



MINUTES OF A REGULAR MEETING OF THE BOARD OF COMMISSIONERS

October 17, 2023

1. CALL TO ORDER

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

Commissioners Present

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

Staff and Consultants

Diane Pottinger, District Manager
Barb Shosten, Finance Manager
Max Woody, Director Operations & Engineering
Joe Bennett, District Counsel
Christian Eley, Utility Worker
Toby Bigger*, Senior Field Inspector

2. PUBLIC COMMENT

Mr. Woody introduced new employee, Christian Ely. He started this week and looks forward to working with the District.

3. APPROVAL AND/OR ADJUSTMENTS TO AGENDA

Ms. Pottinger made one correction to the agenda and added Item 7(d)(2)-approval of SPU III contract extension and negotiating team legal services agreement. Upon motion by Commissioner Hale and second by Commissioner Haines, the Board voted unanimously to approve the agenda as revised.

4. APPROVAL OF MINUTES

Upon motion by Commissioner Haines and second by Commissioner Ricker, the Board voted unanimously to approve the minutes of the October 3 regular meeting.

ACTION: Commissioner Hale moved that a commissioner remotely attending a Board meeting may verbally delegate authority to sign minutes, vouchers, resolutions or any other document needing signatures to someone present at the meeting, and the minutes of the meeting should so reflect. Commissioner Haines seconded and the motion passed unanimously.

5. APPROVAL OF VOUCHERS

Commissioner Haines moved to approve voucher numbers 7182-7197 and 120019-120059 in the amount of \$517,586.12 from the maintenance fund and voucher numbers 852-855 in the amount of \$15,692.56, from the capital fund. Commissioner Hale asked questions about particular invoices. Commissioner Hale seconded the motion, which passed unanimously.

6. OLD BUSINESS

- a. **Firecrest Campus Project Updates.** Ms. Pottinger provided an update. There will be another meeting Friday with Department of Social and Health Services about the water system as it relates to proposed projects on campus. Mr. Woody shared his thoughts and commissioners asked questions.

7. NEW BUSINESS

a. **Resolution 2023.10.29, acknowledging the completion and acceptance of CIP 2022-01: 2.0 MG reservoir improvements.** Mr. Woody made a presentation and gave the background. ACTION: Upon motion by Commissioner Haines and second by Commissioner Hale, the Board voted unanimously adopted the resolution.

b. **Resolution 2023.10.30, approving increase in scope with RH2 for watermain installation project (CIP 2022.04).** Mr. Woody provided background. ACTION: Upon motion by Commissioner Haines and second by Commissioner Ricker, the Board voted unanimously adopted the resolution.

c. **Draft Lease with Shoreline Fire District for Flexnet System.** Ms. Pottinger provided an update. A draft lease, along with estimated electrical usage for the Flexnet antenna, was submitted to SFD for their review.

d.1. **SPU Contract Third Time Extension Letter.** Ms. Pottinger shared the letter from SPU proposing an additional time extension for contract negotiations. She recommended Board approval based on negotiating progress to date, and the cost of the alternative of separate negotiations between SPU and each purveyor. ACTION: Upon motion by Commissioner Hale and second by Commissioner Haines, the Board voted unanimously to approve the time extension letter and proposed the next SPU meeting be deferred until after January 1. Ms. Pottinger will communicate this response to SPU.

d.2. **Legal Services Agreement.** Ms. Pottinger explained that Inslee Best requested participants to sign a new legal services agreement in order for the firm to continue representing the purveyors' group in contract negotiations with SPU. ACTION: Upon motion by Commissioner Hale and second by Commissioner Haines, the Board voted unanimously to approve the legal services agreement and authorize the District Manager to sign for the District.

8. DIRECTORS' AND MANAGER'S REPORTS

a. **Finance Director**

Ms. Shosten reported as follows:

- 2024 Budget meeting will be in November. She proposed a meeting at 2:00 pm on Tuesday, November 21 prior to the regular Board meeting.

ACTION: Upon motion by Commissioner Haines and second by Commissioner Hale, the Board voted unanimously to adjust the start time of the November 21 regular Board meeting to 2:00 p.m.

b. **Director of Operations and Engineering**

Mr. Woody reported:

- The status of the Paramount I and II developments was reported in the *DJC*.

- The District is working to close out some of its smaller capital projects including the 2.0 reservoir.
- GIS mapping update work continues.

c. District Manager

Ms. Pottinger reported:

- Provided an update on SHB 1621 regarding bid limits as it relates to water and sewer districts.
- The recent water tour of SPU's Tolt River watershed, revealed that the reservoir is noticeably lower than the typical year.
- She had correspondence with Sound Transit as part of their NE 145th Street/SR 523 BRT project regarding the presence of a District water main within their construction area that might be impacted by the work onsite.
- She and several staff continue to working on identifying any existing lead service lines in the system.

9. **LEGAL REPORT**. Mr. Bennett provided an update of the case *Tacoma v. Ecology*. Attorneys for Ecology petitioned the State Supreme Court to review the Court of Appeals' ruling that Ecology violated the Administrative Procedure Act.

10. COMMISSIONER REPORTS

- Commissioner Hale reported on the recent Seattle Operating Board visit to the Tolt watershed reservoir. She also reported on the frequency of motor vehicle accidents on 15th Ave NE. She attended Shoreline's City Learn educational program. Shoreline Police are providing signage for businesses to display in parking lots.
- Commissioner Haines attended the Section IV meeting last night. One topic was the current PFAS litigation against 3M.

11. **EXECUTIVE SESSION**. The Board went into executive session at 4:40 p.m. to review the performance of a public employee pursuant to RCW 42.30.110(1)(g). The executive session concluded at 4:45 p.m.

12. NEXT MEETING

The next regular meeting will be on Tuesday, November 7, 2023 at 3:00 p.m.

13. CONCLUSION

Commissioner Ricker concluded the meeting at 4:50 p.m.

Commissioner Ron Ricker

Commissioner Patricia M. Hale

Commissioner Charlotte Haines