

**PORT OF OLYMPIA COMMISSION  
MINUTES OF SPECIAL MEETING**

**December 31, 2003**

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**CALL TO ORDER**

President Pottle called the meeting of December 31, 2003, to order at 2:00 p.m. at the Port offices in Olympia. Commissioners Telford and Van Schoorl were also in attendance. President Pottle announced the Commission held an executive session on December 31, 2003 prior to the meeting at 12:00 – 2:00 p.m. at the Port office for the purpose of discussing pending litigation in accordance with RCW 42.30.110(i). The executive session was scheduled to end at 1:30 p.m. President Pottle came from executive session to the special meeting to announce the executive session would be extended to 2:00 p.m.

Staff in attendance was: Executive Director Nick Handy, Acting Executive Director John Wolfe, and Administrative Manager Jeri Sevier. Others in attendance were Katherine Tam representing *The Olympian*, Tom Iovanne, and Nat Jackson.

**PUBLIC COMMENT**

No public comment was given on items not on the agenda.

**ACTION CALENDAR**

**Payment of Longevity Incentive Under Agreement with Nick Handy**

President Pottle reported that an executive session was held on December 22, 2003 where the Incentive Employment Agreement was discussed with Nick Handy. The issue of if and when payment of the Longevity Incentive would be made was unresolved. President Pottle reported that in an executive session today, a proposal to resolve the matter was presented to Mr. Handy and he indicated his willingness to accept it.

The Commission moved and seconded that the Port sign a settlement agreement as prepared with Nick Handy. The settlement agreement states the Port will pay to Handy a total of \$79,771.53, less applicable withholding on December 31, 2003. Only the 2002 and 2003 portions of the retention bonus will pertain to Mr. Handy's retirement benefit and will result in a finding of excess compensation by DRS. The Port will report to PERS only \$32,521.97, which represents the portions of the retention bonus that are payable for the years 2002 and 2003.

The settlement agreement also states that the Port will dismiss the case against Mr. Handy and Mr. Handy will require his attorney, Judith Lonquist to withdraw the public records request dated December 19, 2003.

Commissioner Telford commented that he thinks this is wrong and would fight it if it were his own money, but he will reluctantly support the other Commissioners in this decision. President Pottle indicated that he felt this was the most financially feasible way to bring closure to this issue.

The Commission unanimously approved the motion to sign the settlement agreement.

**ADJOURNMENT**

President Pottle announced adjourned the meeting at 2:11 p.m. on December 31, 2003.

PORT OF OLYMPIA COMMISSION

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President

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Vice President

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Secretary-Treasurer