

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD April 9, 2009

Commission President Don Montfort called the meeting to order at 4:30 PM. Other persons present included Commissioners Pat Alesse and Carl Reichhardt, General Manager Roger Brown, Engineering Services Manager Dan Eisses, Treasurer Glenn Golay, Attorney Robert Carmichael, and Engineer Rodney Langer.

Agenda additions/changes: Glenn asked to add a customer request, as well as consideration for a re-scheduling the meeting of the 23rd because there will not be a quorum of commissioners for that date. He also noted that the State Auditor has agreed to defer their decision to begin doing annual audits in 2009, per district request, in order to save budget expenditures.

Public Input: none

Consent Agenda included: Minutes for the Regular meeting of March 26, 2009; Accounts Payable Warrants #38336-38369 paying Claims #38336-38369 for \$77,710.47; March Payroll Warrants #6216-6245 for \$66,716.01; March adjusting entries to UBS for \$3,244.62 charges and \$2,171.11 credits and to Assessments for \$216.58 charges; March EFTPS withholding deposit made on 04/01/09 for \$24,820.04; Voided Warrants #6234-6239 (posting error), and March Financial Reports for review. It was moved by Reichhardt and seconded by Alesse to approve the Consent Agenda. The motion passed unanimously.

Dan met with the BP representative yesterday and reviewed the Carollo report and other issues with him. Dan thinks they are working through the issues in a positive way.

Roger talked about the work he has been doing with watershed planning, water supply and recent PUD meetings. He met with John Hutchings of Whatcom County to discuss issues the district has with the planning unit process.

Cost Reimbursement Program: The Phase 1 report is done and ready for DOE review. Roger thinks we will receive it some time next week.

Roger and the commissioners discussed the reduction of the PUD contract demand amount. Roger reviewed the letter and documentation he sent to the PUD last week regarding a reimbursement of a portion of previously paid standby charges.

Commissioner President Don Montfort called the **Public Hearing on the Water Comp Plan** to order at 5:07 PM. There were no members of the public present for the hearing. Dan reported that there have been no comments as yet on the SEPA notice. Commissioner Montfort closed the hearing at 5:08 PM. Rodney Langer noted that there is a couple edits that he will make, before the Plan is printed, in response to request for clarification as a result of the County planning department consistency review..

Dan asked for approval of **Resolution #680** (Adopting a Revised Water Service Area). It was moved by Reichhardt and seconded Alesse to approve Resolution #680. The motion passed unanimously.

It was moved by Alesse and seconded Reichhardt to approve **Resolution #681** (Adopting the Water Comp Plan). The motion passed unanimously.

Dan discussed establishing a flow standard for wastewater. The sewer comp plan is getting close to being ready for review by the board, and I&I has an impact on the system. Dan also talked about the improvements I&I Services has made in their equipment and procedures.

Dan reviewed some information staff has developed regarding the agreement the district signed with Baywood for service provision. The agreement is working well for the district. Dan will be meeting with Baywood regarding an extension of the agreement.

The commissioners reviewed a water usage credit request from David James for an unexplained water loss. After review, the board saw no basis for granting his request.

The commissioners discussed whether to reschedule the meeting of the 23rd because 2 board members will be gone. They decided to continue with the meeting as scheduled, with the understanding that some of the commissioners would probably participate by telephone.

Dan discussed the Bay Breeze DE. There are still some items to be completed, but the 2 year agreement has lapsed. Dan suggested that he talk to the bond issuer in an effort to get all issues resolved. The board discussed whether to complete the work at district expense and make a claim under the performance bond if needed. Dan will work on this and report back to the board at a future meeting.

Dan also reviewed the Homestead Phase 2 condo's. The county required a service approval before they issued a building permit. The district allowed bonding for the water improvements so a service letter could be issued. They are now close to completion of the project and the question is whether the regional connection charge is applicable since the project has been approved for service already. Staff recommends, since connection has not been made, that the regional charge apply. The board discussed whether payment of the monthly charges should have been billed and paid, than the regional connection charge would not be applicable. The commissioners asked Bob to review the issue and make a recommendation.

There being no further business, it was moved by Alesse and seconded by Reichhardt to adjourn the meeting at 6:40 PM. The motion passed unanimously.

COMMISSIONER

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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 **April 9, 2009.**

BOARD SECRETARY

(minutes taken by Glenn Golay)