

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

Held on July 22, 2020

A regular 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 – 132nd Place SE, Newcastle, Washington, on July 22, 2020. Pursuant to the Washington State Governor’s Proclamation No. 20-28, as extended, 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 5:00 p.m. Commissioner Pam Martin, Board Vice-President, and Commissioner Suzi O’Byrne, Board Secretary, also attended 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, 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. However, no members of the public attended.

ADDITION TO AGENDA

Mr. Russell informed the Board that a second executive session purpose should be added to the agenda to discuss with legal counsel the legal and financial risks associated with a potential claim, pursuant to RCW 42.30.110(1)(i).

APPROVAL OF AGENDA

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

CONSENT AGENDA

Approval of Minutes – Regular Board Meeting of July 8, 2020

DEA Approval – Water/Sewer – Newcastle Crest

Commissioner Martin made a motion to approve the consent agenda. Commissioner O'Byrne seconded the motion, which passed unanimously. Mr. Russell noted that the Newcastle Crest plans are preliminary; the final plans will be corrected for typographical errors and current information.

CITIZENS' COMMENTS

There were no citizens' comments.

ASPHALT SEAL COATING/STRIPING – LIMITED PUBLIC WORKS PROJECT

Mr. Martin presented information to the Board regarding the Asphalt Seal Coating and Striping Project, which is a limited public works project. Of the bidders that responded to staff's requests for information, Stripe Rite submitted the lowest bid, in the amount of \$11,975.00. Staff requested that the Board indicate whether there is consensus to do this Project and contract with Stripe Rite for performance of the work.

Commissioner Martin made a motion to direct staff to work with legal counsel to prepare a limited small works contract for the Asphalt Seal Coating and Striping Project, with Stripe Rite in the amount of \$11,975.00 plus tax, and to authorize the General Manager to execute the contract. Commissioner O'Byrne seconded the motion, which passed unanimously.

VEHICLE PURCHASES

Mr. Martin informed the Board that the District needs to replace two District trucks. Staff recommends updating the vehicles to a larger size more appropriate to the District's needs, consistent with the information in the agenda materials for this item. Staff intends to acquire the vehicles using the State's pricing. Commissioner Kunkel inquired if the existing vehicles would be sold as surplus. Mr. Martin responded that staff recommends disposing of the vehicles using the County auction system.

After discussion, Commissioner O'Byrne made a motion to approve the purchase of two trucks, described as (1) a 2020 Ford F 550 with services body and pipe rack, and (2) a 2020 Ford F with service body and crane, using the State contract DES pricing program, for the amounts stated in the agenda item memorandum. Commissioner Martin seconded the motion, which passed unanimously.

ATTORNEY'S COMMENTS

There were no Attorney's comments.

ENGINEER'S COMMENTS

There were no Engineer's comments.

APPROVAL OF VOUCHERS

The Board approved the Water/Sewer Maintenance Fund – Accounts Payable - Voucher No. 1932 to 1958 in the amount of \$265,195.33.

The Board approved the Water/Sewer Maintenance Fund – Accounts Payable - Voucher No. 1959 to 1973 in the amount of \$27,078.01.

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 \$27,768.63.

MANGER’S COMMENTS

Mr. Russell reported that the Comprehensive Plan extension was submitted to the Department of Health on July 10, 2020, and the Department acknowledged receipt. Ms. Paige and other staff drafted a COVID message which will be included on all bills sent to customers.

Ms. Paige thanked each Commissioner, the District’s counsel, Mr. Russell and Mr. Martin for the opportunity to work at the District. She has greatly enjoyed working with everyone at the District.

Ms. Paige requested that the Board approve a waiver of the 30-day notice requirement in the Finance Manager Employment Agreement with the District, in accordance with Section 3.C of the Agreement. In response to a question from the Board, Mr. Russell stated that he supports the request. After discussion, each Commissioner spoke in favor of the request, noting that Ms. Paige provided 18 days’ notice, has trained staff to perform necessary Finance Manager duties, and the District has a plan to continue the financial work without interruption.

Commissioner O’Byrne made a motion to waive the 30-day notice period under Section 3.C of the Finance Manager Employment Agreement. Commissioner Martin seconded the motion, which passed unanimously.

Mr. Martin reported that dead trees at the 440 Tank Site will be removed, along with one or more trees in the fence line at the Site. In addition, vandalism has continued at that Site. Staff is investigating having the Tank pressure washed and other maintenance performed and will bring a small works contract for this work to the Board for consideration.

Mr. Russell thanked Ms. Paige for her service to the District. She has had several large accomplishments during her three years at the District, including implementation of new financial software. She is leaving the District in a better position than when she began.

Commissioner Martin also thanked Ms. Paige and wished her the best in her new endeavor.

COMMISSIONERS' COMMENTS

Commissioner O'Byrne thanked Ms. Paige for her hard work on behalf of the District and wished her good luck. Commissioner O'Byrne also applauded staff for all they have been doing during the COVID pandemic.

Commissioner Martin is grateful that District staff and the Commissioners have not been impacted health-wise by COVID. She also is pleased that the District has obtained rain barrels, a popular item.

Commissioner Kunkel thanked Ms. Paige for her three years of service. He noted that Ms. Paige improved and updated the District's financial accounting system, and the District has consistently had good audits during her tenure with the District.

OTHER BUSINESS

There was no other business.

EXECUTIVE SESSION – RCW 42.30.110(1)(h) and RCW 42.30.110(1)(i).

Mr. Russell and Ms. Larson requested an executive session for two purposes: (1) to discuss the performance of an employee under RCW 42.30.110(1)(h), and (2) to discuss with legal counsel legal and financial risks associated with a potential claim under RCW 42.30.110(1)(i). Before convening the executive session for the first purpose at 5:31 p.m., Mr. Russell advised this executive session would be for 20 minutes. The Commissioners, Mr. Russell, Mr. Martin, Ms. Paige and Ms. Larson then attended the executive session. At 5:49 p.m., the executive session

concluded, which was publicly announced by Ms. Larson. The open public meeting reconvened at 5:51 p.m.

Following discussion, Commissioner O'Byrne moved to appoint Ms. Jamie Crookston as the District's Acting Finance Manager, with a salary of \$90,000 per year, through December 31, 2020. Commissioner Martin seconded the motion, which passed unanimously.

Commissioner Martin moved to approve that Ms. Paulette Dorsey be designated as the District's Acting Administrative Assistant, which will be a part-time position working 32 hours per week, and with compensation of \$26.41 per hour plus the customary District employee benefits, as allowed by law and District policies. Commissioner O'Byrne seconded the motion, which passed unanimously.

Commissioner Martin moved to approve that Ms. Sharon Perez, who will remain in her current Administrative Assistant position and perform additional accounts payable duties, receive an increase in compensation consistent with Step 5 pay level for the Administrative Assistant position. Commissioner O'Byrne seconded the motion, which passed unanimously.

Mr. Martin and Ms. Paige then left the meeting.

At 6:02 p.m., an executive session was reconvened to discuss with legal counsel the legal and financial risks associated with a potential claim under RCW 42.30.110(1)(i). Before entering the executive session at 6:02 p.m., Mr. Russell advised this executive session would be for 10 minutes. The Commissioners, Mr. Russell, and Ms. Larson then attended the executive session. At 6:12 p.m., the executive session concluded, which was publicly announced, and the open public meeting reconvened.

The Commissioners, Mr. Russell and Ms. Larson discussed that certain language in the 2019 and 2020 versions of the Finance Manager's Employment Agreement appears to have been

included through a mutual mistake. Beginning with the 2019 version of the Agreement, the parties intended that Section 3.C of the Agreement state that on termination of the Agreement by the Finance Manager with either 30 days' notice or a waiver of the notice period by the Board, the Finance Manager would receive payment for 100% of accrued vacation time and 50% of accrued sick leave time. That is the same language included in the General Manager's and Operations Manager's Employment Agreements. By mutual mistake, the Section 3.C language in the 2018 version of the Finance Manager's Employment Agreement was inadvertently included in the 2019 Agreement, which was copied into the 2020 Agreement. Ms. Larson stated that the Inslee Best computer system included two different versions of the 2019 Finance Manager Employment Agreement, one of which contains the provision described above, and one of which includes the language in the version which was actually signed in 2019. Commissioner Kunkel stated that his recollection is the same as Mr. Russell's, which is that the language used Section 3.C in the 2018 Finance Manager Employment Agreement was only intended to be used that year, and for 2019 and all future years, Section 3.C of the Finance Manager Employment Agreement was supposed to have the same provision as Section 3.C of the General Manager and Operations Manager Employment Agreements. Commissioner Martin agreed with Commissioner Kunkel.

After discussion, Commissioner Martin made a motion that the Board recognize that there was a mutual mistake with respect to the language in Section 3.C of the 2019 and 2020 Finance Manager Employment Agreements, and that the Board's and the Finance Manager's mutual intent was that Section 3.C provide that on termination of the Agreement by the Finance Manager with either 30 days' notice or a waiver of the notice period by the Board, the Finance Manager would receive payment for 100% of accrued vacation time and 50% of accrued sick leave time, as is the

case for the General Manager and Operations Manager Employment Agreements. Commissioner O'Byrne seconded the motion, which passed unanimously.

ADJOURNMENT

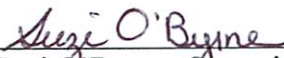
As there was no further business or persons to be heard, the meeting concluded at 6:16 p.m.

BOARD OF COMMISSIONERS

Douglas Kunkel, Commissioner



Pam Martin, Commissioner



Suzi O'Byrne, Commissioner

APPROVED
Date 8/12/2020
Signature BOC
GI _____