

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

**Held on November 9, 2022**

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 November 9, 2022. 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, attended in-person. Commissioner Pamela Martin, Board Secretary, attended in-person, and arrived at 5:22 p.m. District staff Robert Russell, General Manager, Patrick Martin, Operations Manager, and Jamie Crookston, Finance Manager, and Rosemary Larson, legal counsel, 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 Kunkel made a motion to approve the agenda. Commissioner O’Byrne seconded the motion, which passed unanimously.

**CONSENT AGENDA**

Regular Meeting Minutes of October 26, 2022

May Creek Park Assemblage DEA (water and sewer) – Final Acceptance

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

**APPROVAL OF VOUCHERS**

The following Vouchers were approved:

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 4123 to 4145 in the amount of \$639,151.75.

Water/Sewer Maintenance Fund – Accounts Payable - Voucher Nos. 4146 to 4153 in the amount of \$37,094.26.

Water/Sewer Maintenance Fund – Payroll in the amount of \$69,916.17.

Water/Sewer Maintenance Fund – EFT in the amount of \$773.14.

Water/Sewer Maintenance Fund – EFT in the amount of \$7208.57.

Water/Sewer Maintenance Fund – EFT in the amount of \$67,650.58.

#### **CITIZENS' COMMENTS AND CONCERNS**

There were no citizens in attendance.

#### **WATER & SEWER RISK MANAGEMENT POOL (WSRMP) MEMBERSHIP**

Mr. Russell informed the Commissioners that the District's membership contribution will be lower than the required contribution last year. For 2023, the fee will be \$146,982.00. Ms. Crookston noted that the District's assets increased during 2022.

Commissioner Kunkel made a motion to approve the payment of the WSRMP membership contribution in the amount of \$146,982.00. Commissioner O'Byrne seconded the motion, which passed unanimously

#### **WASWD SECTION 4 – CONSULTANT SERVICES**

Mr. Russell reported that this item relates to the annual fee for participation in WASWD Section 4. The fee provides funding for use when Section 4 hires various consultants. During 2022, Section 4 began performing some of the consultant services "in-house," so the amount of the requested contribution has decreased. The District's suggested contribution is \$1000 for 2023.

After discussion, Commissioner Kunkel made a motion to approve payment of the WASWD Section 4 contribution in the amount of \$1000.00. Commissioner O'Byrne seconded the motion, which passed unanimously.

**ATTORNEY'S COMMENTS**

Ms. Larson had no comments.

**ENGINEER'S COMMENTS**

Mr. Martin presented the Engineer's Report, prepared by PACE, which was in the agenda materials. Mr. Martin reported that the Hiemstra DEA project will begin construction soon, and the Canopy DEA project is under construction. Mr. Martin addressed questions from Commissioner Kunkel regarding the status of the Pleasant Cove project. Mr. Martin also informed the Commissioners that the District received the 90% plans for the Vactor Decant project, and the bid documents for that project should be complete in early December.

Regarding the 580 Tank Site project, District staff attended the final punch-list walk-through with the contractor at the site. Mr. Russell presented photographs of the completed Tanks.

**MANAGERS' COMMENTS**

Ms. Crookston reported that District staff are in the process of providing data to FCS Group for the rate study. The study may be available at the next meeting.

Ms. Crookston also informed the Commissioners that the Auditor arrived on November 8 to begin the audit of the District's financial records.

Mr. Martin reported that the City sidewalk project should be complete before the end of the year. The City will invoice the District for facility relocation work performed by the City for the District as part of the project.

Mr. Martin also informed the Commissioners that PACE is completing the 90% design documents for the Donegal Park Sewer Project. This Project should be ready to bid in early 2023.

Ms. Crookston informed the Commissioners that the Employee Recognition Event will be held on December 22, 2022 at Terry's Kitchen.

Commissioner Martin joined the meeting in person at 5:22 p.m.

Mr. Russell informed the Commissioners that Ms. Larson prepared a draft Resolution relating to the time of the District's regular Board of Commissioner meetings, which is in the agenda materials. The draft Resolution has a blank for the new meeting time. The Commissioners and District staff discussed the benefits of and issues with various meeting times. The consensus was that the new start time should be 2:00 p.m., effective in January 2023. A complete Resolution will be brought to the next Board meeting for further consideration and approval.

Mr. Russell discussed that in the past, the District has cancelled the second meeting in November and the second meeting in December, due to the holidays in those months.

After discussion, Commissioner Kunkel moved to cancel the November 23, 2022 and the December 28, 2022 regular meetings of the Board of Commissioners. Commissioner O'Byrne seconded the motion, which passed unanimously.

### **COMMISSIONERS' COMMENTS**

Commissioner Martin had no additional comments.

Commissioner Kunkel stated that he attended the Newcastle Days Volunteer Recognition Dinner on November 8, 2022. Many of the citizen volunteers attended, as well as several City Councilmembers.

Commissioner O'Byrne had no additional comments.

### **OTHER DISTRICT BUSINESS**

None.

**ADDITIONAL CITIZENS' COMMENTS**

There were no citizens present.

**EXECUTIVE SESSIONS – (1) RCW 42.30.140(4) – To Discuss Interpretation or Application of a Labor Agreement and Strategy for Collective Bargaining and Negotiations; and (2) RCW 42.30.110(1)(g) – To Review the Performance of a Public Employee.**

Mr. Russell requested an executive session under RCW 42.30.140(4) to discuss the interpretation or application of a labor agreement and a strategy or position to be taken during collective bargaining and negotiations, and stated that the executive session would be for 15 minutes. Commissioner O'Byrne convened the executive session at 5:35 p.m., with the Commissioners, Mr. Russell, Mr. Martin, Ms. Crookston, and Ms. Larson attending.

At 5:50 p.m., Mr. Russell announced that the executive session would be extended for an additional 10 minutes. At 6:00 p.m., Mr. Russell announced that the executive session would be extended for an additional 10 minutes. At 6:10 p.m., Mr. Russell announced that the executive session would be extended for an additional 10 minutes. At 6:20 p.m., the executive session was concluded and the open public meeting reconvened.

Commissioner Kunkel made a motion to provide the Union represented staff, who are subject to the collective bargaining agreement, with a one-time four percent market rate adjustment increase to their salaries, effective November 1, 2022, based on (1) the unusually high rate of inflation in 2022, and (2) the informal salary survey which shows that the District is not meeting its long-established goal of having CCUD staff salaries stay in the mid-range of other comparable district's staff salaries. Commissioner O'Byrne seconded the motion, which passed unanimously.

The Commissioners then discussed that the same considerations apply to the District's office staff, who are not represented by the Union, and except for management staff whose terms of employment are stated in employment agreements. Commissioner Kunkel made motion to provide office (non-represented) staff, excluding the Finance Manager, Operations Manager and General Manager, with the same one-time four percent market rate adjustment increase to their salaries, effective November 1, 2022, based on the same considerations expressed for the prior motion. Commissioner Martin seconded the motion, which passed unanimously.

Commissioner O'Byrne departed the meeting at 6:25 p.m. Commissioner Kunkel assumed the Chair of the meeting. Mr. Martin and Ms. Crookston were excused from the meeting.

Mr. Russell requested an executive session under RCW 42.30.110(1)(g) to review the performance of a public employee, and stated that the executive session would be for 5 minutes. Commissioner Kunkel convened the executive session at 6:27 p.m., with the Commissioners, Mr. Russell, and Ms. Larson attending. At 6:32 p.m., Mr. Russell announced that the executive session would be extended for an additional 3 minutes. At 6:35 p.m., the executive session was concluded and the open public meeting reconvened. No action was taken.

### **ADJOURNMENT**

As there was no further business or persons to be heard, the meeting concluded at 6:36 p.m.

### **BOARD OF COMMISSIONERS**

  
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Suzi O'Byrne, Commissioner

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Douglas Kunkel, Commissioner

  
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Pam Martin, Commissioner