

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

**Held on March 26, 2020**

A special meeting of the Board of Commissioners of Coal Creek Utility District was held by remote means and with certain staff only at the District Office, 6801 – 132<sup>nd</sup> Place SE, Newcastle, Washington, on March 26, 2020. Pursuant to the Washington State Governor’s Proclamation No. 20-28, the meeting was not conducted in-person. Commissioner Douglas Kunkel, Board President, was in attendance via telephone conference call, and called the meeting to order at 3:00 p.m. Commissioner Pam Martin, Board Vice-President, and Commissioner Suzi O’Byrne, Board Secretary, were in attendance via telephone conference call. District staff Robert Russell, General Manager, Patrick Martin, Operations Manager, and Anne Paige, Finance Manager attended at the District’s office and were in compliance with CDC social distancing guidelines. Rosemary Larson, legal counsel, attended via telephone conference call.

In compliance with Proclamation No. 20-28, the District provided the public with the ability to attend the meeting by telephone conference call, provided notice of the call-in number and information to the public, and provided a speaker phone in the Board meeting room which allowed all persons attending the meeting to hear each other at the same time. However, no members of the public attended.

**TELEPHONIC MEETING ATTENDANCE**

Ms. Larson provided a summary of the Governor’s Proclamation No. 202-28, which alters provisions of the Open Public Meetings Act (“OPMA”) and Public Records Act that would otherwise require in-person contacts during the COVID-19 pandemic event. In particular, the

Proclamation prohibits OPMA meetings from being held in-person during the time that the Proclamation is in effect, and requires that agencies provide for the ability of the public to attend OPMA meetings by remote means. Further, the Proclamation restricts the topics on which “action,” as defined in the OPMA, may be taken during this time.

Commissioner Martin made a motion that for the period of time when the State, County or local health district Declaration of Emergency is in effect for the COVID-19 Event, any and all Commissioners are authorized to attend any regular or special meeting of the Board of Commissioners by telephone, video conference, or similar remote attendance equipment or method. Commissioner O’Byrne seconded the motion, which passed unanimously.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

Approval of Minutes – Regular Board Meeting of March 11, 2020

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

**COVID-19 EMERGENCY DECLARATION**

Mr. Russell discussed the need for the District to adopt proposed Resolution No. 1895, which will declare an emergency due to the COVID-19 Event, and authorize certain emergency measures to ensure that the District is able to provide uninterrupted water and sewer service during the Event. Ms. Larson summarized the provisions of the Resolution, a copy of which was in the Board’s meeting agenda materials. The provisions include but are not limited to (1) the waiver of certain competitive bidding requirements, (2) the grant of authority to the General Manager to limit

public access to the District's office, (3) the suspension of the termination of water service, the filing of liens, and the addition of late charges, and (4) the grant of authority to the General Manager to develop personnel policies and procedures deemed necessary to address the COVID-19 Event.

After discussion, Commissioner O'Byrne made a motion to adopt Resolution No. 1895, declaring an emergency due to COVID-19; authorizing emergency measures to ensure uninterrupted utility service by the District during the COVID-19 Event, including waiving competitive bidding requirements pursuant to RCW 39.04.280. Commissioner Martin seconded the motion, which was approved unanimously.

**ATTORNEY'S COMMENTS**

Ms. Larson noted that the Board meeting agenda materials included a copy of the Governor's "Stay Home – Stay Healthy" Proclamation No. 20-25 and the related List of Essential Critical Infrastructure Workers, and written information related to the COVID-19 Event provided by Kathy Weber, employment law counsel.

**APPROVAL OF VOUCHERS**

The Board approved the Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 1651 to 1682 in the amount of \$288,724.74.

The Board approved Water/Sewer Maintenance Fund – Payroll in the amount of \$22,600.00.

The Board approved Water/Sewer Maintenance Fund – EFT in the amount of \$36,867.63.

**COMMISSIONERS' COMMENTS**

Commissioner Martin had no comments.

Commissioner O'Byrne thanked District staff for their work during these extraordinary circumstances.

Commissioner Kunkel also thanked staff, and commented that we will all work together to address the novel issues that are presented by the COVID-19 Event.

**OTHER DISTRICT BUSINESS**

Mr. Russell commented that for so long as Proclamation No. 20-28 is in effect, all Board of Commissioner meetings will be held remotely and not in-person.

**ADJOURNMENT**

As there was no further business or persons to be heard, the meeting concluded at 3:18 p.m.

**BOARD OF COMMISSIONERS**

  
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Douglas Kunkel, Commissioner

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Pam Martin, Commissioner

  
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Suzi O'Byrne, Commissioner