

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD January 8, 2009

Commission President Patrick Alesse called the meeting to order at 4:40 PM. Other persons present included Commissioner Carl Reichhardt, General Manager Roger Brown, Engineering Services Manager Dan Eisses, Treasurer Glenn Golay, Attorney Robert Carmichael, Engineer Rodney Langer, and Pat Pollock (BP).

It was moved by Reichhardt and seconded by Alesse to elect Don Montfort President of the board, Patrick Alesse Secretary, and Carl Reichhardt Vice President/Assistant Secretary for 2009. The motion passed unanimously.

Board Vice President Reichhardt conducted the meeting.

Agenda additions/changes: none

Public Input: none

Consent Agenda included: Minutes for the Regular meeting of December 11, 2008; Accounts Payable Warrants #38030-38065 paying Claims #38030-38065 for \$73,685.90; December Payroll Draw Warrants #6087-6100 for \$16,300.00 and December Payroll Warrants #6101-6125 for \$63,938.65; December adjusting entries to UBS for \$2,165.32 charges; December EFTPS withholding deposit made on 12/31/08 for \$23,048.42; 2009 Wage/Salary Schedules; and December Financial Reports for review. It was moved by Alesse and seconded by Reichhardt to approve the Consent Agenda. The motion passed unanimously.

Roger said that the district has received notice that the county council will rule on the Comprehensive Sewer Plan Amendment #3 on January 13.

Dan reviewed the proposed rate increase for the BP water service charges. Pat Pollock had some questions that were answered by Dan. It was moved Alesse and seconded Reichhardt to approve the rate change. The motion passed unanimously.

Roger reported on a meeting held today in Lynden on watershed planning.

Cost Reimbursement Program: Roger reported that staff met in Everett with DOE representatives regarding the proposed cost of the program. Roger thought it was a good meeting. A revised contract, with a lower cost from DOE, has been received and the city is executing.

Pat Pollock reported that BP has completed its DOH potable water study, and it will be sent to DOH for approval.

Pat Pollock left the meeting at this time.

DNR Aquatic Lands Lease – Roger reviewed the issue of the renewal of the district's outfall easement with DNR. A proposed easement document has been reviewed and commented on by attorney Carmichael. Roger, Dan and Bob talked about items of concern in the document. There was considerable discussion regarding the wisdom of signing the easement as presented

to the district by DNR. It was moved by Reichhardt and seconded Alesse to allow Roger to discuss these concerns with DNR, attempt to get some changes made and then sign the document. The motion passed unanimously.

Commission Vice President Reichhardt announced that the Commissioners would go into Executive Session at 6:10 PM to discuss an issue of potential litigation. They expect to be in session for 60 minutes, with the regular meeting to resume afterwards. There were no members of the public attending the meeting at this time, and all persons listed above (except Mr. Pollock) were present for the session.

Coming out of Executive Session at 7:10 PM, the regular meeting was continued.

The discussion of the 2009 budgets was deferred to the next board meeting.

There being no further business, it was moved by Alesse and seconded by Reichhardt to adjourn the meeting. The motion passed unanimously.

COMMISSIONER

COMMISSIONER

COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of the minutes for the regular meeting of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, held **January 8, 2009.**

BOARD SECRETARY

(minutes taken by Glenn Golay)