

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

**Held on January 10, 2024**

A regular meeting of the Board of Commissioners of Coal Creek Utility District was held in-person and by remote means at the District Office, 6801 – 132<sup>nd</sup> Place SE, Newcastle, Washington, on January 10, 2024. Commissioner Doug Kunkel, Board President, attended by Zoom, and called the meeting to order at 2:00 p.m. Commission Suzi O’Byrne, Board Secretary, attended in person. District staff Robert Russell, General Manager, Patrick Martin, Operations Manager, and Rosemary Larson, legal counsel, and Bill Reynolds, District Engineer, attended in person.

The District provided the public with ability to attend the meeting by Zoom or conference call, and provided notice of the call-in and remote access information to the public and a speaker in the meeting room which allowed all persons attending to hear each other at the same time.

**APPROVAL OF AGENDA – ADDITIONS OR DELETIONS**

Commissioner O’Byrne made a motion to approve the agenda. Commissioner Kunkel seconded the motion, which passed unanimously.

**CONSENT AGENDA**

Approval of Minutes -- Regular Meeting of December 13, 2023

Approval of Minutes -- Special Meeting of January 4, 2024

Collective Bargaining Agreement Resolution No. 1928

Canopy DEA (water and sewer) – Final Acceptance

Commissioner O’Byrne made a motion to approve the consent agenda. Commissioner Kunkel seconded the motion, which passed unanimously.

## **APPROVAL OF VOUCHERS**

Commissioner O'Byrne made a motion to approve the following Vouchers. Commissioner Kunkel seconded the motion, which passed unanimously:

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 5170 to 5185 in the amount of \$114,719.89.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 5186 to 5199 in the amount of \$46,181.40.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher No. 5200 in the amount of \$140,986.40.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 5201 to 5215 in the amount of \$46,181.40.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 5216 to 5226 in the amount of \$78,791.52.

Water/Sewer Maintenance Fund – Accounts Payable - Vouchers No. 5227 to 5235 in the amount of \$265,619.60.

Water/Sewer Maintenance Fund – Accounts Payable - Vouchers No. 5236 to 5242 in the amount of \$38,302.26.

Water/Sewer Maintenance Fund – Payroll in the amount of \$1,822.87.

Water/Sewer Maintenance Fund – Payroll in the amount of \$68,938.38.

Water/Sewer Maintenance Fund – EFT in the amount of \$72,205.56.

Water/Sewer Maintenance Fund – EFT in the amount of \$23,216.87.

Water/Sewer Maintenance Fund – EFT in the amount of \$3,369.22.

Water/Sewer Maintenance Fund – EFT in the amount of \$71,252.96.

## **CITIZENS' COMMENTS AND CONCERNS**

There were no citizens in attendance.

## **OPERATIONS CENTER IMPROVEMENTS – CHANGE ORDERS**

Mr. Martin informed the Commissioners that the agenda materials contain a request by the Operations Center Improvements Project contractor for Change Order No. 2, in the amount of \$15,207.64, not including sales tax. This Change Order represents the contractor's additional costs for small revisions to the Project that became necessary as the Project proceeded and which were requested by the District. Mr. Martin discussed the work items included in the Change Order.

After discussion, Commissioner O'Byrne made a motion to approve the Operations Center Improvements Project Change Order No. 2 in the amount of \$15,207.64, not including sales tax. Commissioner Kunkel seconded the motion, which passed unanimously.

## **SNO-KING WATER DISTRICT COALITION 2024 CONTRIBUTION**

Mr. Russell reported that the invoice for the District's participation in Sno-King Water District Coalition for 2024 is in the agenda packet. The 2024 amount is \$4400. Last year the District's contribution was \$2900, but there was a budget surplus applicable to 2023 and two members have left the coalition, so the total cost is now divided among fewer participants. Mr. Russell recommends that the District continue to participate in the Coalition as the District benefits from membership in this lobbying group. Commissioner Kunkel concurred and stated that Sno-King does a good job. Commissioner O'Byrne also agreed, and noted that the lobbyist was trained by WASWD and there is great benefit from the two lobbying groups working together.

After discussion, Commissioner O'Byrne made a motion to renew the District's membership in the Sno-King Water District Coalition for 2024 and to approve payment of the

invoice in the amount of \$4400. Commissioner Kunkel seconded the motion, which passed unanimously.

### **EMPLOYEE MANUAL UPDATE**

Mr. Russell described proposed amendments to the Employee Manual, which are necessary to make the employment provisions applicable to non-represented employees consistent with the provisions in the 2024 Collective Bargaining Agreement. One exception is that the clothing allowance was not increased for office staff.

After discussion, Commissioner O'Byrne made a motion to approve Resolution No. 1929, approving an updated Employee Manual. Commissioner Kunkel seconded the motion, which passed unanimously.

### **COMMISSIONER APPOINTMENT PROCESS**

Ms. Larson reviewed the process for appointing a candidate to the vacant position on the Board of Commissioners under RCW 42.12.080 and other laws. Under the relevant statutes, the Commissioners nominate one or more candidates for the position, and then the District posts a Notice stating those nominees and inviting the District's voters to make additional nominations for 15 days in three public places, one of which may be the District's website. After the 15-day posting period, the Commissioners may appoint one of the nominees to the vacant position. The Board's appointment must occur by no later than March 11.

The Commissioners discussed whether nominees should submit a written application. The Commissioners' consensus was that a written application would be helpful and directed staff and the attorney to prepare an application for the vacant position. The Commissioners' consensus was also that prior to the Commissioners' nominations, an executive session should be held to evaluate the qualifications of candidates for appointment to the office.

### **ATTORNEY'S COMMENTS**

Ms. Larson had no additional comments.

### **ENGINEER'S COMMENTS**

Mr. Reynolds reported on the status of several District Projects. Regarding the Decant Facility Project, PACE determined that an additional item should be added to the Bid Schedule. After that addition, the Project should be ready to be advertised.

### **MANAGERS' COMMENTS**

Mr. Martin wished everyone a happy New Year.

Mr. Russell reported that the District's audit is nearing completion.

### **COMMISSIONERS' COMMENTS**

Commissioner O'Byrne had no additional comments.

Commissioner Kunkel had no additional comments.

### **OTHER DISTRICT BUSINESS**

None.

Mr. Reynolds departed the meeting.

### **EXECUTIVE SESSION - RCW 42.30.110(1)(h) - To evaluate the qualifications of candidates for appointment to elective office**

Commissioner Kunkel announced that there would be an executive session under RCW 42.30.110(1)(h) to evaluate the qualifications of candidates for appointment to elective office, being the vacant position on the Board of Commissioners, which would be for thirteen minutes and which would conclude at 2:50 p.m. Commissioner Kunkel convened the executive session at 2:37 p.m., with the Commissioners, Mr. Russell, Mr. Martin, and Ms. Larson attending.

At 2:50 p.m., the executive session was concluded and the open public meeting reconvened.

After discussion, Commissioner Kunkel nominated Peter Zevenbergen to fill the vacant position on the Board of Commissioners.

Commissioner O'Byrne nominated Kim Lane to fill the vacant position on the Board of Commissioners.

There being no further nominations, the Commissioner nominations were closed. Mr. Russell stated that he would work with Ms. Larson to prepare the application materials and the Notice required under RCW 42.12.080, and to have the Notice published in three public places as required by statute.

#### ADJOURNMENT

As there was no further business or persons to be heard, the meeting concluded at 2:57 p.m.

#### BOARD OF COMMISSIONERS

*Douglas Kunkel*  
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Douglas Kunkel, Commissioner

*Suzi O'Byrne*  
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Suzi O'Byrne, Commissioner

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Commissioner