



Commissioners

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M.R. Dinsmore
Chief Executive Officer

An audio of the meeting proceedings and meeting materials are available on the Port of Seattle web site - <http://www.portseattle.org/about/organization/commission.shtml>

(The approximate point in the audio recording for the specific item is identified by minutes and seconds; example: 00:01:30.)

**APPROVED MINUTES
COMMISSION REGULAR MEETING JANUARY 23, 2007**

The Port of Seattle Commission met in a regular meeting at 12:00 p.m., Tuesday, January 23, 2007 in the International Conference Center, Airport Office Building, Seattle-Tacoma International Airport, Seattle, WA. Commissioners Creighton, Davis, Edwards, Fisker, and Hara were present.

1. CALL TO ORDER

The regular meeting was called to order at 12:00 p.m. by John Creighton, Chair and President.

2. EXECUTIVE SESSION pursuant to RCW 42.30.110

The regular meeting was immediately recessed to an executive session to discuss legal, labor, personnel, national security, and real estate matters for approximately one hour and reconvened to open public session.

PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

(00:01:10) Motion for approval of the minutes of the regular meetings of November 14 and December 12, 2006; and special meeting of November 21, 2006 - Davis.

Motion carried by the following vote:

In favor: Creighton, Davis, Edwards, Fisker, Hara. (5)

Motion for approval of the minutes of work session of December 7, 2006 – Fisker.

Motion carried by the following vote:

In favor: Creighton, Davis, Edwards, Fisker (4)

Abstained: Hara

(Commissioner Hara was absent from the subject meeting)

4. SPECIAL ORDER OF BUSINESS

(00:02:35) USO Recognition of CEO Mic Dinsmore

Jeff Paradee, Manager, Aviation Maintenance and member, Board of Directors, USO Puget Sound Area, introduced Mr. Tom Hinman, Executive Director, USO Puget Sound Area. Mr. Hinman, on behalf of the USO Board of Directors, recognized Mr. Dinsmore for his outstanding efforts in supporting US Troops and the USO during his tenure as Port CEO.

5. UNANIMOUS CONSENT OF CALENDAR

None.

New Business was advanced on the agenda as follows:

10. NEW BUSINESS

a. (00:08:10) Update on Police Department Email Investigation

Following initial comments by President Creighton, Mr. Dinsmore and Deputy Chief Executive Officer spoke to the issue at hand, provided background regarding the investigation, and responded to questions from the Commissioners.

Mr. Dinsmore provided four recommendations for the Commission to consider, as a result of the email investigation findings, as listed below:

- Immediately bring in an expert to investigate sexist, racist or similarly inappropriate behavior (including content of recently investigated e-mails) in the Police Department, and the overall impacts on departmental morale and cultural activities. The expert will report findings and recommended actions to the CEO and immediately to the Commission by February 28.
- Require that all discrimination and harassment complaints at the Port, including those in the Police Department, will be now be reported to – and investigated by – the Port’s EEO officer, who will immediately report these complaints to the CEO.
- Require all Port managers to review the “IT Appropriate Use Policy” with their staff and report completion to the CEO by February 28.

- Institute mandatory anti-harassment training for all Port employees – to be completed:
 - By the Police Department by April 30
 - By all Port employees by June 30
 - Within 3 months of hire, all new employees

At Commission request, Port Police Chief Tim Kimsey then responded to questions from the Commissioners.

(01:03:35) Commissioner Creighton read into the record the following statement, which was drafted and supported by all Port Commissioners regarding the investigation of the Port Police email situation, also known as E-Gate:

“The Port Commission finds the revelations of the so-called E-gate – in which some members of the Port of Seattle Police Department staff received and circulated inappropriate sexually explicit, sexist and racist emails on Port computers – to be vile, repugnant and not in accordance with the high standards to which Port of Seattle employees should be held.

The Port of Seattle is a public agency in one of the most ethnically and culturally diverse counties in the country, and the Port Commission strongly believes that the Port must reflect and celebrate the values of the diverse community that we serve.

The Port of Seattle Police Department, as a uniformed law enforcement agency, has a special duty to maintain public trust and act in the most ethical and impartial manner possible towards the members of the public that it serves.

The Port Commission is committed to promoting the Port’s core values, which include (1) treating individuals with trust and respect, and (2) embracing diversity in our workforce.

The Port Commission is extremely concerned that the volume of inappropriate emails, and the extended period during which these emails were circulated among some members of the Police Department staff, including supervisory personnel, may be indicative of a culture within the Police Department that is not reflective of our core values.

(01:05:15) Commissioner Hara then read into the record, three proposed motions, presented for adoption by the Port of Seattle Commission, as follows:

1. Investigation by An Independent Advisor Reporting to the Commission:

BE IT HEREBY MOVED: that the Port Commission retain an outside, independent advisor to perform a full review of:

- a. The internal investigation conducted by the Police Department and the Port of Seattle staff with respect to E-gate, the material reviewed, the conclusions reached and the disciplinary action taken.
- b. Whether the investigation was validly conducted, the findings made by the Police Department and the Port of Seattle staff in the investigation were thorough and well-founded, and the disciplinary actions taken were appropriately strict.
- c. To the extent the investigation was not validly conducted, the findings were not thorough and well-founded or the disciplinary actions not appropriately strict, what methods used or decisions made by the Police Department and the Port of Seattle staff impaired the validity of the investigation and/or the disciplinary actions taken as a result thereof.

The independent advisor shall report back to the Port Commission in public session (excluding any executive session material as advised by the Port's general counsel) no later than February 27, 2007 with its findings.

2. Action to Be Taken in Consultation with Port Senior Management:

BE IT HEREBY RESOLVED: that, upon reviewing the report prepared by the independent advisor, the Port Commission will consult with staff with respect to:

- a. Further disciplinary actions to be taken against those staff members involved in E-gate that are more in accordance with the serious and repugnant nature of the misconduct, and
- b. Steps to be taken to ensure that the reputation and integrity of the Port of Seattle remain at the highest level.

3. Establishment of Expert Advisory Panel:

BE IT HEREBY RESOLVED:

a. Composition of Expert Advisory Panel:

That the Port of Seattle Commission establish an expert advisory panel composed of five (5) to seven (7) members from the King County community;

b. Selection of Expert Advisory Panel:

That each other Commissioner be responsible for nominating one (1) member to the expert advisory panel, and each such nominee shall be approved by a majority of the full Port Commission;

c. Review of Police Department Human Resource Policies:

That the expert advisory panel shall review Port of Seattle Police Department personnel policies and procedures on workplace conduct (including, but not

limited to related provisions of the collective bargaining agreement, HR-18, *Standards of Performance and Conduct, Corrective Action and Discipline* and all related policies and procedures), and recommend to the Port Commission modifications and additions to those policies and procedures to ensure that they are reflective of our core values and foster respect, understanding and diversity in the workplace;

d. Review of Port-wide Whistleblower Policies:

That the expert advisory panel shall also evaluate the Port of Seattle's port-wide policies and procedures with regard to whistleblowing and recommend modifications and additions to those policies and procedures in accordance with best practices in order (i) to encourage the reporting of illegal or unethical behavior or other misconduct by Port employees and (ii) to protect employees who make such reports; and

e. Report to the Port Commission:

That the expert advisory panel shall present a report to the Port Commission containing their recommended modifications and additions to Port policy and procedures in public session no later than ninety (90) days after their first meeting.

Edwards - Moved that language in Motion 3-b be amended to read: "That the Port Commissioners choose the members of the advisory panel in consultation with each other."

Motion for amendment carried by the following vote:

In Favor: Creighton, Davis, Edwards, Fiskin, Hara (5)

Davis – Moved that (1) in Motion 2-a, the word 'possible' be inserted before 'further disciplinary actions.'; (2) in Motion 3-c, following the words 'related policies and procedures', the following language be inserted: 'the management structure and accountabilities'; and, (3) in Motion 3-c, following the words 'management structure and accountabilities;', the following language be added: 'at what point a Port employee who falls below a clearly defined line be terminated'.

Motion for amendment language as proposed carried by the following vote:

In Favor: Creighton, Davis Edwards, Fiskin, Hara (5)

Motions , as amended, carried by the following vote:

In Favor: Creighton, Davis, Edwards, Fiskin, Hara (5)

6. POLICY AND STAFF BRIEFING

a. (01:20:52) Update on 2007 Legislative Session

Presentation Document: Commission Agenda Policy and Staff Briefing [Memorandum](#) dated January 19, 2007 from Terry Finn, Government Relations Manager.

Mr. Finn updated the Commission on bills of importance to the Port of Seattle currently under consideration in the State Legislature.

Commissioner Fisker requested staff to provide weekly emails during the Legislative session to update Commissioners on two to three bills that the Port is actively supporting or opposing.

b. (02:05:25) Terminal 30/91 Project Update

Presentation Documents: Commission Agenda Policy and Staff Briefing [Memorandum](#) dated January 18, 2007 from Charlie Sheldon, Managing Director, Seaport Division, and Wayne Grotheer, Director, Seaport Finance & Asset Management; and computer slide [presentation](#) entitled, "T30/91 Commission Briefing".

Presenters: Messrs. Sheldon and Grotheer

Topics discussed:

- Project History
- T30/91 Environmental Benefits
- Port-wide Environmental Initiatives
- Reducing Air Emissions
- Cold Ironing at Cruise Ship Terminals
- Dredging of Sediments
- Maritime Shipping Customer Base
- Projected Costs
- Financial Returns
- Cruise Line Agreements
- T25 Over-water Bridge Efficiencies and Benefits
- Next Steps

Commissioner Davis asked staff to provide a rendering of the T25/30 Over-water bridge when they next return to Commission regarding this subject.

Public testimony on Item 6b was received from the following individuals:

Heather Trim, People for Puget Sound
Fred Felleman, Bluewater Network

President Creighton asked that the Port Financing section of the presentation be moved to the next work session.

7. MARINE ITEMS

- a. (03:21:30) Request for authorization to execute a permanent easement to City of Seattle for City installation of aquatic habitat mitigation in the Duwamish Waterway.**

Request Document: Commission Agenda [Memorandum](#) dated January 17, 2007 from Wayne Grotheer, Director, Seaport Finance and Asset Management, and Tom Tanaka, Senior Port Counsel.

Presenters: Messrs. Grotheer and Tanaka

Motion for Approval of Item 7a - Edwards.

Motion carried by the following vote:

In Favor: Creighton, Davis, Edwards, Fisksen, Hara. (5)

Staff authorized: Chief Executive Officer

8. AVIATION ITEMS

None.

9. GENERAL BUSINESS

None.

10. NEW BUSINESS

- b. (03:26:50) Davis – Reported on her recent participation, representing the Port, in a press conference held to announce the new Alaska Airlines passenger and baggage check-in system.**

2. EXECUTIVE SESSION

The regular meeting was then recessed to an executive session for approximately one hour to discuss personnel (RCW 42.30.110(1) legal, labor and real estate matters.

11. ADJOURNMENT

The regular meeting was reconvened and immediately adjourned at 5:30 p.m.

(A digital audio recording of the meeting is available on the Port's website.)

Alec Fisksen
Secretary