

Port

from 1A

"I approached Swinney and asked what I could do," Leskin said. "He produced documents stating his vessel was 35 feet and not 37 feet. He then demanded to pay his moorage bill and I stated he had to wait for Kelly."

Leskin said Swinney became beligerent and accused the port of wanting his boat.

"Swinney began to yell at the staff and refused to leave," Leskin said. "A police officer, who was at the port on other business, arrived and Swinney began to leave. ... On the way out of the office, Swinney called Kelly a 'c-t.'"

Several obscenities, which were described by Leskin in full detailed from a prepared script in front of video cameras, continued. This enraged the commission, in particular Duman, who didn't directly mention the language but chastised Leskin for not accepting the payment.

"If you can't take his money, who can? You've got to sit here and wait for Kelly to take the money? Something's wrong with that scenario. You should have taken his money and the situation would have de-escalated right there. End of story," said Duman. "I don't care how much authority you think you have, if it's not in the policies and the ordinances, don't assume it. There comes a time when you can't keep pushing people."

In discussing the incident at a later meeting, commissioners were unsure why Leskin used the obscenities verbatim, rather than alluding to the language.

Caputo speculated that it was retaliation for Culwell's negative comments about Leskin.

"I'm sure that he was upset having heard the complaints from Michelle Culwell, but the reading of the events and incident with the offensive language was not appropriate at a public port meeting," Caputo said.

Of the incident, Huntington stated, "That was the most inappropriate thing I've ever heard in my life."

Attending the meeting was Florence City Councilor Ron Preisler, who said, "The port meeting this week was a good example of how not to have a public forum. There was extreme disrespect shown by most of the commissioners, audience and port manager."

The tensions between the commission and Leskin had been brewing for some time, which Rickard pointed out at the Feb. 15, 2017, meeting.

On Leskin's Jan. 30 evaluation, Rickard believed the commissioners were unconstructive in guiding Leskin to what they deemed success.

In a prepared statement, Rickard read, "Mr. Leskin received 'meets expectations' on 12 of the critical areas with a few 'needs improvement' scores, such as updating information, communication between manager and commission and carrying out assignments requested by the commission.

"These items were not addressed one by one giving time for a reply from the Manager," Rickard contin-

ued.

Rickard pointed out that Leskin sent the commissioners a weekly report by email. "I'm not aware of assignments not carried out or lack of updating information," she said.

She went on to praise Leskin on his work on the "many problems facing the port," adding that she felt "commissioners have the responsibility to support the manager and staff recommendations and do their share in the communication process."

At the Jan. 30, 2017, meeting, Rickard spoke of a performance evaluation for Leskin with the possibility of a four-percent raise.

Just a few months earlier on Aug. 17, a wage increase was approved by unanimous vote, with Duman stating, "I think for the record that he did receive a 'good to excellent' evaluation by every member of the board."

But by Jan. 30, the commission's attitude had changed.

Duman described Leskin's performance as "good to excellent," but also said, "In my four years I've been here, I've never seen so many letters from attorneys across my desk here."

Duman went on to say that if there was room for improvement, it would be Leskin's customer service and conflict resolution skills. He stated Leskin was "adequately compensated" and did not suggest giving Leskin a raise.

Leskin pointed out that, "Staff receives four percent a year. I would just ask to stay current with what everyone else receives in raise."

Caputo and Rickard voted for the raise, but the others abstained and Leskin's raise was denied.

Though this was well before the Swinney incident, Leskin and the commission had begun to butt heads on a variety of issues.

In a June 16, 2016, meeting, Leskin proposed a requirement that would put \$15,000 aside each year into special projects, particularly maintenance, based on an in-depth analysis of the upcoming costs to the port prepared over a long period of time by Leskin and the staff.

The report focused on life expectancies of port assets, i.e., how long a building lasts, projected years it will last and the costs of repairing the building.

Leskin wanted to make saving the \$15,000 mandatory.

"We have to budget with discipline, and we have to save for the future," Leskin explained. "Our priority is that we have to save to the future. That's why it was written without wiggle room."

Buckwald disagreed, saying, "Why make it mandatory? This just says if you don't have \$15,000 in, that means you gotta cut something else."

"To my way of thinking, it says 'saving for a future event is a priority,'" replied Leskin.

The somewhat heated discussion ended with Buckwald forcing Leskin to cut the mandate.

This happened throughout much of Leskin's tenure. Valid points were made on both sides of the arguments, but as time wore on it turned heated and personal. Gradually, Leskin's defenses for his policies became more forceful, as did the

commissioners' pushback to them. By the time the discussion about commercial vessels came around on March 15, the demand for anger management had entered the discourse.

In that meeting, Buckwald accused Leskin of actively seeking to be discriminatory with the "sole discretion" rule, something Leskin had never hinted at throughout the conversation:

Buckwald: "You set forth the criteria. You want to break that."

Leskin: "I don't want to break that."

Buckwald: "Yes you do. That's what that says."

Leskin: "Please don't accuse me. Please don't accuse me."

Buckwald: "You know what, you need a little bit of work on some anger management. Control that a little bit, won't you please?"

The situation finally came to a head during a special March 31, 2017, disciplinary meeting to discuss Leskin's behavior at the March 15 meeting, two weeks earlier.

Caputo opened the meeting by saying, "I know the Bible says 'eye for an eye,' but, being somewhat of a Christian, I say 'turn the other cheek.'"

The board proceeded to systematically list a litany of complaints and demands of Leskin.

In addition, Leskin's use of offensive language in a public setting was questioned.

Buckwald stated he couldn't dispute Leskin's retelling of the incident because he wasn't there, but believed Leskin should have hinted at the strong language, not repeated it verbatim.

Leskin countered that this wasn't the first time staff had issues with Swinney, which was made more disturbing by the fact that Swinney was running for port commissioner in the May 2017 election. This, Leskin argued, was why he read the letter verbatim: To get Swinney's behavior on public record.

Caputo and Duman stated Port staff should have simply taken Swinney's money. They also argued that issues regarding Gordon Owen's late payments should be worked out.

Leskin refused, stating he was "beyond working" with Owen, and that he intended to bring criminal charges against him.

Rickard stated the port has a responsibility to enforce a payment schedule.

"Everybody else plays by the rules," Rickard said. "We're talking public money here. We're letting somebody go and not paying."

Huntington agreed with working with Owen, stating, "If we don't have a boat in that slip then we don't get money. At least we're getting some money."

Another issue brought up in the disciplinary meeting was contract overrides by Leskin where the commissioners felt he spent more than he was allowed.

Buckwald brought up an instance when Leskin had been approved to spend \$5,000, but had spent \$7,000 instead.

Leskin agreed that the amount had gone over what was approved, but that it was his right to do so. He argued that the law allowed him full

range to spend up to \$10,000 without board approval.

Duman disagreed, stating "\$5,000 is the threshold that you have to put it up for bidding procedures."

When Leskin did put contracts up for bid, Duman argued, he was doing it incorrectly. "I'd like to clarify one thing about the public bid process," Duman said. "You should have had three bids in hand. It doesn't have to go to a public bidding process, but you should have requested three bids."

Duman's interpretation of the law was incorrect. Regarding a \$5,000 threshold, ORS 279B.065 states, "A contracting agency may award a procurement of goods or services that does not exceed \$10,000 in any manner the contracting agency deems practical or convenient, including by direct selection or award."

In addition, OR 279B.055 regulates this bidding process and states an organization is required to make a public notice of the bid, published in "at least one newspaper of general circulation" or, by rule or order, electronically.

Leskin reminded Duman that he did present the ORS codes to the commission, even bringing in an expert on Jan. 30 to explain it the regulations. Duman said he vaguely remembered these, but he remained firm in his belief.

Nevertheless, Caputo requested that Buckwald and Duman review all Leskin's contracts, taking away the port manager's financial autonomy regarding contract bidding.

Finally, Caputo made two more demands of Leskin, saying, "If the commissioners agree with me, I would like the port manager to write a letter of apology to David Swinney and Michelle Culwell. I would propose that the manager take a 16-hour class on anger management. There are several online classes that are available to you."

At this point, Leskin refused to cooperate. A transcript of the response reads as follows:

Leskin: "I am not writing a letter to Dave Swinney."

Rickard: "And I disagree with these demands you have made. We're not the manager."

Caputo: "I understand that. Anybody have anything else? Anything you want to say, Steven, before I close the meeting?"

Leskin: "I'm not agreeing to take an anger management class."

The room went silent at that point.

Caputo: "Any ... more comments?"

Huntington: "What's going to happen with refusal? I mean, he's refusing. What are we going to do?"

Caputo: "I don't know."

Buckwald: "Well, we just call legal council and find out. Maybe that's a good idea."

Caputo: "I will talk to the legal department and go from there."

Caputo then closed out the meeting.

One month later on April 21, Leskin filed a second ethics complaint, this time to the Bureau of Labor and Industries (BOLI). He accused the entire commission of retaliation. He is more specific with a timeline in the complaint:

1. On March 15, 2017, Respondent Commissioners Duman and Huntington voted at a commission meeting to engage in conduct that I believed created a conflict of interest.

2. On March 21, I filed an ethics complaint with the Oregon Governmental Ethics Commission against Commissioners Duman and Huntington. That complaint was made in good faith and was reasonable. It was, therefore, protected from retaliation by both ORS 659A.199 and 659A.203.

3. On Friday, March 24, 2017, I emailed copies of the complaint I had filed to Respondent.

4. On Friday, March 24, 2017, Commission Chair Ron Caputo told me that I had "crossed a line" and would be replaced.

5. On March 29, 2017, Commissioner Caputo informed the local paper that Respondent would hold an open session to publicly discuss charges against me. He followed that announcement with an email informing me that the commissioners "may consider charges against (me) that may lead to disciplinary action."

Commissioners imposed discipline on me in a special meeting held on March 31, 2017.

6. Respondent violated ORS 659A.199 and ORS 259A.203 by threatening to discharge me and by imposing discipline in retaliation for the report I made to OGE.

The mentioned ORS violations are, essentially, "whistleblower laws," barring employers from retaliating against employees who, in good faith, report violations of the state law by their employers.

However, the complaint to the ethics department was misleading.

Leskin's scenario paints a picture of himself seeing an unethical financial violation, reporting it diligently and then being threatened

with termination because of it — all while omitting the circumstances surrounding the alleged violation.

In the March 13 disciplinary meeting, the commissioners never brought up the OGE letter of complaint.

Neither did Leskin.

By July 10, BOLI dismissed the complaint, stating: "This letter is to inform you that the above-captioned complaint... has been dismissed because the Division did not find sufficient evidence to continue our investigation."

By then, Leskin had been placed on leave.

On Tuesday, May 30, Caputo gave an official statement to Leskin after an executive meeting:

"You are being put on paid administrative leave while we check on a complaint we have from Amber Novelli concerning some sexual advances that she perceived that you made."

To date, nothing has been publicly released regarding this claim.

In the past year, the only mention of Amber Novelli was in relation to being late on her payments.

During the December 2016 meeting, now Interim Managing Director Dina McClure listed the Novellis, along with three other moorage customers, who were in "various states of collection."

During the January 2017 meeting, Leskin specifically stated the Novellis are "up to date on payments for the floating fish market," per the meeting minutes.

The only other information known comes from Port Attorney Brewer, stating they were unable to substantiate the complaint.

The Port Commission's justification for Leskin's termination comes from what it says has been a tense relationship that crippled the port committee for the past year.

Eclipse

from 1A

appealed to a much larger, non-student audience. This interest led Brau to begin giving lectures and talks off campus.

"I've done a series at the Eugene Public Library on a whole variety of topics — neutrinos, dark energy, gravitational waves — all kinds of matters that the public is really interested in," Brau explained. "We try to bring information to people in a way that everyone can appreciate. ... The

series has been very popular."

Brau decided to speak about the eclipse after a presentation last year.

"At the time, very few people were actually aware of what was coming. Slowly, over time, I got more and more invitations to speak, and now I am doing a whole series of talks on the subject," Brau said.

After his visit to China, Brau will be busy the day of the eclipse.

In addition to watching the first U.S. cross-continental eclipse in his lifetime, he will be guiding others through the phenomenon from an

area of totality.

"I am going to be giving a class on the day of the eclipse at the Oregon State fairgrounds in Salem. The Oregon Museum of Science and Industry (OMSI) is sponsoring a big event at the fairgrounds, which sold out months ago, to a large group there before the eclipse."

The Solar Eclipse will begin on Aug. 14 at 9:04 a.m., with the total eclipse occurring at 10:15 a.m. Total darkness will last for 1 minute 58 seconds.

Florence will be in 99 percent range, so will experience darkness as the moon crosses the sun, though not the full effect.

For more information about the August Solar Eclipse, Siuslaw News will have a special publication in the Wednesday, Aug. 16, edition.

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