

MINUTES OF EVERETT PORT COMMISSION WORK SESSION

February 3, 2009

PRESENT:	Philip B. Bannan	President
	Michael F. Hoffmann	Vice President
	Constance M. Niva	Secretary
	John Mohr	Executive Director
	Karen Clements	Chief Finance Officer
	Brad Cattle	Port Attorney

CALL TO ORDER: Commissioner Phil Bannan called the meeting to order at 9:00 a.m.

The following items within the Work Session were action items:

1. COMMISSION PRESIDENT'S REPORT

Commission President Phil Bannan reported that at the past two Commission meetings, the Commissioners have adjourned to Executive Session for the purpose of reviewing the performance of the Executive Director, which was announced to the public at both meetings. In addition, each Commissioner individually reviewed the performance of the Executive Director prior to the Executive Session meetings.

At the beginning of 2008, Executive Director John Mohr established goals for the year, and in the Commission's opinion, the majority of the goals were achieved. In 2005, John Mohr's employment contract was amended to allow for a discretionary deferred compensation contribution based on performance, up to a maximum of \$15,000 per year. The Commission has typically given a cost of living increase as part of the annual contract review and adjustment. Phil Bannan stated that based upon John Mohr's performance during 2008, he is recommending that John Mohr receive a cost of living increase of 3.5 percent, plus a \$15,000 deferred compensation contribution.

Commissioner Connie Niva moved to authorize the 3.5 percent cost of living increase, plus the \$15,000 deferred compensation contribution for John Mohr's annual contract review and adjustment. Commissioner Phil Bannan seconded the motion. A vote was called for:

Vote:	3-0
Yes:	Bannan, Hoffmann, Niva
No:	None
Abstained:	None

Motion carried.

2. CHIEF ADMINISTRATIVE OFFICER'S REPORT

**12<sup>th</sup> St. Marina Memorandum of Agreement - Interpretive Program**

Chief Administrative Officer Jerry Heller reported that Staff is requesting Commission authorization to move forward with a comprehensive North Marina Redevelopment Interpretive Program in satisfaction of the provisions of paragraph 1.C of the Collins Building Memorandum of Agreement (MOA) dated August 29, 2005. The comprehensive Interpretive Program is estimated to cost \$400,000, and would be implemented over a number of years as the North Marina Redevelopment continues.

Jerry Heller stated that one of the consulting parties to the Agreement had questioned whether the proposed Interpretive Program was permissible under the MOA and within the Corps' permitting authority. In November 2008, Port Staff requested a determination by the Corps whether a binding contract among the Port and consulting parties for the Interpretive Program would satisfy the provisions of MOA, paragraph 1.C. By letter dated January 21, 2009, the Corps determined that paragraph 1.C of the MOA could be satisfied with a binding contract among the parties. The essential compliance elements included 1) The Port and consulting parties agree to the terms of

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the Interpretive Program contract; 2) Within the contract, the parties acknowledge that the agreement satisfies the requirements of MOA, paragraph 1.C; and 3) The Corps would amend the Section 106 permit, creating a special condition requiring compliance with the terms of the interpretive program contract.

Jerry Heller reported that Port Staff is in the process of preparing a draft Interpretive Program contract for distribution to the parties. The Interpretive Program envisioned has a reasonable cost of \$400,000 for planning and construction. The first phase is budgeted for 2009 in the amount of \$157,500. Jerry Heller requested Port Commission approval of \$400,000 for the project, and authorization for Staff to proceed with preparation and negotiation of an Interpretive Program contract.

Commissioner Phil Bannan stated that \$400,000 was an exorbitant amount of money for an Interpretive Program and said he wanted a less ambitious program. Commissioner Connie Niva said the proposed Interpretive Program was appropriate, and would support the effort if the Port had concurrence from all of the consulting parties.

The Commission deferred action on the Interpretive Program until the following week stating that all consulting parties have to enter into a binding contract with the acknowledgement that the agreement satisfies the requirements of the MOA, paragraph 1.C, before the Commission will consider the action requested.

No Executive Session was held.

THE WORK SESSION was adjourned at 10:26 a.m.

APPROVED: THIS 10<sup>th</sup> day of March 2009.

EVERETT PORT COMMISSION

By:

Philip B Bannan  
Philip B. Bannan, President

Michael Hoffmann  
Michael Hoffmann, Vice President

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Constance M. Niva, Secretary

*Absent*