

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

**Held on August 11, 2021**

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 – 132<sup>nd</sup> Place SE, Newcastle, Washington, on August 11, 2021, pursuant to the Washington State Governor’s Proclamation No. 20-28, as extended. Commissioner Pam Martin, Board President, attended in-person, and called the meeting to order at 5:03 p.m. Commissioner Suzi O’Byrne, Board Vice-President, and Commissioner Doug Kunkel, Board Secretary, attended in-person. District staff Robert Russell, District Manager, Patrick Martin, Operations Manager, Jamie Crookston, Finance Manager, and Rosemary Larson, legal counsel, also attended in-person.

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 – ADDITIONS OR DELETIONS**

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

**CONSENT AGENDA**

Approval of Minutes – Regular Board Meeting of July 28, 2021

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

**CITIZENS' COMMENTS AND CONCERNS**

There were no citizens in attendance.

**SPU WHOLESALE CONTRACT EXTENSION LETTER**

Mr. Russell reported that the District received a letter from SPU, requesting that the District agree to an extension of time in which to negotiate potential revisions to the SPU wholesale water contract. Currently, the time for such negotiations would expire on December 31, 2021. District staff agree that this is not enough time to review and negotiate SPU's proposed revisions.

After discussion, Commissioner Kunkel made a motion to approve the one-year extension of time for negotiations requested by SPU, and authorize the General Manager to sign the letter approving the same. Commissioner O'Byrne seconded the motion, which passed unanimously.

Mr. Russell explained that in other similar situations, the District has used a cost-sharing agreement with other Districts with common interests, to apportion the cost of legal, financial and other consultants to assist in reviewing of a proposal. The Board's consensus was that District staff should pursue a cost-sharing arrangement with other districts involved in the negotiations with SPU on the wholesale water contract revisions.

**BOARDROOM UPDATES**

Mr. Russell informed the Commissioners that the meeting room set-up is twenty years old, the audio-visual system is obsolete and failing, and the District has not made ADA improvements to the facilities. District staff recommends obtaining proposals for reconfiguring the seating and updating the audio-visual equipment. The Board's consensus was this should be done.

**ATTORNEY'S COMMENTS**

Ms. Larson provided an update on the status of recent State, county and city Covid-related orders.

**ENGINEER'S COMMENTS**

The engineer was not present.

**APPROVAL OF VOUCHERS**

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

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 2892 to 2905 in the amount of \$36,172.42.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 2906 to 2918 in the amount of \$239,738.05.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 2919 in the amount of \$84,868.55.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 2920 to 2931 in the amount of \$16,680.79.

Water/Sewer Maintenance Fund – Payroll in the amount of \$59,965.27.

Water/Sewer Maintenance Fund – EFT in the amount of \$60,173.56.

**MANAGER'S COMMENTS**

Ms. Crookston informed the Commissioners that the District's third party billing service provider sent out duplicate bills for "Route 13". The service provider is sending an apology letter to customers.

Mr. Martin reported that the District received the final invoice from the City of Newcastle for the District's participation in the City's paving overlay project. The price has increased since last year's project. Staff is reviewing the invoice, and after it is confirmed for accuracy will bring the invoice to the Board for approval. Mr. Martin also reported that the Carport Project should be complete by next week.

Regarding the 580 Tank Maintenance Project, progress payment information is in the meeting materials. District staff request that the Commissioners approve the contractor's Pay Request No. 5, in the amount of \$84,868.54. After discussion, Commissioner Kunkel made a motion to approve T. Bailey's Pay Request No. 5 in the amount of \$84,686.54. Commissioner O'Byrne seconded the motion, which passed unanimously.

Mr. Russell reported that it would be prudent for the District to obtain services for additional computer back-up capability, to better protect the District against a cyber-security incident. He recommends using KDH Consulting, which will provide a cloud-based storage with quick recovery times. The District's attorney reviewed and commented on KDH's proposed agreement, and KDH agreed to some revisions but not others.

The Commissioners, staff and Ms. Larson discussed the proposed terms in the KDH Agreement. After discussion, Commissioner Kunkel made a motion to approve the KDH Agreement, and authorize the General Manager to sign the same. Commissioner O'Byrne seconded the motion, which passed unanimously. .

### **COMMISSIONERS' COMMENTS**

Commissioner Kunkel had no additional comments.

Commissioner O'Byrne had no additional comments.

Commissioner Martin had no additional comments.

**OTHER BUSINESS**

None.

**EXECUTIVE SESSION – RCW 42.30.110(1)(i) – King County Right-of-Way Litigation**

Mr. Russell requested an executive session under RCW 42.30.110(1)(i) to discuss the King County right-of-way use lawsuit with legal counsel, and advised that the executive session would be for 10 minutes.

Commissioner Martin convened the executive session at 6:05 p.m., with the Commissioners, Mr. Russell, Mr. Martin, Ms. Crookston and Ms. Larson attending.

At 6:15 p.m., the executive session concluded and the open public meeting was reconvened. No action was taken.

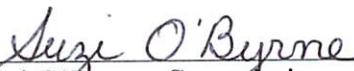
**ADJOURNMENT**

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

**BOARD OF COMMISSIONERS**



\_\_\_\_\_  
Pam Martin, Commissioner



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Suzi O'Byrne, Commissioner



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Douglas Kunkel, Commissioner