comfortable with the idea of moving forward with Brian as the General Manager despite her deep belief in process. If the Board moves forward with Brian for the General Manager position she suggests that two things occur: 1) that a consultant be brought in to do a 360 leadership evaluation; 2) we have a public goal setting meeting in which the public can provide input into where the Harbor and District should go in the future.

Commissioner Stephens stated Commissioner Getchell made a very good point in that an error was made in not establishing a very formal succession plan. As Commissioner Gardina said, there was a very informal process and he has been comfortable because the idea was to observe how Brian works in the Deputy General Manager position. He has been nothing but professional and competent at his job. It takes a lot of effort to hold onto good employees and Commissioner Stephens thinks we have a good person here inside the port and we need to hang on to that person. Brian's passion and excitement for the District is palpable. He wants to make this Port the best port it can be and he thinks all of us want that. Commissioner Stephens agrees with Commissioner Gardina's comments about a 360 leadership evaluation and public goal setting meeting.

ACTION: Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 4-1 (Getchell no) to extend an offer to Brian Pendleton for the General Manager Position contingent upon:

1. The Chair and Legal Counsel meet with Mr. Pendleton to negotiate an employment agreement to bring back to the Board in open session for ratification;
2. A 360 leadership evaluation be completed by an outside consultant in the first 6 months of the General Manager's employment; and
3. A public goal setting meeting is held with tenants and other stakeholders in the first 6 months of the General Manager's employment.

2) Consider Appointment of a Business Operations Manager

Recommended Action: Voice Vote.

That the Board of Port Commissioners consider the appointment of a Business Operations Manager.

Commissioner Comments:

Commissioner Stephens introduced this item stating that the District is governed by the Public Employees Retirement System (PERS) and there are various rules related to that. One of which is if you retire, you cannot work for that public agency for six months. Before those rules were in place, an employee was rehired as a consultant; this is no longer allowed. The plan is to have Oscar shift into the Business Operations Manager position, which is vacant, for a limited period, and in that role provide assistance on specific lease and litigation items that are outstanding, and to assist in the transition to the new General Manager. He and the Board appreciate Oscar being open to this employment idea.

Commissioner Ashworth stated that the key thing is we are involved in some litigation right now and that litigation requires Oscar's assistance. We need to successfully bring the litigation to a close and we need to have Oscar present to do that. He is in support of Oscar filling this position.

ACTION: Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to appoint Oscar Peña as Business Operations Manager.

ADJOURNMENT: The meeting was adjourned at 7:43PM.


Secretary

ATTACHMENT 1

Supporting Documents to Public Comment by Vikki Brock at April 18th, 2019 Ventura Port District Special Meeting

1. Vikki Brock written public comment statement for April 18th special Port meeting. (page 2)
2. Brown Act Requirements & Prohibitions re Special Meetings (pages 3-4)
3. Timeline of events regarding General Manager and Business Operations Manager Positions (pages 6-7)
4. Resolution of the Board of Port Commissioners of Ventura Port District Approving the Boat of Port Commissioners Protocols and Policies Manual (pages 8-9)
5. Port of Newport Oregon General Manager search (pages 10-21)
6. Vikki Brock written public comment statement from April 3rd Regular Port meeting (page 22)

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Public Comment by Vikki Brock at the April 18, 2019 Ventura Port District Special Meeting:

As there was no packet included with the agenda for this special meeting, I have prepared one for the Commissioners.

I am disturbed by the recent actions of the Port Commissioners in recent meetings and this special meeting closed session. I have attached a timeline of the events regarding the General Manager and Business Operations Manager since the November 14, 2018 meeting (pages 6-7 of your packet).

The regular meeting for 7pm on April 17, 2019 was canceled and a special meeting called for 6:30pm on April 18, 2019. The agenda items identified for this meeting (consider appointment of a General Manager and consider appointment of a Business Operations Manager) are conditioned upon execution of a mutually acceptable employment agreement to be negotiated with the appointees, which must specify compensation. Per the Brown Act Requirements & Prohibitions re Special Meetings (pages 3-4 of your packet), "a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive". Seems to me that the agenda topics for this meeting are specifically prohibited by the Brown Act.

Public comment in last several Port meetings has requested open recruitment for a general manager – this has been ignored (which does not align with Port's Protocols and Policy manual, pages 8-9 of your packet).

Reinstating the Business Operations Manager position and appointing (rumor has it) Oscar Pena to this position is inappropriate – the port currently has Brian as Deputy GM who performs the duties of a Business Operations Manager. There appears to be political maneuvering going on here – my perception is that the Board is not "objective and responsive to the needs of the public and business owners they serve" (from the Protocols and Policy manual, pages 8-9 of your packet) in this matter. Port commissioners, shame on you!

My request to the Port Commissioners – step up, be responsible, do what you were appointed to do in the best interests of the Harbor, the public, and the business owners you serve. Oscar's contract ends April 30, 2019 – it would be judicious to appoint an interim General Manager from outside the current staff while you perform a search for a replacement GM. As I said in my public comment at the April 3, 2019 meeting (page 22 of your packet) "It would be prudent for the Port Commissioners to identify what is working well, what needs to change, and to look at a 20-year strategic vision for the harbor for threats and opportunities – then establish clear criteria and expectation for the GM position." Look to the Port of Newport in Oregon (pages 10-21 of the packet) for a transparent and open recruitment process – they said there is a need to "not rush the process and make the right choice". I implore you to do the same.

I ask that my statement be entered into the meeting minutes for distribution with the packet for the May 1st regular Port District meeting. Jessica - I will send you a pdf of this packet by Friday April 19th.

Brown Act Requirements & Prohibitions re Special Meetings

GOVERNMENT CODE -

TITLE 5. LOCAL AGENCIES [50001 - 57550]

(Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]

(Division 2 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7]

(Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 9. Meetings [54950 - 54963]

(Chapter 9 added by Stats. 1953, Ch. 1588.)

Section 54956.

(a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members

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of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(Amended by Stats. 2011, Ch. 692, Sec. 9. (AB 1344) Effective January 1, 2012.)

GOVERNMENT CODE -

TITLE 1. GENERAL [100 - 7914]

(Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599]

(Division 4 enacted by Stats. 1943, Ch. 134.)

CHAPTER 10.1. Local Agency Executives [3511.1 - 3511.2]

(Chapter 10.1 added by Stats. 2011, Ch. 692, Sec. 3.)

Section 3511.1.

As used in this chapter, the following definitions apply:

(a) “Compensation” means annual salary, stipend, or bonus, paid by a local agency employer to a local agency executive.

(b) “Cost-of-living” means the California Consumer Price Index for Urban Wage Earners and Clerical Workers as calculated by the Department of Industrial Relations.

(c) “Local agency” means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency.

(d) “Local agency executive” means any person employed by a local agency who is not subject to the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500)), Chapter 5 (commencing with Section 45100) of Part 25 of Division 3 of Title 2 of the Education Code, or Chapter 4 (commencing with Section 88000) of Part 51 of Division 7 of Title 3 of the Education Code, and who meets any of the following requirements:

(1) The person is the chief executive officer, a deputy chief executive officer, or an assistant chief executive officer of the local agency.

(2) The person is the head of a department of a local agency.

(3) The person’s position within the local agency is held by an employment contract between the local agency and that person.

(Amended by Stats. 2013, Ch. 213, Sec. 1. (SB 407) Effective January 1, 2014.)

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Timeline of Events regarding General Manager and Business Operations Manager

Meeting Date	General Manager	Business Operations Manager	Closed Agenda	Regular Agenda	Comment
11/14/2018	Yes			Approve Amendment No. 6 to the GMs Restated Employment Agreement – item was removed from agenda.	
12/12/2018	Yes		Item 5.b) Public Employee Performance Evaluation per Gov't Code Section 54957 Oscar Pena, General Manager		Reconvened after public session to discuss Item 5. Staff given instructions as to how to proceed and no reportable action taken under The Brown Act.
12/12/2018				Approve Board of Port Commissioners Protocols and Policies Manual – “remains objective and responsive to the needs of the public and business owners they serve” ...”to ensure uniformity of procedure, access to the public, fairness to the public and interested parties, and compliance with legal requirements in all designated matters heard and determined by the Board of Port Commissioners”	
1/16/2019	Yes		Item 5 Public Employee Performance Evaluation per Gov't Code Section 54957 Oscar Pena, General Manager		Reconvened after public session to discuss Items 4-5. Staff given instructions as to how to proceed and no reportable action taken under The Brown Act.
1/31/2019 Special Meeting	Yes		Item 1 Public Employee Performance Evaluation per Gov't Code Section 54957 General Manager		No record of closed session results as there were no minutes of the special session.
2/6/2019	Yes		Item 6 Public Employee Performance Evaluation per Gov't Code Section 54957 Oscar Pena, General Manager		Reconvened after public session to discuss Item 6. No record of reconvened session results in the minutes.
2/20/2019	Yes		Item 6 Conference with Legal Counsel - per Gov't Code Section 54957 (b) (1): To consider the continued employment of the General Manager, and the terms thereof [excluding compensation]		Counsel and staff were excused for item 6. Staff given instructions as to how to proceed and no reportable action taken under The Brown Act.
3/6/2019				Meeting cancelled.	
3/20/2019	Yes	Yes	Item 6 Conference per Government Code Section 54957 (b) (1): To consider appointment of a General Manager effective May 1, 2019 and to consider appointment of a Business Operations Manager.		Reconvened after public session to discuss Item 6. No record of reconvened session results in the minutes.
4/3/2019	Yes	Yes	Item 6 Conference per Government Code Section 54957 (b) (1): To consider appointment of a General Manager effective May 1, 2019 and to consider appointment of a Business Operations Manager.		Minutes of this session will be released and approved to public on May 1, 2019.
4/17/2019				Meeting cancelled.	

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4/18/2019	Yes	Yes	2. Conference per Government Code Section 54957(b)(1): To consider appointment of a General Manager effective May 1, 2019 and to consider appointment of a Business Operations Manager.	<p>1) Consider Appointment of a General Manager Recommended Action: Voice Vote. That the Board of Port Commissioners consider the appointment of a General Manager effective May 1, 2019.</p> <p>2) Consider Appointment of a Business Operations Manager Recommended Action: Voice Vote. That the Board of Port Commissioners consider the appointment of a Business Operations Manager.</p>	Special Meeting scheduled for 6:30pm (rather than regular 7:00pm)
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RESOLUTION NO. 3315

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT APPROVING THE BOARD OF PORT COMMISSIONERS
PROTOCOLS AND POLICIES MANUAL**

WHEREAS, the adoption of written guidelines regarding the conduct of public business by elected and appointed officials provides a sound foundation on which to build public trust and confidence;

WHEREAS, the proper operation of the Ventura Port District requires that decisions and policies be made within the proper channels of governmental structure, that public office not be for personal gain, and that the Board of Port Commissioners remains objective and responsive to the needs of the public and business owners they serve;

WHEREAS, the purpose of the Board of Port Commissioners Manual is to set forth protocols and policies that govern the conduct of business of and by the Ventura Port District and meetings of the Board of Port Commissioners;

WHEREAS, the intent of the Board of Port Commissioners Protocols and Policy Manual is to ensure uniformity of procedure, access to the public, fairness to the public and interested parties, and compliance with legal requirements in all designated matters heard and determined by the Board of Port Commissioners; and

WHEREAS, on March 25, 2015, the Board of Port Commissioners passed, approved, and adopted at a Regular Meeting Resolution No. 3271, wherein the Board adopted the Board of Port Commissioners Protocols and Policies Manual; and

WHEREAS, the Board has determined that it is in the best interest of the District to amend and rescind the existing manual; and

WHEREAS, if at any time after this Resolution is passed, the District wishes to amend or restate the Protocols and Policies Manual, it elects to do so by Motion, rather than by Resolution, if it so desires.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3271, which was previously passed, approved and adopted by the Board on March 25, 2015, and approves and adopts this Resolution No. 3315, amending the Board of Port Commissioners Protocols and Policies Manual.




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PASSED, APPROVED AND ADOPTED by the Board of Port Commissioners, this 27th
day of July 2016, by the following vote:

AYES: Commissioners Friedman, Ashworth, Smith, Carson, Valance
NOES:
ABSENT:
ABSTAINED:

ATTEST:


Secretary
(Seal)


Jim Friedman, Chairman



(<https://www.portofnewport.com/>)

General Manager position opening

The Port of Newport is currently recruiting qualified applicants to fill the General Manager position.

General Manager Position Announcement

(</files/3e87e2604/Position+Announcement+Rev+18.12.18.pdf>)

General Manager Position Description

(</files/badc487ed/Position+Description+General+Manager+11-1-18.pdf>)

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her feet on the ground in Newport by mid-April.

Miranda spent 25 years in the real estate industry, and her resume touts negotiation of multi-million dollar contracts, management of cross-functional

teams and experience administering multi-million dollar budgets. Additional experience includes grant writing, RV park development and evaluating property for expansion.

A port commission keen to do a better job engaging the public also noted her communications skills and comfort approaching lawmakers.

"For almost 12 years I have helped the Port of Columbia County, formerly Port of St. Helens, become a successful and recognized port in Oregon and nationwide," Miranda said in her letter of interest to the port. "I believe my experience and expertise can be valuable in providing strong leadership to your current and future staff, promoting the Port of Newport's International Terminal, to manage existing facilities and continue to maintain the great level of service to existing tenants while creating new opportunities for the community which it serves."

Skamser said Miranda is a quick learner who will not run from the challenges ahead.

"Paula wanted this job," Skamser said. "She has a vision; her vision is helping us out. If she doesn't know all the problems yet, she soon will."

Much is at stake for the Port of Newport in Miranda's hiring. She will be in the driver's seat of a five-year strategic business plan set to be released in coming weeks, and will have to grapple with years worth of needed maintenance and improvements on both north and south sides of the bay, including a plan to renovate the access pier and electrical at Dock 5 and expand Dock 7. Tough decisions are ahead on what to do with a South Beach public fishing dock that will need renovation. State lawmakers as well as the public will be watching how port leadership works to generate new revenue and bring shipping contracts to the International Terminal while balancing the needs of commercial fishermen who already use the same facility.

Miranda's hiring is integral to a high-stakes bid by the port to prove it can steer its own ship following the introduction of a bill this session for state takeover of the facility, initiated by a longshoremen's union frustrated by a past failure of shipping arrangements to take hold. That bill so far has not had a hearing in committee.

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POSITION ANNOUNCEMENT General Manager

The Port of Newport is currently recruiting qualified applicants to fill the General Manager position.

The Port of Newport is located 110 miles from Portland, Oregon on Yaquina Bay in the City of Newport, Lincoln County, Oregon. The Port is home to 24 water-dependent businesses, a 220-slip commercial boat basin, a 500-slip recreational marina, the International Terminal, 144-space RV Park, Rogue Brewery, NOAA Marine Operations Center, Oregon State University's Marine Hatfield Science Center, and the Oregon Coast Aquarium. The Port is governed by a five-member commission whose members are elected by Port District Voters.

The General Manager is responsible for the success of the Port in achieving its mission and is expected to be an effective, professional leader who gets results; supervises employees for peak performance; and demonstrates positive, effective, interpersonal and communication skills. The General Manager is appointed by the Port Commission. The Port employs 25 full-time employees.

Qualifications for the successful applicant include:

A Bachelor's degree in business administration, public administration or a related field, or equivalent. At least 6 years' experience in a public or private organization in a senior leadership role in a complex public facing maritime operation, including the management of staff. Demonstrated success working under the direction of a board and building relationships with potential business partners.

POSITION OBJECTIVES

The Port of Newport is searching for a person who will provide the leadership, management skills and administrative abilities to move the Port in the direction of its stated business mission:

"Build and maintain waterfront facilities, and promote/support projects and programs in cooperation with other community organizations and businesses that will retain and create new jobs and increase community economic development."

Oversees the Port's operating and capital budget (\$ 6.2 million) and manages its \$77.5 million in capital assets, principally located at three sites around Yaquina Bay.

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THE IDEAL CANDIDATE

The individual appointed to this position will possess well developed operations, business management, administrative and leadership skills which includes honesty, confidence, integrity, credibility, approachability, and a strong commitment to teamwork and collaboration across all levels in the organization and with stakeholders. This person will recognize that policy is set by the Commission and will provide an open and direct flow of information to assist in the formulation of Port policies.

He/she will be an excellent communicator and representative of the Port. The candidate will be a catalyst, a "front" person who can help the Commission, Port users and the communities create a vision to build for the future. He/she will have the ability to promote complex ideas and concepts and advocate for them in the broader community and will have responsibility for establishing and nurturing successful media relations.

In relationships with staff, the candidate will be a good listener and mentor, will be accessible, and open in interactions with people who work for the Port. The candidate will be someone who can help the Port grow and adapt to changing conditions.

Salary Range: \$114,000 - \$140,000 with excellent benefit package

Interviews are Scheduled for March 4, 2019

Desirable Starting Date: April 15 - 30, 2019

To be considered please submit a letter of introduction, addressing why you feel you are the ideal candidate for this position, and resume by 4:00 PM February 11, 2019 to:

Port of Newport
General Manager Selection Process
Special Districts Association of Oregon
PO Box 23879
Tigard, Oregon 97281

Email scarter@sdao.com

Application Deadline: February 11, 2019, 4:00 pm

Job Description available at: www.sdao.com and at www.portofnewport.com



General Manager

Position Overview

The Port of Newport General Manager is responsible for organizational leadership and leading the implementation of the Port's Strategic Business Plan and Capital Facilities Plan. The GM guides the overall operation of Port facilities, personnel and financial performance in addition to directing operational policy and providing program direction in support of the Port's mission. This position reports directly to a 5 member elected Port Commission.

The Port of Newport employs approximately 25 employees who carry out the mission to build and maintain waterfront facilities, and promote/support projects and programs in cooperation with other community organizations and businesses that will retain and create new jobs and increase community economic development.

The General Manager is responsible for the success of the Port in achieving its mission and is expected to be an effective, professional leader who gets results; supervises employees for peak performance; and demonstrates positive, effective, interpersonal and communication skills.

A successful candidate will demonstrate skills and experience related to leadership of a complex, public facing maritime operation. The execution of strategic plans, economic development, public budgeting, workforce leadership, and working closely with elected officials are all essential components of a successful candidate's skillset.

Positions Supervised

Director of Operations, Director of Business Operations, Administrative Supervisor

Summary of Essential Duties

Leads the Port in implementing the goals and strategies outlined in the Strategic Business Plan and Capital Facilities Plan.

Possesses the ingenuity, analytical problem-solving skills, and cooperative management skills to meet the challenge of directing infrastructure maintenance and economic development with financial efficiency.

Represents the Commission in relationships with customers, local, state and federal officials.

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Develops and maintains positive relationships with community leaders, users of Yaquina Bay, nearby Ports, and the media.

Responsible for the application of best practices pertaining to personnel management actions for Port employees.

Coordinates the activities of all consultants to the Commission, including legal counsel, planners, auditors, architects and engineers.

Approves the development and execution of policies, processes, and procedures.

Reviews, modifies, and approves major program and operating plans and budgets to ensure they are consistent with Commission objectives.

Works with Director of Business Operations to provide oversight and guidance with fiscal and budget responsibilities.

Provides direction to managers/supervisors in cultivating a culture of proactive customer service for their area of responsibility by monitoring and taking initiative in identifying areas for improvements. Collaboratively develop plans solutions and alternatives to improve organizational efficiency.

Designated signature and appointing authority for the Port, as appropriate, including but not limited to contracts, operating expenditures, program related expenditures; and employee appointments.

Responsible for ensuring marketing, economic development, revenue creation, and outreach programs are effectively managed.

Ensures Port-wide consistency and standards for all business functions. Manages and coordinates complex issues that cross work areas.

Provides oversight and leadership to the agency's Director of Business Operations as it relates to complex financial transactions, particularly those with significant legal or contractual components.

Provides the Commission with current information regarding business trends, market conditions, and opportunities relevant to the Commission's short and long-term goals.

Responsible for timely and accurate preparation, submission and adherence to the Port's annual operating budget and capital improvement planning in strict compliance with applicable Oregon budget law.

Regularly reviews Port departmental policies and procedures, and recommends revision when appropriate, in consultation with the Port Commission.

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Coordinates with the Director of Operations and the Director of Business Operations on negotiation of rental/lease agreements, collective bargaining agreements, grant writing and other related business transactions.

Ensures regular inspection and timely maintenance of all Port facilities, compliance with all applicable laws and regulations, and the securing of all permits from regulatory agencies necessary to conduct Port business.

Oversees the scheduling of all Commission meetings following the guidelines of Oregon Public Meeting Laws. Attends all meetings unless excused by the Commission.

Assists the Commission in developing and maintaining communication with the Commission's constituency.

Performs other duties and responsibilities as assigned by the Commission.

Working Conditions

Primarily in an office setting with some travel. Requires weekend and evening work, often with frequent interaction with other individuals and groups.

The person in this position must have the ability to manage a heavy workload with multiple tasks, constant interruptions with competing deadlines.

The incumbent must maintain confidentiality and exercise discretion.

Contact with Others

Considerable contact with persons from within and outside the Port offices, including public speaking and communicating with Commission, federal/state/local officials, recreational and commercial fishers, clients, tenants, media, contractors, union representatives, and consultants.

Minimum experience and Knowledge

A Bachelor's degree in business administration, public administration or a related field, or equivalent.

At least 6 years' experience in a public or private organization which included responsibility for **each** of the following: (a) senior leadership role in a complex public facing maritime operation, including the management of staff, (b) development and implementation of strategic long and short-range plans/goals for an organization, (c) successfully working under the direction of a board, (d) budget preparation including capital improvements, (e) contract and lease negotiations, (f) networking and building relationships with community leaders, stakeholders and elected officials, (g) facilitating legal matters with attorneys and risk managers, (h) economic development outreach; and/or an equivalent combination of training, education and

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experience which demonstrates the knowledge, skills and abilities necessary to successfully perform the essential duties of the job.

Preferred Experience, Knowledge and Training

- ✓ 5 years' experience in a general manager or director role.
- ✓ Experience in the operations of a public port;
- ✓ Successful Strategic Business Plan and Capital Facilities Plan implementation;
- ✓ Economic development;
- ✓ Human Resource best practices;
- ✓ Public finance and budget requirements;
- ✓ Property and facility management best practices;
- ✓ Oversight of complex engineering and construction projects;
- ✓ Governmental ethics and standards.

Skills and Abilities

- ✓ Demonstrated leadership style which includes honesty, confidence, integrity, credibility, approachability, and a strong commitment to teamwork and collaboration across all levels of staff at the Port, Port Commissioners, with elected officials, and with stakeholders.
- ✓ Skill in communicating effectively in writing and the ability to speak about and explain complex issues clearly; effective public speaking and consensus building among a wide variety of audiences including staff, Port Commissioners, Port users, the community, and state and local officials.
- ✓ The ability to anticipate, identify, and analyze complex and sensitive issues and situations, develop alternative solutions, forecast consequences of proposed actions, and through intentional engagement consider and appreciate multiple perspectives, backgrounds, and values, integrating them, throughout the organization, creating opportunities to effectively achieve organizational goals.

Required Licenses

Valid driver's license and must be insurable by Ports insurance provider. Ability to obtain a TWIC card.

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Salary & Benefit Package

- Salary Range \$113,505 - \$141,129
- Health & Dental Insurance
- Oregon Public Employees Retirement System (PERS)
- Deferred Compensation Plan
- Flexible Spending Account (FSA)
- 20 days Annual Paid Time Off (PTO) to start
- 11 Annual Paid Holidays

OREGONCOASTDAILYNEWS

A YAQUINA BAY COMMUNICATIONS RADIO NEWS WEBSITE

Port Of Newport Expands Search For New Manager

TOPICS: General Manager Legislative Concept 291 Port Of Newport State
Representative Smith



POSTED BY: OREGONCOASTDAILYNEWS DECEMBER 14, 2018

Port of Newport commissioners met in a special session this week to discuss the timeline for the hiring process for a new General Manager. The selection committee, consisting of Commissioners Skamser and Burke, Community members Bud Shoemake and Steve Beck and interim port manager Teri Dresler, met to review the 9 resumes received by Special Districts Association

of Oregon.

From the 9, the committee felt there were three who were qualified however the committee wanted to have at least 5 to pass on to the next interview stage. As a result the committee asked the commission to expand the recruitment to attract more candidates.

This will allow for a broader search to include national web sites and/or publications that were not used during this first recruitment due to time constraints. The Search Committee felt strongly that due to the significance of this position to the Port, an extended search would yield a broader pool of qualified applicants.

There is also a need to not rush the process and make the right choice as the port is being looked at closely right now by the legislature. Legislative Concept 291 brought by Representative Greg Smith from Umatilla would turn the port over to the state. It has not yet been assigned to a committee.

Smith is looking for a co-sponsor of the legislative concept for it to move forward in the legislative process. The commission approved re-opening the search on December 31st. The port commission is expected to discuss the issue at their regular meeting on December 18th.

Port picks general manager



📷 The new general manager will oversee port operations on both sides of the river. (Photo by Bret Yager)

By: BRET YAGER - Updated: 3 weeks ago

Posted Mar 19, 2019

The Port of Newport is extending an offer of hire to a new general manager.

Paula Miranda, the deputy director of the Port of Columbia County, had been a finalist for the same position in 2013, and will bring 17 years of experience in port leadership. She was one of three finalists to sit through interviews with the port commission on Monday.

Commissioners noted Miranda's experience with permitting, planning, team-building and Oregon environmental law. Their offer is contingent on a background check.

"She is a strong voice, and she is gung ho about economic development," said Port Commissioner Sara Skamser, who was authorized to negotiate with Miranda to bring her aboard. Skamser said she is hopeful Miranda can have

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Public Comment by Vikki Brock at the April 3rd Ventura Port Commissioners Regular Meeting

General Manager Position

My name is Vikki Brock - I am a 10+ year resident of the harbor, connected with the commercial fishermen, and an executive coach working with Fortune 500 and international companies for the past 25 years. I have a vested interest in ensuring the Port District hires the best person for the General Manager as this position will shape the harbor for decades. That person might be Brian, however the only way to find this out is to advertise the position. It would be prudent for the Port Commissioners to identify what is working well, what needs to change, and to look at a 20-year strategic vision for the harbor for threats and opportunities – then establish clear criteria and expectation for the GM position. The Port of Newport in Oregon closed the posting for their General Manager on February 19, 2019. Existing tenant leases are competitively advertised when up for renewal, competitive bids are sought for projects, and vacant staff positions are advertised – it is reasonable and responsible of the Port Commissioners to do the same for the General Manager position. I offer my services pro bono to the Port Commission if desired to ensure the process is thorough and transparent.

From the Ventura Harbor website: The Ventura Port District, home to the Channel Islands National Park, provides a safe and navigable harbor and a seaside destination that benefits residents, visitors, fishermen and boaters to enjoy Ventura Harbor's exceptional facilities, events and services.

Two questions:

1. Are there any state, federal or district rules/regulations for a special district (Ventura Port District) when it comes to hiring key staff members such as the General Manager?
2. Specifically, can the position be filled from any source, with or without competition, so long as the Board approves, or must the position be advertised?

I request that this statement be entered into the meeting minutes for distribution with the packet for the May 1st Ventura Port District regular meeting.

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Ventura Port Commission Meeting April 18, 2019

Comments by Commissioner Getchell

My comments will be very brief this evening because my fellow Commissioners are already familiar with my position, as are many of those present this evening. I have printed a copy of my comments for the Clerk of the Board and am requesting that they be included in the minutes of this Open Session meeting.

First, having been a public agency employee in city, county and regional governments in California, I fully appreciate the benefits of open recruitment, "new blood" and new ideas for an organization. I also know the disappointment of prospective employees who are deprived of the opportunity to compete for positions, especially top positions.

In this case, I think the decision before the Commission this evening was set into motion, if not made in fact, long before I joined the Commission in June, 2018. Since I became a Commissioner, I have not participated in any substantive discussions about this and can tell you this evening that until I announced my decision to support a public recruitment, I wasn't given the time of day.

This decision was set into motion by the execution of Oscar Pena's final contract amendment on September, 27, 2017. Ten weeks later, on December 13, 2017, the Commission created the Deputy General Manager's position and the associated Board Report mentioned a succession plan. Unfortunately, this Commission failed to do what many other organizations do when they decide to create professional apprentice schemes for their top positions. A good organizational succession plan is vetted and approved in public, to ensure that it receives the benefit of public comment and public support. A true succession plan would have eliminated the need to meet this evening. Unfortunately, this Commission fumbled the ball. It needed a good quarterback. It didn't have one, at least not for this very important undertaking. Brian Pendleton deserves an apology from those who failed to carry the ball into the End Zone for him.

This decision is nothing like the situation faced by the Port Commission in 1996 when the General Manager was terminated for cause, a termination prompted in no small degree by the City Council's threat to remove us as Commissioners if we didn't take immediate action. Oscar Pena was all but dragged into this room and conscripted into service as the General Manager. It was an emergency and the Commission didn't have the luxury of an open recruitment. No such compelling circumstances exist today or have existed for the last eighteen and a half months that would urge me to not support an open recruitment. *I am committed to working with the General Manager. My issue is procedural.*

I hope that this can be an experience for all of us from which we can learn to better prioritize the allocation of resources to take care of the most pressing Port District needs. Effective leadership and management are top priorities without which the Port District cannot succeed.

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Timeline Since Execution of Final Amendment to General Manager's Employment Agreement

<u>Date</u>	<u>Item</u>	<u>Time Interval</u>
<u>09/27/2017</u>	Execution of Fifth and Final Amendment to Employment Agreement with Oscar Pena. Term Ending on April 30, 2019. Signed by Chairman Ashworth Commissioners Ashworth and Brennan knew that the General Manager would leave on April 30, 2019 and arrangements for a Successor General Manager would have to be made. Commissioners Stephens and Getchell were notified of the April 30, 2019 date when they assumed office in July, 2017 and June, 2018, respectively.	09/27/2017 to 04/18/2019: <u>18.5 months</u>
<u>12/13/2017</u>	Creation of Position (Job Classification) of Deputy General Manager	
<u>July, 2018</u>	FY 2018-19 Budget Includes Allocation for Deputy General Manager.	
<u>August, 2018</u>	Business Operations Manager Position Reclassified to Deputy General Manager and Brian Pendleton Appointed.	09/27/2017 to August, 2018: <u>10 months</u>
<u>December, 2018</u>	Commission's Regularly Scheduled Meetings Rescheduled for Convenience of Commissioner Brennan (From 2 nd and 4 th to 1 st and 3 rd Wednesdays)	
<u>April, 2019</u>		10 months after appointment of Deputy General Manager
<u>April 3, 2019</u>	Commissioner Stephens' Cancellation of Regularly Scheduled Meeting of April 17 to Accommodate His and Commissioner Ashworth's Vacation in Mexico <u>five months after they knew the new meeting schedule</u> , and Scheduling a Special Meeting on April 18 Eliminated the Possibility of Hiring a new General Manager or Making Other Arrangements before Oscar Pena's Contract Ended on April 30. Commissioner Brennan Also Announced He Would Not Be Available to Attend.	