

MINUTES OF EVERETT PORT COMMISSION SPECIAL MEETING
August 14, 2009

PRESENT: Philip B. Bannan President
Michael F. Hoffmann Vice President
Jerry Heller Chief Adm. Officer
Brad Cattle Port Attorney

ABSENT: Commissioner Duane Pearson's absence was excused due to previous travel plans. Executive Director John Mohr's absence was excused due to previous travel plans. Chief Finance Officer Karen Clement's absence was excused due to previous travel plans.

CALL TO ORDER: The Special Meeting was called to order at 9:00 a.m. by Commission President Phil Bannan.

1. \$15 MILLION TAX LEVY PROPOSAL FOR PLACEMENT ON THE NOVEMBER 3, 2009 GENERAL ELECTION BALLOT

Confirm Appointment of Committee Members who will be writing "pro" and "con" articles for the voters' pamphlet

Port Attorney Brad Cattle said that the statute that governs the appointment of the committees to write the "pro" and "con" statements for the Voter's Pamphlet requires that the legislative authority appoint the members of the pro and con committee for the Voter's Pamphlet articles and that appointment be made 45 days in advance of the publication date for the Voter's Pamphlet. In discussions with the Auditor's Office, that anticipated date for the publication is October 2, 2009. The date for the next regularly scheduled meeting would not be timely for the 45 day advanced appointment. The committee appointments need to be at the Auditor's Office today. Three names have been designated for the pro committee, and three names for the con committee, and the people have indicated their willingness to serve.

Commissioner Michael Hoffmann moved, that pursuant to state law requiring the legislative authority of a proposing district to appoint members of a committee to write "pro" and "con" statements for the Voters' pamphlet, the following persons be confirmed:

Pro Committee, writing a statement supporting the levy request:
Dan Clements, Matt Zuanich, and Jim Piercey

Con Committee, writing a statement opposing the levy request:
Pat Sievers, Mike Faulkner, and Valerie Steel

It is further moved, that the Executive Director and Staff, are authorized and directed to forward necessary paperwork to the County Elections Office and take further steps as needed to carry out the intent of this motion. Commissioner Phil Bannan seconded the motion.

Mark Olsen, Everett, said he felt very few people in the community believe that the tax levy would succeed in this economy. He questioned the manner in which the members of the pro and con committee were selected and suggested that the public's perception was that the Port was being very secretive in terms of putting this measure on the ballot.

Chief Administrative Officer Jerry Heller stated that the issue of putting the Collins Building on the election ballot for a public vote was brought forward by proponents of the Collins Building. David Mascarenas wrote a letter in May requesting that this matter be placed upon the ballot. Annie Lyman appeared before the Commission in June and asked that the matter be put on the ballot. The Port has placed this tax levy measure on the ballot following requests of the proponents to save the Collins Building. State law requires that this sort of a levy issue be done in one year. There was discussion about trying to spread the levy out over three years, but it is not allowable under State law.

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Commissioner Hoffmann said the appearance of the tax levy procedure, and the Port's intent, should be explained more thoroughly. There is public skepticism about the procedure.

Port attorney Brad Cattle said that the tax levy resolution was drafted approximately one week before it was actually introduced. Bond counsel was contacted and the drafting of the resolution began. It was introduced to interested parties as soon as it was in the form to be discussed. It was also necessary to get the tax levy proposal to the Auditor's office by August 14 for placement on the general election ballot.

Drew Nielson, Everett, commented that David Mascarenas has volunteered to be on the con committee, but was not included on the list. There is widespread public skepticism of the port's motives in this matter.

Jerry Heller explained the procedure the Port went through in terms of contacting people about the pro and con member committees and statement process.

Drew Nielson stated that the Port Commission has the authority to appoint David Mascarenas even though he was not listed on the con member list.

Commissioner Hoffmann raised concern about the process and questioned if the Port should move forward with the tax levy.

Brad Cattle stated that if the Auditor's Office is left without names for the appointment process, then the Auditor's Office will have to make their own selection of the pro and con committee members.

Commissioner Hoffmann suggested that the Port should consider removing the tax levy measure from the ballot altogether.

Commissioner Bannan stated that the issue surrounding the Collins Building is all about money and whether or not the public is willing to pay for its renovation. If the majority of the citizens say they want to save the building, and they want to pay for it, they should vote that way.

Because of the Special Meeting status, Drew Nielson questioned whether the Commission had the authority to take action on matters not on the agenda.

Port attorney Brad Cattle stated that the Commission could not take action today to rescind the Resolution.

If it makes the public appearance better, Commissioner Bannan said he would be in favor of adding David Mascarenas to the con committee.

Valerie Steel, Everett, said she was willing to be on the con committee.

David Mascarenas said he has been a proponent of saving the Collins Building and said he would be willing to participate on the con committee.

Commissioner Hoffmann suggested that either Mike Faulkner or Pat Sievers could be removed from the con committee and replaced by David Mascarenas.

Commissioner Hoffmann moved to amend his motion for members of the con committee to include Pat Sievers, David Mascarenas and Valerie Steel. Commissioner Bannan seconded the amendment to the motion.

Vote:	2-0
Yes:	Bannan, Hoffmann
No:	None
Abstained:	None

Motion carried.

Commissioner Bannan said that the Commission would not consider taking action on the ballot measure today because it was not on the agenda for the Special Meeting.

THE SPECIAL MEETING was recessed to Executive Session at 9:48 a.m. to discuss a pending litigation matter with legal counsel. The Executive Session was estimated to last approximately one hour.

THE SPECIAL MEETING was adjourned at 10:50 a.m.

APPROVED: this 8th day of September 2009.

EVERETT PORT COMMISSION

By: Philip B. Bannan
Philip B. Bannan, President

Michael F. Hoffmann
Michael F. Hoffmann, V. President

Duane Pearson
Duane Pearson, Secretary