

DRAFT REVISED

PUBLIC UTILITY DISTRICT No. 1
of Whatcom County

Agenda for the
Regular Meeting of January 11, 2022
8:00 a.m. via Zoom Teleconference

1. Call to Order | Pledge of Allegiance (5 minutes)
2. Approval of Agenda (5 minutes)
3. Consent Agenda (5 minutes)
 - a) Approval of the Meeting Minutes of the Special Meeting of December 21, 2021
 - b) Approval of Claims for January 11, 2022
4. Public Comment (10 minutes)
- ~~5. Old Business~~
- New
 - a) Broadband Program Update
 - b) Civil Discourse Policy - Draft Resolution No. 812 (15 minutes)
6. General Manager Report (10 minutes)
7. Commissioner Reports
8. Public Comment
9. Executive Sessions – (1) RCW 42.30.110(1)(i) – Potential Litigation (10 minutes); and
(2) RCW 43.30.110 (g) Review of qualifications of an applicant or review of the performance of a public employee (15 minutes)
(Separate Executive Session Zoom Platform invite from Legal Counsel)
10. Approval of Contract Amendment – Steve Jilk (5 minutes)
11. Adjourn (9:30 a.m. estimated)

Until further notice: Whatcom PUD’s Offices are closed to public access.

Due to the **Updated Open Public Meetings Act General Guidance Regarding the COVID-19 Event**, the PUD Meeting Room is not open to the public. All Commissioners will participate via teleconference.

The public meeting can accessed by internet: <https://us02web.zoom.us/j/81846060682>

Or by telephone: Dial 1 (253) 215 8782 or 1 (346) 248 7799 or 1 (669) 900 6833

Webinar ID: 818 4606 0682

Next Commission Meetings

January 25 & February 8, 2022 | 8:00 a.m. | Regular Meeting

Access information will be announced - the public may join the meeting by teleconference.

Contact: Ann Grimm, Commission Clerk at (360) 384-4288 x 27 • www.pudwhatcom.org

MINUTES OF THE SPECIAL

MEETING OF THE COMMISSION

December 21, 2021

1. Call to Order | Pledge of Allegiance

The special meeting of the Board of Commissioners of Public Utility District No. 1 of Whatcom County was called to order at 8:00 a.m. by Commissioner Atul Deshmane. Said meeting was open to the public and notice thereof had been given as required by law. Those present via Zoom teleconference included Commissioner Mike Murphy, Commissioner Christine Grant, Commissioner Atul Deshmane, and Legal Counsel Jon Sitkin and Peter Ruffatto. Staff attending via Zoom teleconference: Steve Jilk, General Manager, Ann Grimm, Executive Assistant; Rebecca Schlotterback, Manager of Contracts and Regulatory Compliance; Brian Walters, Assistant General Manager; Annette Smith, Director of Finance; Duane Holden, Director of Utility Operations; Paul Siegmund, Manager of Automation and Technology; Aaron Peterson, IT/SCADA Technician; Mike Macomber, IT/SCADA Technician; Andrew Entrikin, Broadband Program Manager; Kurt Wank, Project Manager; and Traci Irvine, Accountant I.

Public attending via teleconference:
Dave Olson, Citizen
Lauren Turner, Phillips 66

2. Approval of Agenda

Executive Session was added to the agenda to discuss potential litigation.

ACTION: Commissioner Grant motioned to approve the agenda of December 21, 2021. Commissioner Murphy second the motion. Motion passed unanimously.

3. Consent Agenda

- a. Approval of Meeting Minutes of the Regular Meeting, December 14, 2021 as presented
- b. Approval of the Claims of December 21, 2021:

VENDOR NAME	AMOUNT
APPLIED INDUSTRIAL TECHNOLOGIES, INC	1,123.86
BIRCH EQUIPMENT COMPANY	674.06
BONNEVILLE POWER ADMINISTRATION	684,641.00
BRIDGEVIEW AUTO PARTS	11.61
CENTRAL WELDING SUPPLY	85.92
CHMELIK SITKIN & DAVIS	15,173.53
CITRIX SYSTEMS, INC.	35.06
COMCAST	103.34
COMCAST - NWRC	20.00
EDGE ANALYTICAL LABORATORIES	20.00
FASTENAL	90.36
FEDERAL EXPRESS	13.44
FERNDAL ACE HARDWARE	8.26
FRONTIER PRECISION, INC.	607.10
GENEVA CONSULTING	1,625.50
HACH COMPANY	60.47
INTERNAL REVENUE SERVICE	18,162.70
IVOXY CONSULTING LLC	11,954.80
KCDA PURCHASING COOPERATIVE	184.68

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NOOKSACK SALMON ENHANCEMENT ASSOCIATION	91.17
NORTHWEST PUMP & EQUIPMENT CO.	317.94
NW PUBLIC POWER ASSOCIATION	6,273.55
PAYLOCITY	156.91
PAYROLL	222,255.23
PLATT ELECTRIC SUPPLY CO	114.22
PORTAL WAY FARM & GARDEN	99.50
POTELCO, INC	365,849.16
STEEL RIVER PIPING & FABRICATION	14,935.20
WA FEDERAL VISA CARD MEMBER SERVICES	6,669.49
WA ST AUDITOR'S OFFICE	14,181.50
WA ST DEPT OF REVENUE	69,890.34
WATERHOUSE ENVIRONMENTAL SERVICES CORP	38,007.36
WESTERN CONFERENCE OF TEAMSTERS	9,204.00
WILSON ENGINEERING, LLC	1,297.75
GRAND TOTAL	\$ 1,483,939.01

ACTION: Commissioner Murphy motioned to approve the consent agenda of December 21, 2021. Commissioner Grant second the motion. Motion passed unanimously.

4. Public Comment

None made.

5. Old Business

a. Broadband Program Update

Entrikin attended the Port/PUD Steering Committee meeting last week –highlights included updates on Port projects and their *Public Works Board* project, which did not receive grant funding, however, he hopes for other funding opportunities in the future; Stark provided a draft outline for 2022 and there was discussion of federal and state funding sources.

Grant added that she attended the Broadband Steering Committee Meeting too. She touched on possible grant funding from NoaNet and the Mt. Baker Foundation. The group is seeking GIS data from Puget Sound Energy regarding pole location information to help speed up the process.

Deshmane inquired about the Port’s request for funding on the Public Works Board grant. Entrikin responded it was an extension of the CERB grant, to establish broadband/fiber in areas located north and east of Lynden. Entrikin is hopeful that with a few changes made to the original proposal, additional funding may be secured.

Deshmane also added that the City of Bellingham is asking city residents to respond to a survey on broadband connectivity.

b. Public Hearing for Redistricting Plan

Legal Counsel Peter Ruffatto briefed the Commission on the draft Redistricting Plan along with proper requirements of legal and public notices given, along with subsequent public hearing, held at the last Commission meeting. Adopting the presented resolution will finalize elements required by statute for the election districts. No further comments or changes were made.

ACTION: Commissioner Murphy motioned to APPROVE RESOLUTION 811 - REDISTRICTING PLAN FOR PUD COMMISSION ELECTION DISTRICTS. Commissioner Grant second the motion. Motion passed unanimously.

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6. New Business

a. Award a Second One-Year Contract Term Extension for Supply of Poly Aluminum Chloride (PAC) Chemical to Waterhouse Environmental Service Corporation

Walters briefed the Commission on the District's contract for chemical supply used to treat river turbidity. Staff was notified by the supplier that based on continuing disruptions in the marketplace and supply chain issues, the price of the chemical was estimated to increase by approximately 50% in 2022.

The District's 2022 Budget's line item for chemical supply was set at \$248,292, based on a delivery of approximately 580,000 pounds of product at a price of \$0.4536 per pound. This unit price used was based on a five percent escalation over the 2021 unit price. The anticipated increase in price would result in a unit price of \$0.6480 per pound (\$354,700 total). Because of uncertainties in the market, the supplier is not willing to place a cap on the aggregated business that might occur during 2022.

It was discussed if other means could be used to treat the flashiness/turbidity issues. Jilk noted that several years ago, Water Operations staff conducted tests of different chemicals available and decided on the PAC blend was most efficient. There are only three suppliers of the PAC and all face the same market issues so trying to change suppliers would be problematic at this late of date.

For the 2022 contract extension, staff included additional terms and conditions to the standard supplier term sheet. Funding for the PAC chemical supply is included in the 2022 Budget; however, depending on river conditions impacting the amount of chemical used and supplier unit price increases, the budget for chemicals may be impacted.

ACTION: Commissioner Murphy motioned to APPROVE AWARD A SECOND ONE-YEAR CONTRACT TERM EXTENSION FOR POLY ALUMINUM CHLORIDE (PAC) CHEMICAL SUPPLY TO WATERHOUSE ENVIRONMENTAL SERVICES CORPORATION AND AUTHORIZE THE GENERAL MANAGER TO EXECUTE THE AMENDMENT TO THE CONTRACT SUBJECT TO FINAL STAFF AND LEGAL REVIEW. Commissioner Grant second the motion. Motion passed unanimously.

b. Approve Change Order No. 6 for Potelco, Inc. – Ferndale Pump Substation Project

Change Order No. 6 is regarding the Ferndale Pump Substation Project and the associated Construction Contract with Potelco and Brown and Kysar, Inc. engineers (BKI). Holden explained during the design process, BKI experienced staff turnover similar to other organizations during the pandemic. The person who was responsible for designing the transformer installation, the substation feed to the transformer, and electrical gear between the low side of the transformer and the electrical connection to plant 1, left the company with the design unfinished. During the process of preparing the final design/bid documents, this portion of the design work, which wasn't directly part of the substation was overlooked, and not included in the bid package. Therefore, the construction bid submitted by Potelco did not include this work nor the equipment specified for the design.

The proposed change reflects the work and equipment needed to complete that portion of the project. After the construction bid was awarded to Potelco, BKI provided the completed design and specification for the missing elements at no charge. The additional cost not to exceed amount for Potelco Work Order No. 6 is as follows:

Original Contract Amount	\$3,670,067.00
Change Orders 1 – 5	\$123,184.66
Change Order 6	\$108,505.87
<hr/> Subtotal	<hr/> \$3,901,756.53

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Sales Tax (8.7%)	\$343,345.58
Total Contract Amount	\$4,244,709.15

The project has been included in the 2021 and 2022 Budget as CIP E-22 and is sufficiently funded to complete during calendar year 2022.

ACTION: Commissioner Grant motioned to APPROVE CHANGE ORDER NO. 6 FOR POTELCO, INC. FOR THE FERNDALE PUMP SUBSTATION PROJECT AND AUTHORIZE THE DISTRICT'S GENERAL MANAGER TO EXECUTE THE CHANGE ORDER. Commissioner Murphy second the motion. Motion passed unanimously.

c. Approve Resolution No. 808 – Delegation of Authority – Amended

The master policy directive of the Commission of the Public Utility District No. 1 of Whatcom County was originally adopted as Resolution No. 559 on November 27, 2007, for the purpose of establishing the delegated administrative powers and duties of the General Manager and designees. This policy states that it will be reviewed and affirmed annually each succeeding year following its adoption. The current Delegation of Authority policy will expire on December 31, 2021.

This is a recommendation to amend the Delegation of Authority to remain in effect until December 31, 2023, unless it is extended prior to that date. This amendment includes the following update to Exhibit A – Authorized Purchasing Limits, now includes the new Broadband Program Manager position to list with purchasing limit set at \$10,000. The Delegation of Authority can be amended at any time to reflect changes in limits or the addition of staffing positions.

ACTION: Commissioner Grant motioned to APPROVE RESOLUTION NO. 808 FOR THE DISTRICT'S DELEGATING ADMINISTRATIVE POWERS AND DUTIES OF THE GENERAL MANAGER AND DESIGNEES, REPEALING ALL PRIOR RESOLUTIONS DEALING WITH THE SAME SUBJECT MATTER. Commissioner Murphy second the motion. Motion passed unanimously.

d. Approve Resolution No. 809 – Use of Electronic Signatures

The Board of Commissioners approved the use and acceptance of electronic records and signatures under two resolutions: Resolution No. 773 approved on April 28, 2020, term of April 28 to June 30, 2020; and, Resolution No. 778 approved November 24, 2020, which expires on December 31, 2021. This is a request to approve a new resolution of the same business matter, with an expiration date of December 31, 2022.

ACTION: Commissioner Murphy motioned APPROVE RESOLUTION No. 809 AUTHORIZING USE AND ACCEPTANCE OF ELECTRONIC RECORDS AND SIGNATURES. Commissioner Grant second the motion. Motion passed unanimously.

e. Approve Resolution No. 810 – Amend the Policy for Employee Compensation for Administrative Employees

This is a recommendation for the Commission to adopt a resolution amending the District's *Policy for Employee Compensation for Administrative Employees* (Exhibit A). This policy provides guidelines for establishing a methodology for updating and setting salary ranges for all non-bargaining unit employee positions, establishing employee positions and job descriptions for all positions, and information on additional benefits and compensation as offered by the District. Resolution No.810 will update the following sections of the *Policy for Employee Compensation for Administrative Employees*:

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Position Titles and Yearly Salary Ranges List

For 2022, it is recommended that most salary ranges be adjusted based on this year's review for the following positions:

Assistant General Manager

Director of Utility Operations

Director of Finance

Electric System Supervisor

Substation Technician I

Substation Technician II

Manager of Automation and Technology

Accountant I

IT/SCADA Tech (two positions)

Manager of Contracts and Regulatory Compliance

Executive Assistant to General Manager

This is a recommendation for Commission approval of the recommended salary ranges for 2022. A set of proposed salary ranges with the existing ranges is listed as Exhibit B in Resolution No. 810. The General Manager establishes individual salaries as he/she implements the *Policy for Employee Compensation for Administrative Employees* established and approved by the Commission. There are no other changes to the Policy.

ACTION: Commissioner Murphy motioned to ADOPT RESOLUTION NO. 810 AMENDING THE *POLICY FOR EMPLOYEE COMPENSATION FOR ADMINISTRATIVE EMPLOYEES* FOR THE PURPOSES OF UPDATING SALARY RANGES. Commissioner Grant second the motion. Motion passed unanimously.

f. Public Comment Policy

The Commission has indicated they would like to have a *public comment policy* that would try to encourage a more civilized dialogue, to eliminate bullying and personalized attacks from the public discourse relating to PUD work and actions. Sitkin indicated the intention is not to restrain or seek to restrain free speech, but should abusive or threatening words regarding staff or elected officials/families surface, the matter would be turned over to legal counsel for handling and would not come from the targeted individual. A draft of said policy will be developed and presented at a future meeting.

g. Approve 2022 Commission Meeting Schedule

During the year, meeting schedules may be revised to respond to individual needs and other industry training and meeting schedules as well as national holidays. Regular review and confirmation of District meetings provides good opportunities for Commission and public interaction and communication and opportunities for managing Commission action.

The proposed calendar for the 2022 Commission Meeting dates follows the regular meeting schedule of the second (2nd) and fourth (4th) Tuesdays and allows for consideration of any federal holidays. This calendar also includes Washington Public Utility Districts Association (WPUDA) meetings, Washington Water Utilities Council (WWUC) meetings, County election information, and other important dates.

ACTION: Commissioner Grant motioned to APPROVE THE COMMISSION MEETING SCHEDULE FOR 2022. Commissioner Murphy second the motion. Motion passed unanimously.

h. Select District Representatives to Agencies for 2022

Each year the Commission acts to approve Commissioners and staff representatives to agencies that the District is a member of to the following agencies (to have representatives designated by the Commission to speak on behalf of the District as appropriate):

Jilk gave a brief description of each position. The Commission as a whole, discussed then recommended District Representatives for 2022 as follows:

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Washington Public Utility Districts Association (WPUDA) Representative: Commissioner Murphy (currently 2021 representative), to remain the same for 2022.

WPUDA Committees and respective District Designees selected for 2022:

Committee	Primary Representative	Alternate
Board of Directors	Mike Murphy	Atul Deshmane
Managers	General Manager	Brian Walters
Government Relations	Mike Murphy	Christine Grant
Communications	Atul Deshmane	General Manager
Energy	Christine Grant	Brian Walters
Water	Atul Deshmane	General Manager
Telecom	Christine Grant	Brian Walters

Whatcom County Economic Development Investment (EDI) Board: Commissioner Deshmane accepted to represent this position.

Whatcom County Council of Governments (WWCOG) Associate Membership: Commissioner Grant will represent the District and the General Manager is the alternate for 2022;

Public Utility Risk Management Services (PURMS): These positions will remain the same for 2021: (Elected) Representative: Commissioner Deshmane as representative; and the General Manager and Annette Smith (Finance Director) as voting alternates.

Watershed Resource Inventory Area No. 1 (WRIA1): Appoint WRIA 1 Watershed Management Board Representative and alternate; and appoint WRIA 1 Planning Unit representative and alternate. These positions will remain the same for 2022:

WRIA 1	Primary Representative	Alternate
Watershed Management Board	Atul Deshmane	Stephan Jilk
Planning Unit	Stephan Jilk	Rebecca Schlotterback

Energy Northwest: Commissioner Murphy will be District representative in 2021, and designated alternate is Christine Grant.

City of Bellingham Broadband Advisory Committee: Commissioner Deshmane will remain representative, Brian Walter is the alternate.

Port/PUD Broadband Advisory Committee: Commissioner Grant will remain the representative, General Manager as staff.

ACTION: Commissioner Grant motioned to SELECT DISTRICT REPRESENTATIVES TO THE FOLLOWING AGENCIES:

1. MIKE MURPHY AS DISTRICT REPRESENTATIVE FOR WASHINGTON PUBLIC UTILITY DISTRICTS ASSOCIATION (WPUDA);
2. WPUDA COMMITTEES
BOARD OF DIRECTORS: PRIMARY/MURPHY ALTERNATE/DESHMANE
MANAGERS COMMITTEE: PRIMARY/GENERAL MGR ALTERNATE/WALTERS
GOVT RELATIONS: PRIMARY/MURPHY ALTERNATE/GRANT
COMMUNICATIONS: PRIMARY/DESHMANE ALTERNATE/GENERAL MGR

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ENERGY COMMITTEE:	PRIMARY/GRANT	ALTERNATE/WALTERS
WATER COMMITTEE:	PRIMARY/DESHMANE	ALTERNATE/GENERAL MGR
TELECOM COMMITTEE:	PRIMARY/GRANT	ALTERNATE/WALTERS

3. DESHMANE AS REPRESENTATIVE FOR WHATCOM COUNTY EDI BOARD;
4. GRANT AS REPRESENTATIVE FOR WHATCOM COUNTY COUNCIL OF GOVERNMENTS, GENERAL MANAGER AS ALTERNATE;
5. DESHMANE AS REPRESENTATIVE FOR PUBLIC UTILITY RISK MANAGEMENT SERVICES, GENERAL MANAGER/ANNETTE SMITH AS VOTING ALTERNATES;
6. DESHMANE AS REPRESENTATIVE FOR WR1A1 WATERSHED MANGEMENT BOARD AND STEVE JILK AS ALTERNATE; STEVE JILK AS REPRESENTATIVE AND REBECCA SCHLOTTERBACK AS ALTERNATE FOR PLANNING UNIT;
7. MIKE MURPHY AS REPRESENTATIVE FOR ENERGY NORTHWEST, CHRISTINE GRANT AS ALTERNATE.
8. DESHMANE AS REPRESENTATIVE FOR CITY OF BELLINGHAM BROADBAND ADVISORY GROUP, WALTERS AS ALTERNATE; AND
9. GRANT AS REPRESENTATIVE FOR PORT/PUD BROADBAND STEERING COMMITTEE; JILK AS STAFF REPRESENTATIVE.

Commissioner Murphy second the motion. Motion passed unanimously.

i. Elect Commission Officers for 2022

Each year the Commissioner elects officers of the Commission for the upcoming calendar year. The Commission takes action on the election of officers without recommendation from staff. Commissioner Murphy suggested Grant be President and Deshmane be Secretary. Murphy indicated he could remain as Vice-President or act as Secretary for 2022.

ACTION: Commissioner Murphy motioned to NOMINATE AND ELECT COMMISSIONER GRANT AS PRESIDENT FOR 2022; NOMINATE AND ELECT COMMISSIONER DESHMANE AS VICE PRESIDENT FOR 2022, AND TO NOMINATE AND ELECT COMMISSIONER MURPHY AS SECRETARY FOR 2022. Commissioner Grant second the motion. Motion passed unanimously.

j. Approve General Manager's Contract

This is an amendment to Jilk's employment contract; however, because the amendment is still in the works, the information was not ready for approval at today's meeting.

ACTION: No action taken or requested.

7. General Manager's Report

Alcoa Wenatchee

Jilk noted the article in the recent *Clearing Up* regarding Alcoa closing their Wenatchee smelter for good. There are continued discussions with the Blue Wolf group and BPA to operate the Ferndale plant; however, there are no firm plans in place at this time. The Governor's 2022 budget does have funding earmarked for the re-startup of the Ferndale plant.

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Cherry Point Developments

Jilk continues to have discussion with other project proponents and the hydrogen energy firm, and Jilk is expecting some action on that project in 2022.

8. Commissioner Reports

Murphy – Updated on Energy Northwest that the Columbia Generating Station is back up and running after work that had to be done on turbines. Northwest Public Power had a nice write up about the PUD’s new General Manager.

Grant – Attended the Port/PUD Broadband Steering Committee as noted earlier.

Deshmane – Attended the WPUDA Telecom and Watershed Management Board meetings and mentioned that General Manager Jilk received many warm comments from the members on his retirement, his work and contribution over the years to the WMB.

9. Public Comment

None made.

10. Executive Session

Commission President Deshmane requested Executive Session (No. 1) pursuant to RCW 42.30.110(1)(i) – potential litigation. The estimated time for Executive Session was thirty minutes. The Commission President indicated that no action is anticipated be taken after the adjournment of the Executive Session. After a short recess, the Commission adjourned to Executive Session at 9:55 a.m.

- The Commission held Executive Session on a separate Zoom webinar platform for privacy, security matters and Open Public Meeting Act requirements.

Executive Session Adjourn

There being no further business for Executive Session, the Commission rejoined the Special Commission Meeting webinar platform at 10:25 a.m. No action was taken.

11. Adjourn

There being no further business for the meeting, Commissioner Deshmane adjourned the regular meeting at 10:27 a.m.

Atul Deshmane, President

Michael Murphy, Vice President

Christine Grant, Secretary

Commission Clerk Note: Video recordings of the Whatcom PUD Commission Meetings are available online at the following link on the PUD’s Website:
<https://www.pudwhatcom.org/the-commission/2021-agendas-packets-meeting-minutes-recordings/>

Memo

To: Commissioners Grant, Deshmane, and Murphy
From: Jon Sitkin
Date: January 7, 2022
Re: **Civil Discourse Policy - Draft Resolution No. 812**

Requested Action: The Commission requested that District legal counsel prepare a draft policy that would encourage civil discourse in our community and specifically in relation to District-related matters. A draft policy for Commission review and discussion accompanies this memorandum.

Background: The PUD Commission has noted that personal attacks are increasing in our political communications locally, regionally, and nationally. Recent online commentary regarding local policy initiatives has become increasingly threatening, using intimidation and insulting speech to attempt to influence policy. In response, the District Commission has requested a draft policy on civil discourse as follows:

- A. Establish this Policy in an effort to encourage a civil political discourse;
- B. Affirm that PUD officials and staff should not be subject to bullying, harassing, hateful, threatening, insulting, derogatory or similar speech, regardless of the purpose of the speech or the position of the PUD officials and/or staff; and,
- C. Establish a process for review and potential action in the event such bullying, harassing, hateful, threatening, insulting, derogatory or similar speech is directed towards PUD officials or staff.

The purpose of this Policy is to set a standard for communications and civil discourse related to matters before the Commission and within our community. This Policy is intended to be proactive and aspirational, to elevate discourse, and to provide a review process to identify behavior that warrants further action.

This Policy does not restrict and should not be interpreted to prohibit any conduct or communication that is protected or guaranteed by applicable law, including without limitation, the right to exercise free speech within constitutional limits.

Fiscal Impact: None.

Recommended Action: Review and consideration of the attached draft Policy Resolution, and direct revisions or take action for approval of the draft Policy Resolution attached here.

RESOLUTION NO. 812

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF PUBLIC UTILITY DISTRICT NO. 1 OF WHATCOM COUNTY (THE “DISTRICT” and/or “PUD”) RELATED TO PUBLIC COMMENT AND ENCOURAGING CIVIL DISCOURSE WITHIN OUR COMMUNITY

WHEREAS, Dialogue and civil discourse are the pillars of our democracy, and the ability to share and discuss ideas shapes our political culture;

WHEREAS, Civil discourse is the free and respectful exchange of different ideas in a way that respects and affirms all persons, while hearing their perspectives;

WHEREAS, Listening to each other and listening across differences for understanding is important in building respect and sustaining our sense of community;

WHEREAS, In today’s world, interaction in the media, online, through correspondence, and in person can quickly devolve into inflammatory statements and personal attacks that leave all parties feeling angry and frustrated. We do not all have to agree, but the goal of civil discourse, and the goal of this Policy, is to encourage productive discussions, including those that involve disagreement;

WHEREAS, Personal attacks are increasing in our political communications locally, regionally, and nationally. Personal attacks are simply unworthy of the civil discourse which should be maintained in our community;

WHEREAS, Incivility fuels the contempt and skepticism with which Americans increasingly view politics, and which has a consequent negative outcome on public policy;

WHEREAS, The United States House of Representatives on June 22, 2017 adopted House Resolution 400 in support of civility encouraging the promotion of civility in our schools, at work, and in our public spaces, and calling on all Americans to practice civility, and finding as follows:

“Whereas civility involves being nice or polite to others and treating others with respect;

Whereas civil discourse and dialogue are hallmarks of the American political and social systems, and these hallmarks have been jeopardized in recent years by growing division in and coarsening of our political culture;

Whereas 9 out of 10 Americans agree incivility leads to intimidation, threats, harassment, discrimination, violence, and cyberbullying;

Whereas a majority of Americans believe incivility in our politics encourages general incivility in society and deters members of the public from engaging in public service;”

WHEREAS, Recent online commentary regarding local policy initiatives has become increasingly threatening, using intimidation and insulting speech to attempt to influence policy. In response, the District Commission has elected to:

- a. Establish this Policy in an effort to encourage a civil political discourse;
- b. Affirm that PUD officials and staff should not be subject to bullying, harassing, hateful, threatening, insulting, derogatory or similar speech regardless of the purpose of the speech or the position of the PUD officials and/or staff; and,
- c. Establish a process for review and potential action in the event such bullying, harassing, hateful, threatening, insulting, derogatory or similar speech is directed towards PUD officials or staff.

WHEREAS, The Commission asks all residents to practice civility by listening respectfully to people who have different views, avoiding language that is bullying, harassing, hateful, threatening, insulting, derogatory or similar speech directed towards others, and supporting efforts to work together across ideological and political lines;

WHEREAS, The purpose of this Policy is to set a standard for communications and civil discourse related to matters before the Commission and within our community. This Policy is intended to be proactive and aspirational, to elevate discourse, and to provide a review process to identify behavior that warrants further action;

WHEREAS, This Policy seeks to assist the pursuit of the goal to increase the quality and respect in the policy discussions within our community. This Policy is intended to facilitate and does not serve to hinder or limit free speech, but does set forth an expectation of the nature of speech, and establishes a policy of how bullying, harassing, hateful, or threatening speech directed towards PUD Commissioners, officials and/or staff will be reviewed and addressed by the District. The PUD recognizes and affirms that comments to or towards PUD Commissioners, officials and/or staff, including those made in online blogs, newspapers, social media, and traditional media do not require a response. And, furthermore, when such comments fall below the standards stated in this Policy, those comments are not entitled to a response;

WHEREAS, This Policy does not restrict and should not be interpreted to prohibit any conduct or communication that is protected or guaranteed by applicable law;

WHEREAS, PUD officials and employees are not prohibited from exercising their right of free speech but are encouraged to do so consistent with this Policy;

WHEREAS, This Policy is not intended to be an independent basis for employee discipline, and does not amend, alter, or provide an interpretation of any existing or future personnel policy; and

WHEREAS, The State of Washington has determined that the intimidation of a public servant is a felony pursuant to RCW 9A.76.180(1), which provides that "A person is guilty of intimidating a public

servant if, by use of a threat, he or she attempts to influence a public servant's vote, opinion, decision or other official action as a public servant”;

WHEREAS, The Commission of Public Utility District No. 1 of Whatcom County adopts this Policy to set a standard of expectation for themselves to lead so that others in the community may be encouraged to follow this standard; and

WHEREAS, For the purposes of this Resolution and the policy adopted herein, the term “Officials” refers to the Municipal Officers of the District, which includes the elected PUD Commissioners and the PUD General Manager; and, for the purposes of this Policy, references to “staff” and “employee” have the same meaning.

NOW, THEREFORE, BE IT RESOLVED by the Commission of Public Utility District No. 1 of Whatcom County as follows:

- 1) The Commission adopts the following pledge of communication, and encourages all organizations and individuals in our community to adopt a similar pledge:

I Will:

- Always show respect for the other person and be courteous
- Listen patiently and with curiosity to understand another’s point of view, especially when there is disagreement
- Use precise and truthful language that communicates my views without exaggerating
- Look for areas of mutual agreement
- Encourage others to be civil

I Will Not:

- Use inflammatory words or derogatory names
- Interrupt another person
- Make broad generalizations about individuals or groups
- Assault the character of others or falsely impugn their motives
- Question another person’s beliefs, values, or patriotism
- Demonize or describe as enemies, those who hold political beliefs different from my own

- 2) The Commission establishes the following aspirational goals for the PUD:
- i. The PUD encourages all communications regarding PUD matters in any forum, including all communications to and from PUD officials and staff, to avoid using language that is bullying, harassing, hateful, threatening, insulting, derogatory or similar speech directed towards others.
 - ii. PUD officials and employees are encouraged to follow the Pledge set forth above when conducting official PUD business.
 - iii. PUD officials and employees are encouraged to avoid language that is bullying, harassing, hateful, threatening, insulting, derogatory or similar speech directed towards others, and supporting efforts to work together across ideological and political lines.

- 3) The Commission establishes the following process for communications to PUD officials and staff, and/or any communications related to District business, regardless of the medium in which they are expressed:

Any communications in any forum received by or directed towards any PUD officials and/or staff that potentially includes language that is bullying, harassing, hateful, threatening, insulting, derogatory or similar speech directed towards PUD officials, staff, or others shall be referred to the District General Manager and Legal Counsel for review of potential action to protect PUD officials and staff and/or prevent such speech from being directed towards PUD officials and/or staff.

- 4) The Commission has the practice of providing a public comment period at the outset of every meeting, although there is not a statutory requirement to provide such opportunity. This public comment period shall occur at the discretion of the Commissioner presiding at a Commission meeting, who is typically the President of the Commission. The Commissioner presiding at a Commission meeting may in their sole discretion set limits on the public comment period; including, without limitation, limiting the allocated comment period to an individual and/or suspending the public comment portion of a Commission meeting as a whole or as to an individual.

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ADOPTED by the Board of Commissioners of Public Utility District No. 1 of Whatcom County at a regular meeting thereof held this ___ day of January, 2022.

**PUBLIC UTILITY DISTRICT NO. 1
OF WHATCOM COUNTY**

ATTEST:

Mike Murphy, Secretary/Commissioner

Christine Grant, President/Commissioner

Atul Deshmane, Vice President/Commissioner

PUBLIC UTILITY DISTRICT NO. 1
of Whatcom County

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Memo

To: Commissioners Grant, Deshmane, and Murphy
From: Jon Sitkin
Date: January 5, 2022
Re: Amendment of General Manager Contract- Stephan Jilk

Requested Action:

Approval of an amendment to the existing General Manager Contract with Stephan Jilk to change his position to an In-House Consultant to the General Manager effective February 1, 2022.

Background:

In December of 2020, the Commission approved a contract extension for Stephan Jilk to continue his position as General Manager through June 30, 2022, anticipating his retirement prior to that date. This extension was approved in anticipation of the Commission hiring a new General Manager prior to that date and allowing for transition to the new General Manager.

The Commission has selected and approved a contract with a new General Manager, Chris Heimgartner, effective February 1, 2022. As a result, the contract with Stephan Jilk requires an amendment to provide that there is only one General Manager for the PUD, and to clarify the role assigned to Stephan Jilk through the duration of the contract.

In consultation with the new General Manager, the attached Restated and Amended Contract has been prepared. This Restated and Amended Contract provides for the continued employment of Stephan Jilk as an In-House Consultant to the General Manager through June 30, 2022 in accordance with the terms and benefits of the current contract, with the exception that there will no longer be a vehicle provided, and the payout of any accrued benefits could be paid out over a three (3) year period. After February 1, 2022 through Jun 30, 2022, Stephan Jilk will report to the new General Manager and perform work as assigned by the General Manager.

Fiscal Impact:

The proposal will not have an impact on the existing budget of the District, as the compensation was budgeted through June 30, 2022. This Restated and Amended Contract extends the payout of accrued benefits over a three (3) year period, which is of benefit to the District.

Recommended Action:

Approval of the attached Restated and Amended Contract for Stephan Jilk.