



## MINUTES OF A REGULAR MEETING OF THE BOARD OF COMMISSIONERS

June 6, 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 Zoom 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  
Max Woody, Director Operations/Engineering  
Joe Bennett,\* District Attorney

#### **MEMBER OF THE PUBLIC**

Robert Gregg,\* WZL Enterprises LLC, Developer

### **2. PUBLIC COMMENT**

None.

### **3. APPROVAL AND/OR ADJUSTMENTS TO AGENDA**

District Manager Pottinger requested one change: add a second executive session under RCW 42.30.110(1)(i) to Item 11. Upon motion by Commissioner Haines and second by Commissioner Hale, the Board voted unanimously to approve the agenda as amended.

### **4. APPROVAL OF MINUTES**

Commissioner Haines moved to approve the May 16 regular meeting minutes. Commissioner Hale seconded, and the motion passed unanimously. Upon motion by Commissioner Hale and second by Commissioner Ricker, the Board voted unanimously to approve the minutes of the May 18 special meeting.

### **5. APPROVAL OF VOUCHERS**

Commissioner Haines moved to approve voucher numbers 7039-7054 and 119647-119700 in the amount of \$287,396.38 from the maintenance fund and voucher number 803-811 in the amount of \$48,453.58, from the capital fund. Commissioner Hale seconded the motion and asked about two invoices. The motion passed unanimously.

### **6. OLD BUSINESS**

- a. **Fircrest Campus Project.** Ms. Pottinger provided an update based on her discussions with DSHS. The State agency is considering separating the overall project into four separate projects, which may require four developer extension agreements with NCWD.

The timing of the developer extension agreements may vary considerably over a number of years. She expects to bring back information to the board during the coming months.

**7. NEW BUSINESS**

None.

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

**a. Director of Finance.**

Ms. Shosten was absent for today's meeting. Ms. Pottinger reported that Ms. Shosten completed the financial statements for 2022. Ms. Shosten will work on filling an open administrative position in the coming weeks.

**b. Director of Operations and Engineering**

Mr. Woody provided an update. Highlights included:

- There was a vehicle break-in at the maintenance facility. The incident was captured on video camera. Mr. Woody reported the incident to police and the District's insurance pool.
- The District's consulting engineer, Rodney Langer of DEA, is working on an amendment to the water system plan which he expects to bring back to the board in the near future.
- 18<sup>th</sup> Ave – 168<sup>th</sup> St Project (CIP 2022-02): The contractor has been hired. The preconstruction conference will be next week and work will start June 26.
- 3<sup>rd</sup> Ave NE Project (CIP 2022-04). There will be a walk-through for the north phase of the project. There will be a bid opening on June 14 for the north phase of the project.
- North City Apartments (Alta) WSEA: Work will begin this month.

**c. District Manager**

Ms. Pottinger reported:

- Saturday, June 17 is the Lake Forest Park Garden Tour & Market: She asked commissioners if they would like to volunteer to take turns attending the event, please let her know.
- The 2022 Consumer Confidence Report has gone to the printer and should be in customers mailbox this week or next.
- Highlands Sewer District is taking over the Water System from the Highlands Homeowners Association and will be forming Highlands Utility District next month. She will tour the site and have discussions with the General Manager about a potential contract between North City Water District and the new Utility District to assist with certified waterworks operator and cross connection control specialist back up services.
- SHB 1691: Ms. Pottinger reported on how the new higher bid limits may impact Districts. She has been asked to help with the Capital Projects Advisory Review Board review of this bill over the next few months.
- July 6 meeting will be the next meeting of the SPU Operating Board. SPU contract negotiations will not occur until that day or sometime later in July.

**9. LEGAL REPORT**

Mr. Bennett reported: (1) WASWD will host a workshop to discuss implementation of the

recent law restricting water disconnects and requiring restoration of water service during extreme heat events. The meeting will be via Zoom on Friday, June 16 at 9:00 a.m.; and (2) Tomorrow he will attend oral argument at the Court of Appeals in Spokane in the case of *Birch Bay Water & Sewer District, et al v. Department of Ecology*. The case will decide if DOE violated the Administrative Procedure Act with respect to new water quality standards.

#### 10. **COMMISSIONER REPORTS**

- Commissioner Hale reported that a local conservation and historical group has asked the District to contribute to an educational display case at the Shoreline Public Library.

#### 11. **EXECUTIVE SESSIONS**

- a. **Potential Litigation and Legal Risk.** The Board went into executive session to discuss potential litigation with Mr. Bennett pursuant to RCW 42.30.110(1)(i) for 15 minutes. The first executive session commenced at 3:47 p.m. At 4:02 p.m., the Board extended for five minutes. The first executive session concluded at 4:07 p.m.
- b. **Lease of District Property.** The Board went into executive session to discuss the terms of a renewed lease of District property to RCW 42.30.110(1)(c) for five minutes. The second executive session commenced at 4:07 p.m. and concluded at 4:12 p.m. The Board returned to open session.

ACTION: Upon motion by Commissioner Haines and second by Commissioner Hale, the Board voted unanimously to authorize District Manager Pottinger to execute on behalf of the District a Reservation of Rights Agreement with WZL Enterprises LLC.

#### 12. **NEXT MEETING**

The next regular meeting will be on Tuesday, June 20, 2023, at 3:00 p.m.

#### 13. **CONCLUSION**

Commissioner Ricker concluded the meeting at 4:19 p.m.

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Commissioner Ron Ricker

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Commissioner Patricia M. Hale

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Commissioner Charlotte Haines