



MINUTES OF A REGULAR MEETING OF THE BOARD OF COMMISSIONERS

April 4, 2023

1. CALL TO ORDER

The meeting was called to order at 3:00 p.m. by Board President Ron Ricker. All persons attended in person, except for any who joined by telephone as noted (*).

Commissioners Present

Commissioner Ron Ricker, President
Commissioner Patricia M. Hale, Vice President
Commissioner Charlotte Haines, Secretary

Staff and Consultants

Diane Pottinger, District Manager
Barbara Shosten, Director of Finance
Max Woody, Director Operations/Engineering
Joe Bennett, District Attorney

2. PUBLIC COMMENT

None.

3. APPROVAL AND/OR ADJUSTMENTS TO AGENDA

Ms. Pottinger requested three changes: (1) Correcting the resolution number for Item 7.c; (2) Adding an executive session under Item 11; and (3) After executive session, adding new business Item 7.d—developer request to modify form reimbursement agreement. Upon motion by Commissioner Hale and second by Commissioner Haines, the Board voted unanimously to approve the agenda as amended.

4. APPROVAL OF MINUTES

Ms. Pottinger explained one correction made to the draft minutes. Commissioner Hales moved to approve the March 21 regular meeting minutes as corrected. Commissioner Ricker seconded, and the motion passed unanimously.

5. APPROVAL OF VOUCHERS

Commissioner Hale moved to approve voucher numbers 6973-6988 and 119494-119531 in the amount of \$166,256.31 from the maintenance fund and voucher numbers 789-791 in the amount of \$66,455.30, from the capital fund. Commissioner Haines seconded the motion. Commissioner Hale asked about an invoice for fire extinguisher testing. The motion passed unanimously.

6. OLD BUSINESS

None.

7. NEW BUSINESS

- a. **North City Water District Water Rights.** Ms. Pottinger shared a letter from SPU to DOH regarding the water rights claims of two SPU wholesale water customers. SPU's

letter fails to mention that SPU failed to object or comment on the District's March 17, 2020 water comprehensive plan that included the District's claim of water rights that was filed with DOE in 1975.

- b. **Updating the District's Water Service Extension Agreement.** Ms. Pottinger gave the historical background. The form WSEA has undergone few modifications in the last 15 years. Mr. Woody recommended that the form WSEA be further updated. This will be a 6-9 month process. There was a general discussion about some potential updates. DEA will consult with staff on this project.
- c. **Resolution 2023.04.14 Cancelling 5th Avenue Project and Approving 6th Avenue Project.** Mr. Woody explained that 5th Avenue is too crowded with existing and proposed underground utilities. He said that after talking with other utilities and the City of Shoreline, 6th Avenue NE is a much better option for the District to add a larger water main. *ACTION:* Upon motion of Commissioner Haines and second by Commissioner Hale, the Board unanimously adopted the resolution.

8. **DIRECTORS' AND MANAGER'S REPORTS**

- a. **Director of Finance.** Ms. Shosten has been working on reconciling work orders the past three weeks. The process was made more difficult by the significantly higher level of work performed by staff. She complimented both the M&O staff and Ms. Pottinger for their good work. Mr. Woody agreed that his staff has performed at a high level.
- b. **Director of Operations and Engineering**
Mr. Woody provided an update. Highlights included:
 - He is still waiting for delivery of the two F-150 trucks that were ordered several months ago. He noted many government agencies are experiencing similar delays in service vehicle deliveries.
 - The 18th Ave NE and NE 168th St project (CIP 2022-02) will start after Shoreline Schools students are dismissed in June. The District will store some of the contractor's materials in the interim at the Maintenance Facility.
- c. **District Manager**
District Manager Pottinger:
 - Gave an update on House Bill 1671.
 - Communicated the Chamber of Commerce's request that the evening meeting at the District be rescheduled to May 30.
 - Reported on her discussions with Sheridan Beach property owners regarding unused land in the area as it relates to CIP 2022-01 Bothell Way Crossing.

9. **LEGAL REPORT**

None.

10. **COMMISSIONER REPORTS**

- Commissioner Hale asked about the SPU contract negotiating meeting and the Operating Board meeting, both scheduled for Thursday, April 6. Commissioners will meet 9:00 a.m. at the District to carpool while Ms. Pottinger will meet at Mercer Island. She also

asked specific details about the upcoming WASWD conference. She will meet with Ms. Pottinger about any changes we may make to the Board room on the walls. Once that is completed, they will both be meeting with the artist about placement of sketches of District buildings.

11. EXECUTIVE SESSION

The Board went into executive session for 20 minutes to discuss potential litigation and legal risk with Mr. Bennett pursuant to RCW 42.30.110(1)(i). The executive session started at 4:28 p.m. and concluded at 4:48 p.m.

7.d. Developer Request to Modify Form Reimbursement Agreement

The attorney for the developer who signed WSEA No. 2022.07.25 requested that the District modify certain provisions of the District's form reimbursement agreement. The Board discussed the request. ACTION: Upon motion by Commissioner Ricker and second by Commissioner Haines, the Board voted unanimously to deny the developer's request.

Mr. Bennett will communicate the Board's decision to the developer's attorney.

12. WORDS FOR THE GOOD OF THE ORDER

Ms. Shosten stated that the water industry is the most important industry in the world and the District as a single purpose government is well positioned to continue providing healthy water for its customers. She encouraged commissioners and staff to spread that good message.

13. NEXT MEETING

The next regular meeting of the Board will be on Tuesday, April 18, 2023, at 3:00 p.m.

14. CONCLUSION

Commissioner Ricker concluded the meeting at 4:53 p.m.

Commissioner Ron Ricker

Commissioner Patricia M. Hale

Commissioner Charlotte Haines