



OCEAN HIGHWAY & PORT AUTHORITY

Miriam R. Hill – Secretary/Treasurer - Commissioner, District 1
Danny Fullwood – Chairman, District 2
Scott Hanna – District 3
Carrol Franklin – Commissioner, District 4
Mike Cole – Vice Chairman, District 5

Special Meeting Minutes

September 22, 2021

The Ocean Highway and Port Authority of Nassau County held its Special Meeting on Wednesday, September 22, 2021 at the County Commissioners Chambers at the James S. Page Government Complex, 96153 Nassau Place, Yulee, Florida 32097.

The meeting was called to order at 6:00 PM by Chairman Fullwood.

The invocation was given and the Pledge of Allegiance was led by Chairman Fullwood. Roll call was conducted by Rossana Hebron. All Commissioners were present. Also in attendance were Patrick Krechowski, Port Attorney, Pierre LaPorte, Port Accountant, and Chris Ragucci, Port Operator.

1. **Comments** - Audience (Comments submitted prior to the meeting)

A. Gary Klopp – 310 Escambia Street, Fernandina Beach

Mr. Klopp reported an incident near the Port with a Port employee. A police report was filed. He emphasized he supports the Port and its employees. Mr. Klopp's main concern is the planned expansion of the Port beyond its current footprint when the Port is not even at 50% capacity.

Chairman Fullwood invited Mr. Klopp to share his ideas pertaining to Dade Street at another time.

B. Dr. Michael Harrison – 800 Someruelos Street, Fernandina Beach

Dr. Harrison referred to the report submitted by the Charter Review Committee in 2016. He recommended non-partisan elections to reflect in OHPA's charter. This was recommended by six out of the eight Committee members. He stated the benefits would allow to elevate the position that OHPA has in the community and strengthen the Port to better deal with its Port Operator. Additionally, a larger proportion of the electorate in Nassau County would be inclined to vote for OHPA Commission members and allow a broader pool of candidates rather than representatives from the majority party rendering a diverse Board.

Chairman Fullwood explained the Port Authority is set up like the County Commission districts that is partisan. He professed the Port Authority will remain as such but will take Dr. Harrison's request under consideration. Commissioner Franklin added he also believes the elections should be non-partisan.

C. Tammi Kosack – 322 N 3rd Street, Fernandina Beach

Ms. Kosack reinforced the sentiment of the community in that they support job security for the Port employees and workplace safety. She asked for an efficient and profitable port with good relations within the community. She conveyed her appreciation to the Board. She supports community engagements with the creation of the Master Plan. She looks forward to a collaborative process for mutually beneficial and acceptable outcomes.

Chairman Fullwood acknowledged Ms. Kosack's presentation of the Port at the City Commission meeting that took place the night before.

2. Covid Relief

Mr. LaPorte submitted a preliminary draft of expenditures to DOT for guidance. Mr. Krechowski received some comments via email today and will continue to review. Thereafter, revisions to the list of expenditures will be applied accordingly for official submission of OHPA's past expenditures. Vice Chairman Cole suggested to hold any decisions until OHPA receives confirmation of defined parameters from DOT. Chairman Fullwood and Commissioner Hanna concurred.

Mr. LaPorte will meet with Commissioner Hill to discuss forecast expenditures and justifications and will present to the Board at the next meeting. Chairman Fullwood requested a chance to review the list before the next meeting if possible.

Additionally, Chairman Fullwood reiterated the conversation regarding Mr. Ragucci's agreement to fund the local share of the Master Plan fee. Mr. Ragucci disputed that agreement recently. Chairman Fullwood countered by reading excerpts from Resolution 2020-R03 signed by Mr. Ragucci. It reads in part:

WHEREAS, the Agreement provides for the State of Florida, through the Agency, to provide up to \$118,000 of funding, while OHPA must provide matching funding equal to the Agency's expenditures;

Now THEREFORE BE IT RESOLVED BY THE COMISSIONERS OF THE OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY, FLORIDA THAT:

Section 1. The Chair of the board of commissioners of OHPA is hereby authorized to execute, on behalf of OHPA, the Public Transportation Grant Agreement, Financial Project 438826-1-94-04, and is further authorized to execute any and all documents necessary to effectuate the same, including future amendments thereto, provided however, that the Chair's authority bestowed hereunder is expressly conditioned upon Nassau Terminals,

LLC providing OHPA with the local funding obligations required by the Agreement.

Section 2. This Resolution shall be effective upon its adoption.

RESOLVED FURTHER THAT the Ocean Highway and Port Authority, Nassau County, Florida hereby adopts the foregoing Resolution, dated this 4th day of April 2020.

The Resolution was signed by Chairman Fullwood, Commissioner Hanna as then Secretary, and Mr. Ragucci. OHPA will hold Mr. Ragucci to that agreement. OHPA will pay the difference. Chairman Fullwood confirmed the grant is still effective for another year.

Chairman Fullwood confirmed that all communications with FDOT is available to the public.

3. Port Director

Chairman Fullwood explained OHPA needs the guidance from a consulting firm in its search for a Port Director. He sought the assistance of David McDonald, Regional Director of Alliance Resource Consulting LLC, to explain the firm's background and executive search to assist in Port Director recruitment.

The following are excerpts from Mr. McDonald's handout with his permission:

Background

We are based out of La Palma, California. We also have consultants based in Palo Alto, California; Tallahassee, Florida and Seattle, Washington.

We are committed to providing our clients with the highest caliber of service in the industry. Our team of dedicated professionals utilizes custom-built state-of-the-art technology in conducting a search.

We have extensive nationwide experience recruiting executives for government agencies and special districts and have helped to place excellent people with diverse backgrounds and experiences in organizations large and small.

Currently, we are recruiting for the Port Controller for the Port of Oakland, CA and recently completed the recruitment of Executive Port Director and Deputy Port Director for Port Panama City, FL.

David McDonald and Sherrill Uyeda will work on this recruitment.

Recruitment Methodology and Approach

We will preserve the confidential nature of any information received from you or developed during our work on this recruitment in accordance with our established professional standards.

We assure you that we will devote our best efforts to carrying out the work required. The results obtained, our recommendations and any written material we provide will be our best judgment based on the information available to us.

- Develop the appropriate specifications for a position.
- Encourage the interest of top-level people who would be reluctant to respond to advertisements.
- Preserve the confidentiality of inquiries, consistent with State public disclosure and open meeting laws.
- Save a considerable amount of time for client staff in developing and responding to candidates.
- Protect the confidentiality of the information discussed with or received from the client.
- Build consensus among those involved in the hiring process.
- Independently and objectively assess the qualifications and suitability of candidates for the particular position for which we are recruiting.
- Adhere to client's budget and schedule expectations.

Recruitment

- Strategy Development
- Active Recruitment
- Candidate Evaluation
- Progress Report Meeting
- Preliminary Interviews
- Client Interviews & Interview Books
- Special Assistance

Commissioner Hill stated her concern regarding the processes of screening and selecting candidates in a public manner taking into account the Sunshine Law. She requested Mr. Krechowski confirm said processes. Mr. McDonald affirmed that his firm is aware of the Sunshine Law, the need for transparency, and also confidentiality with the candidates' information. Chairman Fullwood thanked Mr. McDonald for attending and stated the Board will take Mr. McDonald's proposal into consideration and make decisions at the next monthly meeting in October.

4. Budget 2021-2022

Mr. LaPorte reiterated the budget was approved at the last meeting and no revisions were applied that reflects the Covid Relief funding. When OHPA

receives confirmed spending parameters from DOT, the budget will be amended accordingly.

5. PIDP Information

Commissioner Hill reminded the Board regarding the letters of support for the application. She requested from the City a copy of its withdrawal from supporting the PIDP grant. She also spoke with the office of Congressman Rutherford, and they also rescinded their support. The reasons stated were the grant applications included erroneous information. Once submitted, the grant application cannot be modified. The PIDP grant is offered every year, and the Board resolved to reapply next year.

6. Customs House

Chairman Fullwood reported on the repairs and work in progress at the Customs House. The handrails and windows have not been installed yet.

Mr. Krechowski conveyed that there is a contract with another vendor for janitorial services. The former vendor, Commercial Building Maintenance Inc., agreed to terminate the existing contract without a 60-day notice of termination. A new contract was signed with Amelia Building Maintenance. They require OHPA pays for the cleaning supplies. OHPA agreed to this requirement.

7. FSTED Meeting

The meeting is scheduled tomorrow. Chairman Fullwood reported he decided not to attend because it was suggested only one representative is allowed in the meeting. Furthermore, he was advised the meeting does not pertain to the Port of Fernandina. The topic is Chinese cranes, and the Port is not in the market for one.

8. Port Attorney Report

Mr. Krakowski's report is attached to the meeting packet and is accessible via the OHPA website. He highlighted the conversations regarding the Customs House (discussed above). He received an updated version of the RS&H agreement set for signatures. However, he suggested to hold signing the document until OHPA receives confirmed parameters for the Covid Relief funds. The Value Adjustment Board hearing is schedule for October 12th. He will respond to the list of requests and provide justifications for OHPA's position to the Property Appraiser's attorney. The specific question is whether the Port Operator is leasing property on the Port. As far as OHPA is concerned, the Operator is not leasing any property owned by OHPA. Commissioner Hill asked if the report included a list of the Port equipment. Both Mr. Krechowski and Chairman Fullwood confirmed only the parcels are included. The Property Appraiser did confirm with Mr. Ragucci that he checked OHPA's as well as Worldwide's equipment, the

Tangible Personal Property (TPP) within the Port property. Even though OHPA is exempt, it is required to provide a list of TPP every year to update values.

Commissioner Hill also asked how many letters did OHPA receive from Worldwide's attorney, Jimerson Birr. Mr. Krechowski confirmed that to date he received eight (8) public records requests. Chairman Fullwood affirmed that the Board will address the matter before the next meeting.

9. Port Security

Chairman Fullwood reported there was an incident at the Port recently. An individual presented a Transportation Worker Identification Credential (TWIC) at the Port gate. He stated he was a customer of a vessel at the Port. This was confirmed by one of the ship workers on said vessel. He was then allowed to enter the property. He was seen taking videos and photos of the Port and the loading activities. According to Mr. Ragucci, the individual was subsequently identified by Port staff as a worker from competing terminal in Jacksonville. The individual gained entry under fraudulent pretenses. Mr. Ragucci filed a police report with the Fernandina Police Department (FPD). He was advised by the criminal investigative bureau that the case may be viewed as a potential violation of the US Espionage Act of 1996. Entry upon a seaport facility that is federally secured under fraudulent means constitutes a violation of US code Section 2301. He plans to pursue charges against the individual pending confirmation from FPD. He also added the individual on the vessel may be a co-conspirator. Mr. Ragucci requested to officially designate a deputy/assistant because the security cannot be accomplished by just one individual. During regular terminal hours of operations, there are four active guards patrolling the property and subsequently drops to one guard after hours. There are cameras covering all aspects of the facility per Mr. Ragucci. Security expenses are paid for by Worldwide Terminals.

Chairman Fullwood asked Mr. Ragucci if there exist a security plan. Mr. Ragucci confirmed there is one in place and approved by the US Coast Guard, but Chairman Fullwood could not recollect ever reviewing one. Mr. Ragucci promised to provide a copy to the Board.

Incidentally, Mr. Ragucci stated he was unaware of the incident between Mr. Klopp and one of the Port employees. He will investigate it, but added he finds the allegation not credible.

Additional discussion

Mr. Ragucci will prepare a letter regarding maintenance dredging by Friday at the latest. Chairman Fullwood and one of the pilots will provide a letter each as well.

Chairman Fullwood asked why Mr. Ragucci is requesting a share of the Covid Relief fund to hire extra staff for the Port when he cannot find any to hire. Mr. Ragucci explained the extra funds will ensure an elevated level of compensation (wage increases, retention bonuses, hiring bonuses, and training programs) to attract and hire workers. He needs to be able to compete within the regional area by offering higher wages. He reminded the Board the essence of the Covid Relief fund is to assist in economic recovery from the pandemic, one specifically by injecting a working capital into the workforce.

With respect to the additional meeting dates, the Board will decide at each regular monthly meeting whether to hold an additional meeting if necessary. All additional dates will remain tentative until further notice.

With no other questions brought before the Board, the meeting was adjourned at 8:25 PM.

Danny Fullwood
Danny Fullwood, Chairman

10/13/2021

Date