

MINUTES OF EVERETT PORT COMMISSION REGULAR MEETING
November 9, 2010

| | | |
|----------|---------------------------|-----------------------|
| PRESENT: | Michael Hoffmann | President |
| | Mark Wolken | Vice President |
| | Troy McClelland | Secretary |
| | Acting Executive Director | Jerry Heller |
| | Karen Clements | Chief Finance Officer |
| | Brad Cattle | Port Attorney |

ABSENT: Executive Director John Mohr was absent due to previously scheduled travel.

CALL TO ORDER: The meeting was called to order at 5:01 p.m. by Commission President Michael Hoffmann.

CONSENT AGENDA:

- Approval of Minutes for October 5, 2010 Work Session, October 12, 2010 Regular Meeting, and October 19, 2010 Special Meeting
- Voucher Approval List for October 2010

Commissioner Mark Wolken moved to approve the items of the Consent Agenda. Commissioner Troy McClelland seconded the motion. A vote was called for:

Vote: 3-0
Yes: Wolken, McClelland, Hoffmann
No: None
Abstained: None

Motion carried.

1. EXECUTIVE DIRECTOR'S REPORT

Holiday on the Bay

Chief Administrative Officer Jerry Heller reminded the Commission and public that Holiday on the Bay is scheduled for December 11, 1:00 – 6:00 p.m. on the Everett Waterfront. Numerous activities are planned and the public is invited to attend.

Veteran's Day Holiday

The Port Offices will be closed on November 11, 2010 in observance of the Veteran's Day Holiday.

December 7 Combined Commission Meeting

The Port will hold a single combined Commission meeting on December 7, 2010 in the existing location at 2911 Bond Street, Ste. 109.

December 10 Office Closure

The Port Offices will be closed on December 10, 2010 to accommodate the Administrative move to the Waterfront Center Facility located at 1205 Craftsman Way, Ste. 200, Everett Washington. The Port Offices will be operational on December 13, 2010 in the new facility.

2. CHIEF FINANCE OFFICER'S REPORT

Appointment of Agent to Receive Claims – Resolution No. 941

Chief Finance Officer Karen Clements presented Resolution No. 941, Appointment of Agent to Receive Claims, to the Port Commission.

Port attorney Brad Cattle reported that there is a statutory provision which requires individuals who have a tort claim against a municipality to file a claim in advance of filing the lawsuit. The procedure requires that the municipality designate an individual to be the recipient of the claim and have a claim form for the information it is to provide to the municipality. In the past, the Port has designated the Chief Finance Officer as the agent, and the Executive Director as the alternate agent, and to utilize the existing Bond Street building as the residence. Since the Port Offices are moving to the Waterfront

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Center Facility, the Port needs to change the residence address and Resolution No. 941 accomplishes the requirement.

Port staff will ask the Commission to adopt Resolution No. 941 at the December 7, 2010 combined meeting.

3. DEPARTMENT REPORTS

Projects

Puget Sound Air Emission Inventory – Interlocal Agreement

Brandon Whitaker of Engineering & Planning reported that the Puget Sound Maritime Air Forum, of which the Port of Everett is a member, is preparing to update the 2005 Air Emissions Inventory with a 2011 edition. The Port of Tacoma is managing the 2011 update while forum members provide support during the process. Air emissions data will be collected by a selected outside consultant for forum members during calendar year 2011. Once this is complete, data will be compiled into a final report that will become a published product.

Capturing the inventories in 2005 and now in 2011 is a voluntary effort by the forum to promote and publish the efforts Puget Sound entities are taking to minimize air emissions in the region. These inventories provide evidence that Puget Sound, as it relates to maritime emissions, is in attainment of federal air quality readings and is exempt from air permitting requirements. The Puget Sound Maritime Air Forum is comprised of ports, clean air agencies, rail, and shipping associations, among others.

Staff is asking for Commission authorization to allow the Executive Director to sign an interlocal agreement with the Port of Tacoma, to participate in the 2011 Puget Sound Air Emission Inventory Update.

Commissioner Mark Wolken moved to authorize the Executive Director to sign the Interlocal Agreement with the Port of Tacoma to participate in the 2011 Puget Sound Air Emission Inventory Update. Commissioner Troy McClelland seconded the motion. A vote was called for:

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|------------|------------------------------|
| Vote: | 3-0 |
| Yes: | Wolken, McClelland, Hoffmann |
| No: | None |
| Abstained: | None |

Motion carried.

Ameron / Hulbert Consulting Contract

Erik Gerking, Engineering & Planning Department, reported that on November 2, 2010, staff presented Modification No. 3 to Landau Associates contract for the Ameron / Hulbert Agreed Order work as part of the Puget Sound Initiative, specifically the Remedial Investigation. Port staff took Commission comments from the meeting and restructured Modification No. 3 so that it now includes only the Phase 1 of the Remedial Investigation as opposed to including the estimated budget for follow-on investigation phases. Erik Gerking asked the Commission to approve Modification No. 3 as revised.

Commissioner Troy McClelland said he reviewed the resubmittal and it now adequately addresses the questions he had about including a contingency budget for follow-on work. Commissioner McClelland said he was satisfied that this was a good approach. Commissioner Wolken agreed.

Commissioner Troy McClelland recommended that the Commission approve the Modification to the Professional Services Agreement with Landau Associates in the amount of \$276,900 and exemption from the competitive solicitation process for the services outlined in the modification. Commissioner Mark Wolken seconded the motion.

A vote was called for:

| | |
|------------|------------------------------|
| Vote: | 3-0 |
| Yes: | McClelland, Hoffmann, Wolken |
| No: | None |
| Abstained: | None |

Motion carried.

COMMISSION PRESIDENT'S REPORT

There was no report provided.

COMMISSIONER DISCUSSION

There was no further Commissioner discussion.

CITIZEN COMMENTS

There were no Citizen comments.

THE COMMISSION MEETING was recessed at 5:13 p.m. to Executive Session for approximately 45 minutes to discuss with legal counsel a pending litigation matter and a legal issue with respect to a pending contract that may develop into litigation.

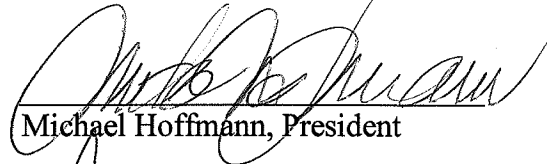
No action was taken by the Commission and no announcements were made.

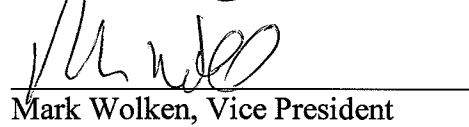
THE REGULAR COMMISSION MEETING WAS ADJOURNED at 6:01 p.m.

APPROVED: this 7th day of December 2010.

EVERETT PORT COMMISSION

By:


Michael Hoffmann, President


Mark Wolken, Vice President


Troy McClelland, Secretary



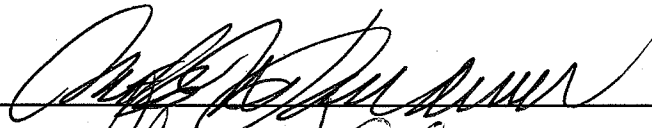
Port of Everett

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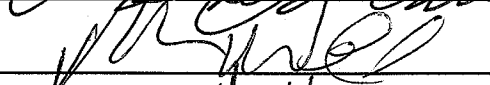
**Port of Everett
Voucher Approval List
for the month of
October
2010**

We, the undersigned Commissioners of the Port of Everett, Snohomish County, Washington, do hereby certify the following vouchers/warrants have been certified and approved for payment this the 9th day of November, 2010:

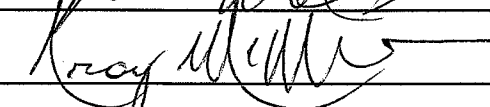
| | Total |
|----------------------------------------------------------------------|----------------------------|
| Claims Voucher Nos 57054 - 57363 | \$2,940,857.80 |
| Claims Wire Transfers: | |
| 10/1, 10/18 Wire Transfer - IRS | \$ 136,341.96 |
| 10/29 Wire Transfer - Union Bk of Calif | \$ 25,555.55 |
| 10/22 Wire Transfer - Wa St Dept of Rev | \$ 38,303.35 |
| Total Claims | \$3,141,058.66 |
| Payroll Voucher Nos. 34300 - 34495 | \$ 340,142.92 |
| Payroll Wire Transfers: | |
| 10/5,10/12,10/19,10/26 PMA Payroll (Longshore Labor) | \$ 109,988.07 |
| Total Payroll | \$ 450,130.99 |
| Total Expenditures | \$ 3,591,189.65 |




President



Vice President



Secretary

Attest: 

Port Auditor