

MINUTES OF THE MEETING OF THE COMMISSION

April 8, 2014

The regular 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 Jeff McClure. Said meeting was open to the public and notice thereof had been given as required by law. Those present included Commissioner Mike Murphy, Commissioner Paul Kenner and Legal Counsel Jon Sitkin. Staff: Steve Jilk, General Manager; Ann Grimm, Administrative Assistant; Annette Smith, Director of Finance; Duane Holden, Manager of Construction and Facilities; Rebecca Schlotterback, Manager – Contracts and Regulatory Compliance; Alec Strand, Project Manager; Lew Gaskill, Accountant 1; Mike Macomber, IT/SCADA Technician. Public attending: Greg and Karen Brown, citizens; and, Max and Carole Perry, citizens.

◆ **Public Comment**

Karen Brown noted at the previous WRIA 1 Planning Unit meeting, that Mr. Jilk indicated that the County Coordinated Water System Plan is in the process of being updated. Brown wanted to know who is in charge of updating the plan. Jilk replied that Whatcom County is in the process of selecting a consultant and the contact for the County is Gary Stroyka. Also, Greg Brown brought attention to the Commissioners of the editorial in today’s *Bellingham Herald* by Ellen Baker, regarding Whatcom water districts wanting the WRIA 1 “Planning Unit” to be in charge of water policy.

◆ **Approval of the Meeting Minutes and Claims**

The Commissioners were presented with the Minutes of the regular meeting held March 25, 2014 and the following Claims of April 8, 2014.

<b>VENDOR NAME</b>	<b>AMOUNT</b>
3-D CORPORATION	1,230.00
AIR COMPRESSOR SERVICE	1,647.51
ALCAD STANDBY BATTERIES	986.85
ASPLUNDH TREE EXPERT CO	9,000.00
CHMELIK SITKIN & DAVIS	10,839.50
CORNERSTONE MANAGEMENT, INC.	4,029.00
CRABTREE, DEVIN	86.94
CULLIGAN NORTHWEST	51.07
FEDERAL EXPRESS	12.60
FERNDALE ACE HARDWARE	127.49
FERNDALE READY MIX AND GRAVEL, INC	1,969.69
FERNDALE TRUE VALUE HARDWARE	18.46
FRONTIER	730.28
HARDWARE SALES, INC.	11.14
HAWLEY’S AUTO SUPPLY	48.86
HD FOWLER CO, INC	144.77
HEALTH PROMOTIONS NORTHWEST	90.00
HINKELS & MCCOY, INC	127,993.47
LYNDEN TRIBUNE	60.00
MORTIMER, TOM	2,437.50
MURRAY SMITH & ASSOCIATES	33,316.54
NEOFUNDS BY NEOPOST	500.00
NORTH COAST ELECTRIC COMPANY	94.11
NORTHWEST MOWING & GARDENING	447.42
NORTHWEST PROFESSIONAL SERVICES	550.00
NW RECYCLING	108.50
PLATT ELECTRIC SUPPLY CO	36.54
PORTAL WAY FARM & GARDEN	310.85
REGENCE BLUE SHIELD	33,438.46
REISNER DISTRIBUTION, INC	1,349.81
RICOH USA	207.14
SOFTWIRED	122.90
STELLAR J CORPORATION	633,008.36
UNIVAR USA, INC	1,498.44
VERIZON WIRELESS	1,043.68
WA ST DEPT OF L&I BOILER	330.20
WASHINGTON DENTAL SERVICE	2,435.15
WASHINGTON TEAMSTERS WELFARE	8,794.80
WESTERN CONFERENCE OF TEAMSTERS	2,329.87
WESTERN REFINERY SERVICES	561.49
<b>GRAND TOTAL</b>	<b>\$ 881,999.39</b>

**ACTION:** Commissioner Kenner motioned to approve the Minutes of the regular meeting held March 25, 2014 and the Claims of April 8, 2014. Commissioner Murphy second the motion. Motion passed unanimously.

◆ **Approval of Resolution No. 678 – Establishing Guidelines for District Employee Use of District Owned Technology and Prohibition of Personal Technology**

Note: This item was tabled at the last Commission meeting for further review and clarification.

Legal Counsel Sitkin explained that the District has developed this policy (Resolution No. 678) designed to provide guidelines for technology interface; and, to supplement and expand existing District policies, now collectively referred to as Technology Policies regarding the use of District owned or operated technology which includes computers, laptops, servers, intranet, District internet access, cell phones, and tablets/iPads. The Technology Policies establishes acceptable and appropriate use of computer and information systems, networks, and other information technology resources of the District, and limitations on the use of personally owned or operated computers, laptops, servers, intranet, internet access, cell phones and tablets/iPads.

The purpose of the Technology Policies are to safeguard and protect all District Technology from anything other than authorized and intended use, and to provide direction to District staff and elected officials regarding the prohibition of the use of personally owned technology (cell phones, computers, tablets, etc.) for District purposes. This policy is also intended to promote practices that encourage open government and transparency in government while protecting the personal privacy interests of District employees and Commissioners.

The District Commission has decided that in certain circumstances, District staff and/or Commissioners should be provided District owned portable technology in the addition to cell phones such as tablets or iPads for District purposes, and that employee use of personally owned technology for District purposes should be limited.

There were no further comments or questions regarding Resolution No. 678. Commissioner Murphy said he appreciated that the agenda item was tabled at the last meeting to provide additional time to further clarify his concerns about the policy.

**ACTION:** Commissioner Murphy motioned to approve Resolution No. 678 – Establishing the Guidelines for District Employee Use of District Owned Technology and the Prohibition of Personal Technology. Commissioner Kenner second the motion. Motion passed unanimously.

◆ **Manager's Report**

Nooksack Salmon Enhancement Association (NSEA) Award

NSEA held their Annual Community Celebration event on March 20<sup>th</sup>. At the event, several local leaders, volunteers and organizations were recognized for their participation during the past year. The District was awarded the *2013 NSEA Supporter of the Year Award* for our outstanding work in salmon recovery in Whatcom County. Ann Grimm was on hand to accept the award at the event and in turn presented the award to the Commission today on behalf of NSEA.

Legislative Watch

Five (5) bills made it through the State Legislature's session that may have a possible impact on Public Utility Districts. Jilk presented a brief synopsis and included a handout of copies of the bills and general information.

SHB 2105 – Requires public agencies with governing bodies to post agendas on websites, before (24 hours) in advance of meetings. (The District already adheres to this.)

ESB 5964 – Related to training public officials and employees regarding public records, records management, and open public meetings. Each local and statewide elected official (or appointed to fill a vacancy) must complete a training course before assuming office or no later than 90 days after the date of oath of office or assumes duties as a public official. Refresher training at intervals of no more than four years for as long as the office is held is also required. For the District, Sitkin's office can provide the training. Sitkin noted that although the law requires training, it does not specify the details of training.

SSB 6007 – Public Records Act Exemption for Customer Data – This bill modifies an existing Public Records Act exemption for customer information held by a public utility. The bill broadens the disclosure exemption to include customers' addresses, telephone numbers, electronic contact information, and specific utility usage and billing information in increments less than a billing cycle.

HB 2208 – Relating to heavy civil construction projects, this bill also defines the "Design-Build Procedure", a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility of other item specified in the contract.

SHB 2454 – Directs the Department of Ecology and the state Conservation Commission to explore opportunities to create a water quality trading program and create water banks for more efficient achievement of state water quality goals.

Grandview Water System Update

Project Manager Alec Strand and Jilk presented a slide show and addressed the current issues of the Grandview Water System. Highlights included:

--The Fire System Well Building houses two well heads and fire pump. The building is surrounded by tall dirt piles which is causing water drainage issues. The drain rock and perforated pipe is the current method of drainage but has been damaged by large trucks using the area for a turnaround. A water discharge pipe for the pump goes directly into one of the hills surrounding the building creating further drainage problems. The building is currently owned by Oxy Corporation and the District's easement is at the back of the building.

--Potable System Well Building photo illustrating storage tank and drainage ditch.  
--Fire Pond is connected to California Creek and was originally designed for storm water pond then utilized as a fire pond. Fish habitat was eventually allowed for release of the pond water. The District's easement on the pond is for fire water supply only. Maintenance and responsibility for the pond is in question.

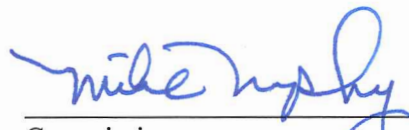
--Land surveying was completed to define the easements and legal descriptions. The drawings were distributed to the Commissioners which illustrated lack of control to right-of-ways, and proposed easements around the buildings and right-of-ways.

--Next steps for consideration could be ownership of the buildings and property. There are a number of issues which need legal opinions on the pond such as liability, fish passage, dredging and maintenance, etc. The biggest challenge is to find funding to do the least expensive fix as the District has been trying to keep Grandview customer rates low. Currently the District budgets about \$28,000 per year for maintenance and there is very little ability for customers to assume an amount greater than these costs. Commissioner McClure requested that staff make recommendations for an interim solution or consolidated plan for the Grandview Water System. Jilk replied that staff will attempt to have a presentation ready for the May 13, 2014 Commission meeting.

◆ **Adjourn**

There being no further business for the regular meeting, the Commission adjourned the regular meeting at 9:00 a.m.

  
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President/Commissioner  
  
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Secretary/Commissioner

  
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Commissioner