

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF COMMISSIONERS
OF COAL CREEK UTILITY DISTRICT
OF KING COUNTY, WASHINGTON**

Held on April 27, 2016

A regular meeting of the Board of Commissioners of Coal Creek Utility District was held at the District Office, 6801 – 132nd Place SE, Newcastle, Washington, on April 27, 2016. Commissioner Kunkel called the meeting to order at 5:00 p.m. Commissioners Anderson and Martin were present. District Staff Robert Russell, Todd Hynek, Patrick Martin and Dennis Axt were present. Dave Hutley, Consulting Engineer, and John Milne and Kathy Weber, General Counsel, were also present.

APPROVAL OF AGENDA

Commissioner Anderson made the motion to approve the agenda as presented. Commissioner Martin seconded the motion, which carried unanimously.

CONSENT AGENDA

Approval of minutes – Regular Board Meeting of March 23, 2016.

China Falls – Developer Extension Approval – Sewer

Residence at Lake Boren – Conditional Final Acceptance

Avalon Bay – Conditional Final Acceptance – Sewer

May Creek Park Vista – Developer Extension Approval – Water and Sewer

Commissioner Martin made a motion to approve the consent agenda. Commissioner Anderson seconded the motion, which carried unanimously.

CITIZENS' COMMENTS / CONCERNS

There were no comments from the citizens in attendance.

EXECUTIVE SESSION – EMPLOYEE PERFORMANCE REVIEW

Russell requested an executive session pursuant to RCW 42.30.110(1)(g) to review the performance of an employee. Following discussion, Commissioner Anderson so moved on that basis. Commissioner Martin seconded the motion, which carried unanimously. Before convening the executive session at 5:05 p.m., Commissioner Kunkel advised the executive session would conclude at approximately 5:20 p.m. The Commissioners, Russell, Hynek, Axt, Milne and Weber then attended the executive session. At 5:20 p.m., the executive session was extended to 5:35, which was publicly announced. At 5:35 p.m., the executive session concluded and open public meeting was reconvened. Weber then left the meeting.

CUSTOMER LATE FEE REQUEST

Russell presented the request of a customer to remove a late fee penalty on her utility service account. The customer had previously had a late fee removed in December, 2014. The customer had been invited to attend the meeting and present her request, but the customer was not present. Russell advised it was District policy to consider the removal of late payment penalties once every five years, and that customers must be present at the meeting to present any request which was not consistent with District billing and collection policies.

Following discussion, because the request was contrary to District policy, Commissioner Martin made the motion to deny the request. Commissioner Anderson seconded the motion, which carried unanimously. Staff will advise the customer accordingly.

440 RESERVOIR CATHODIC PROTECTION

Hynek reported the District had received a proposal from Corpro Waterworks to install cathodic protection at the District's 440 reservoir at a cost of \$27,450, not including applicable tax. Hynek reported Corpro currently provided and maintained cathodic protection systems at

the District's other steel reservoirs. The protection system would be installed now during the interior/exterior tank recoating project, but would not be energized for at least a year to allow the recoating to set. Following discussion, Commissioner Anderson made the motion to award a contract to Corpro to provide a cathodic protection system at the 440 Reservoir for the proposed amount, subject to the execution of a contract prepared by District staff and counsel to acquire the services. Commissioner Martin seconded the motion, which carried unanimously.

ATTORNEY'S COMMENTS

Milne reported on SB 6171 recently enacted by the State Legislature which increased the penalty for elected officials who attend a meeting of the governing body where action is taken in violation of the Open Public Meetings Act (Act) with knowledge that the meeting was held in violation of the Act. Milne also reported on a recent Washington Supreme Court decision granting discretion to trial judges to define what is a public record and the penalties for the wrongful withholding of public records in response to public records requests.

ENGINEERS COMMENTS

Hutley reported on the status of the 440 Reservoir recoating project.

APPROVAL OF VOUCHERS

The Board approved for payment Water/Sewer Maintenance Fund Voucher Nos. 044325 through 044366 in the amount of \$294,609.67.

The Board approved for payment Water/Sewer Maintenance Fund Voucher Nos. 044367 through 044397 in the amount of \$73,283.17.

The Board approved for payment Water/Sewer Maintenance Fund Voucher Nos. 011038 through 011060 in the amount of \$115,371.68.

The Board approved for payment Water/Sewer Maintenance Fund Voucher Nos. 011061 through 011072 in the amount of \$12,850.00.

OPERATIONS MANAGER'S COMMENTS

Hynek reported District staff were researching the possible acquisition of a new TV inspection truck and potential cost. The District's existing truck was experiencing problems and should be replaced. Staff will keep the Board further advised.

Hynek reported on the status of current District and developer projects in the District.

GENERAL MANAGER'S COMMENTS

Russell reported the District had recently been advised by the State Auditor's Office that the SAO had reduced its billing rate for travel and the District would receive a refund in the amount of \$1,128.38 relating to the most recent SAO audit of the District.

COMMISSIONERS' COMMENTS

Commissioner Martin reported on her attendance at the most recent Seattle Operating Board meeting.

Commissioner Martin reported on the State Association's revision of a dues unit.

Commissioner Martin requested District staff calendar upcoming conferences to be able to timely make room reservations for commissioners who desired to attend such conferences.

Commissioner Martin reported on her attendance at the most recent State Association Board of Directors meeting.

Commissioner Martin reported on her attendance at the Spring State Association Conference.

Commissioner Anderson reported on his attendance at the Spring State Association Conference.

Commissioner Anderson noted recent national and local concerns regarding lead in drinking water. District staff reported the District had recently completed testing at 29 residential homes located throughout the District and no lead contamination had been identified.

ADDITIONAL CITIZEN'S COMMENTS

Gordon Bisset expressed his appreciation for the legal update provided by Milne.

EXECUTIVE SESSION – EMPLOYEE PERFORMANCE REVIEW

Russell requested an executive session pursuant to RCW 42.30.110(1)(g) to review employee performance. Following discussion, Commissioner Anderson so moved on that basis. Commissioner Martin seconded the motion, which carried unanimously. Before convening the executive session at 6:40 p.m., Kunkel advised the executive session would conclude at approximately 6:55 p.m. The Commissioners, Russell, Hynek and Milne then attended the executive session. At 6:55 p.m., the executive session concluded.

Following discussion, Commissioner Anderson made the motion to reclassify certain District employees effective May 2, 2016 as follows:

Curtis White – Inspector

Patrick Martin – Operations Manager

Tish Hunter – Finance Manager

Commissioner Martin seconded the motion, which carried unanimously. The Commissioners commended the three employees for their dedication, professionalism and reclassification. Russell reported draft contracts for the non-represented management positions will be available for review and possible approval at the next regular meeting.

EXECUTIVE SESSION – COLLECTIVE BARGAINING

Russell requested an executive session pursuant to RCW 42.30.140(4) to discuss proposed revisions to the District's drug and alcohol policy. He advised that any revision to that policy, before final implementation, was subject to collective bargaining with the union representing the field employees. Following discussion, Commissioner Anderson so moved on that basis. Commissioner Martin seconded the motion, which carried unanimously. Before convening the executive session at 7:00 p.m., Kunkel advised the executive session would conclude at approximately 7:10 p.m. The Commissioners, Russell, Hynek and Milne then attended the executive session. At 7:10 p.m., the executive session concluded.

Following discussion, Commissioner Anderson made the motion to tentatively approve the revised District drug and alcohol policy, subject to providing the revised policy to the union representing the field employees to give the union the right to request the negotiation of the policy prior to its final adoption by the Board and implementation. Commissioner Martin seconded the motion, which carried unanimously. Russell will keep the Board advised regarding the status of the revised policy.

OTHER DISTRICT BUSINESS

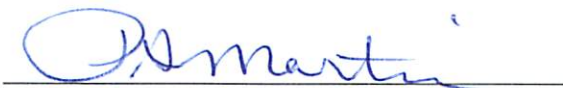
As there was no further business or persons to be heard, the meeting concluded at 7:15 p.m.



Richard D. Anderson, Commissioner



Douglas C. Kunkel, Commissioner



Pamela A. Martin, Commissioner