

MINUTES OF EVERETT PORT COMMISSION SPECIAL MEETING
July 24, 2009

PRESENT: Philip B. Bannan President
Michael F. Hoffmann Vice President
Karen Clements Chief Fin. Officer
John M. Mohr Executive Director
Amy Allison Port Attorney

ABSENT: Port Attorney Brad Cattle was absent due to a court scheduling conflict. Amy Allison of the Anderson Hunter Law Firm provided legal counsel in Mr. Cattle's absence.

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

1. COMMISSION PRESIDENT'S ANNOUNCEMENT

Commissioner Phil Bannan announced that the purpose of the Special Meeting is to review the qualifications of candidates for appointment to the Port Commission District 2 position. Executive Director John Mohr reported that the Port received 7 candidate applications for the appointment: Dave Mascarenas, Mike Hopkins, Walt Seldon, Robert Strickland, Eugene Dvornick, Duane Pearson and Fred Taucher. It has been confirmed that all seven candidates reside within Commissioner District 2. There was an irregularity in one of the applications, in that David Mascarenas inadvertently did not sign his application. Mr. Mascarenas recognized his omission after the deadline. John Mohr asked the Commission to consider waiving the irregularity and allow Dave Mascarenas to sign his application.

Commissioner Michael Hoffmann moved to waive the irregularity in David Mascarenas' candidate application as presented. Commissioner Phil Bannan seconded the motion. A vote was called for:

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

Motion carried.

Citizen Comments

Everett City Councilman Mark Olson expressed his concern about holding an Executive Session for the consideration of qualifications for public officials. He stated that Public Officials are not personnel, so it is not a personnel decision. Mark Olson suggested that it was inappropriate under the Open Public Meetings Act. He also suggested that it was inappropriate to have Port staff present because it was not a personnel matter.

Port attorney Amy Allison responded that RCW 42.30.110 provides for executive sessions to be used to "evaluate the qualifications of candidates for appointment to elective office." The number of people to be interviewed, and the identification of the candidates to be interviewed, will be announced in the public meeting. The RCW does specify that interviews of such candidates and final action appointing a candidate to an elective office shall be in a meeting open to the public. The Port of Everett's process adheres to the statutory guidelines set forth in the Open Public Meetings Act. Further, Amy Allison said that only the two Commissioners and legal counsel would be attending the Executive Session.

THE SPECIAL MEETING was recessed to Executive Session at 9:07 a.m. to evaluate the qualifications of candidates for appointment to the Port Commission. Upon the conclusion of the Executive Session, action will be taken to decide the candidates to be interviewed for the vacant position of Port Commissioner District 2, and there will be an announcement. The Commission meeting will be adjourned at the conclusion of the Executive Session. The Executive Session will take approximately 45 minutes.

ORIGINAL

At 10:02 a.m., Commissioner Bannan announced that the Executive Session will be extended for an additional 15 minutes.

At 10:17 a.m., the Special Meeting was reconvened.

Commissioner Phil Bannan suggested that the Port Commission select Eugene Dvornick, Duane Pearson and Mike Hopkins as the candidates to be interviewed for the appointment to Commissioner District 2 at the July 28, 2009 Special Meeting.

Commissioner Michael Hoffmann moved to interview Eugene Dvornick, Duane Pearson and Mike Hopkins at the Special Meeting on July 28 for the appointment to Port Commissioner District 2. Commissioner Phil Bannan seconded the motion. A vote was called for:

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

Motion carried.

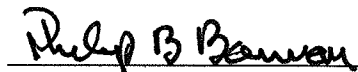
Commissioner Bannan directed Port staff to notify the candidates to be interviewed.

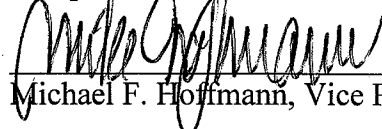
Commissioner Bannan said that no written or public comments at the interviews will be considered. The decision is up to the Commission.

THE SPECIAL MEETING was adjourned at 10:21 a.m.

APPROVED: this 11th day of August 2009. EVERETT PORT COMMISSION

By:


Philip B. Bannan, President


Michael F. Hoffmann, Vice President

Secretary