

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

Held on April 13, 2022

A regular meeting of the Board of Commissioners of Coal Creek Utility District was held by remote means and in-person at the District Office, 6801 – 132nd Place SE, Newcastle, Washington, on April 13, 2022, pursuant to the Washington State Governor’s Proclamation No. 20-28, as extended. Commissioner Suzi O’Byrne, Board President, attended in-person and called the meeting to order at 5:00 p.m. Commissioner Doug Kunkel, Board Vice-President, and Commissioner Pam Martin, Board Secretary, attended by telephone conference call. District staff Patrick Martin, Operations Manager, and Jamie Crookston, Finance Manager, and Rosemary Larson, legal counsel, attended in-person. Bill Reynolds, District Engineer, attended by telephone conference call.

In compliance with Proclamation No. 20-28, as extended, the District provided the public with the ability to attend the meeting by telephone conference, 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.

APPROVAL OF AGENDA – CORRECTION

Ms. Crookston informed the Commissioners that Agenda Item No. 4, the Consent Agenda, should be corrected to delete “DEA Extension – Christelle Ridge” and “DEA Extension – May Creek Park Assemblage,” as those items were approved at a prior meeting.

Commissioner Kunkel made a motion to approve the agenda, as corrected. Commissioner Martin seconded the motion, which passed unanimously.

CONSENT AGENDA

Approval of Minutes – Regular Board Meeting of March 23, 2022

DEA Design Approval – Timber Creek (AKA Hill Plat)

DEA Approval – Baima Property

DEA Approval – Solterra Newcastle

Commissioner Kunkel made a motion to approve the consent agenda, as corrected.

Commissioner Martin seconded the motion, which passed unanimously.

CITIZENS' COMMENTS AND CONCERNS

There were no citizens in attendance.

PREVAILING WAGE FOR DUCTILE IRON PIPE WORK – CONSULTANT COST SHARE

Ms. Crookston informed the Commissioners that Westwater Construction Group is appealing a Department of Labor and Industries determination that virtually all work involving ductile iron pipe must be paid at the prevailing wage for plumbers, not laborers. This new interpretation contradicts the Department's longstanding interpretation of prevailing wage regulations, makes public works projects involving ductile iron pipe much more expensive, and has other unintended consequences. WASWD moved to intervene in the case, but the motion was denied. Staff is requesting that the Board approve the District's participation in a cost sharing arrangement for legal services to pursue the appeal, in an amount not to exceed \$2,500, if an administrative appeal is not successful and the matter must be appealed to court.

Staff and the Commissioners discussed the negative impact of the Department's new interpretation on District projects. The consensus was that obtaining a reversal of the Department's new interpretation is in the District's best interest. Commissioner Kunkel made a motion to approve the District's participation in cost sharing for legal expenses associated with the appeal of

the Department's new interpretation regarding payment of plumbers' prevailing wage rates for work on ductile iron pipe, in an amount not to exceed \$2,500. Commissioner Martin seconded the motion, which passed unanimously.

HRA VEBA – VACATION CONTRIBUTION

Ms. Crookston stated that this item follows up on the discussion at the March 23, 2022 Board meeting regarding employee HRA/VEBA accounts. Currently, if on an employee's anniversary of first employment, the employee has accrued, unused vacation in excess of 200 hours, the employee receives a "cash-out" of the excess hours on a dollar-for-dollar basis. At the March 23 meeting, staff and the Commissioners discussed a potential policy that would authorize, as an alternative to making a cash payment to an employee for the excess accrued vacation hours, that the employee may elect to have the District make a payment into the employee's HRA/VEBA account for the full dollar value of the vacation hours in excess of 200. On March 23, the Board's consensus was that staff should prepare a resolution implementing this policy for consideration. Resolution No. 1913, in the meeting agenda packet, would adopt this policy.

Staff and the Commissioners discussed the benefits of the proposed policy. After discussion, Commissioner Kunkel made a motion to approve Resolution No. 1913, confirming the District's use of a Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association ("HRA-VEBA") Plan for District commissioners and employees; and authorizing the transfer of certain accrued but unused vacation compensation to an employee's HRA-VEBA Account. Commissioner Martin seconded the motion, which passed unanimously.

ATTORNEY'S COMMENTS

Ms. Larson commented that the Governor's Covid-related Open Public Meeting proclamation remains in effect.

ENGINEER'S COMMENTS

Mr. Reynolds reported that the concrete strike is over. The District's 580 Reservoir Project is moving forward. Mr. Reynolds anticipates that the District will receive concrete for the Project next week, and the Project is on track for completion this Summer.

APPROVAL OF VOUCHERS

The Commissioners approved the following Vouchers:

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 3560 to 3573 in the amount of \$97,275.80.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 3574 to 3584 in the amount of \$13,867.36.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 3585 to 3624 in the amount of \$316,853.79.

Water/Sewer Maintenance Fund – Payroll in the amount of \$69,601.25.

Water/Sewer Maintenance Fund – EFT in the amount of \$70,113.33.

MANAGERS' COMMENTS

Ms. Crookston had no additional comments.

Mr. Martin commented that the agenda materials for the March 23 Board meeting contained a letter from a customer thanking the District and Commissioners for the professional service provided by District staff who responded to an issue at the customer's residence. The staff members were able to quickly solve the issue. Mr. Martin recognized the exemplary work performed by the following District staff: Mike Jordan, Jeff Schell, John Brittenham, and Curtis White. Mr. Martin thanked all four staff members for their service. The Commissioners joined in recognizing these staff members and thanked them for providing excellent customer service.

COMMISSIONERS' COMMENTS

Commissioner Martin had no additional comments.

Commissioner Kunkel thanked Mr. Martin for recognizing the four staff members, who did great work in service to the District's ratepayers.

Commissioner O'Byrne agreed with Commissioner Kunkel. She commented that when a customer takes the time to write a complimentary letter regarding the District's service, it means that staff went above and beyond ordinary efforts. She complimented District staff on excellent teamwork.

OTHER BUSINESS

None.

ADJOURNMENT

As there was no further business or persons to be heard, the meeting concluded at 5:20 p.m.

BOARD OF COMMISSIONERS



Suzi O'Byrne, Commissioner



Douglas Kunkel, Commissioner



Pam Martin, Commissioner