

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD March 14, 2013

President Don Montfort called the meeting to order at **4:35 pm**. Other persons present included Commissioner Carl Reichardt, Commissioner Pat Alesse, General Manager Roger Brown, Assistant General Manager Dan Eisses, Attorney Bob Carmichael, and Interim Finance Director Meredith Riley.

Agenda additions/changes: An executive session is required for potential litigation.

Public Input: None.

Consent Agenda included: Minutes for the regular meeting of February 28, 2013 with correction; Accounts Payable Warrants #42237-42268 paying Claims #42237-42268 of \$49,206.13 for 2013 Budget; January Payroll Warrants #74509-7519 and auto payments #10453-10466 of \$120,535.13 in total; Manual Warrant #901181 to Key Bank of \$81.23 for bank deposit books paid in February; Utility Billing adjustments charges of \$1,116.00 and credits of \$1,211.00; and LID Assessments of \$0 for February. It was moved by Reichardt and seconded by Alesse to approve the Consent Agenda. The motion passed unanimously.

Developer Extensions: None.

Additional Accounts Payable: Accounts Payable Warrants #42269-42283 paying Claims #42269-42283 of \$15,603.33 were presented. It was moved by Alesse and seconded by Reichardt to approve the additional Accounts Payable. The motion passed unanimously.

Customer Accounts: Two customer accounts were brought to the Board:

1. Dan explained that the 10 unit account #0200015900 had a bad water leak that cost \$4,838.85 & \$2,273.20; any leak credit over \$1,000.00 must be approved by the Board. The actual variable cost for water to the District is \$313.58. It was moved by Reichardt and seconded by Alesse to approve the leak credit. The motion passed unanimously.
2. Account #0600008299 was explained to the Board. The address the District has for the landlord, PS Investments, is from 2009 and is the same as to an Elisabeth Gressard, who moved into this apartment in Mercer Island in December of 2011. Elisabeth is 94 and paid this account's bill in July and December of 2012 in error. Carmichael says to refund the two payments back to Elisabeth Gressard. We should then put the bills back onto the account #0600008299. The bill will be sent to the service address. The Board agreed and requested that a letter be sent to the service address with an explanation and a request for current address of the landlord. It was moved by Alesse and seconded by Reichardt to refund the money to Elisabeth Gressard and to rebill the service address, including a letter with the new bill. The motion passed unanimously.

WRIA 1 Watershed Planning: Roger went over the Water Districts Caucus meeting on March 12. Roger presented a letter he proposes to send to Whatcom County Council regarding the Planning Unit reconvening and some of the past actions that the WRIA 1 Joint Board has made. Roger also went over some past meeting information of the WRIA 1 Joint Board and Management Team from 2010 through 2012. At one point the Joint Board had not met for at least 2 ½ years.

The interlocal agreement to retain outside legal counsel has been signed by all four districts, Birch Bay W&S District, Columbia Valley Water District, Glacier Water District, and Whatcom County Water District #13.

Roger then gave the Board the current level of spending on legal fees as of the end of February on this issue.

WASWD participation in the interlocal agreement was also discussed. Don will follow up with Blair Burroughs, the WASWD executive director.

Legislation: Roger has been tracking HB 1924 which allows elimination of the Planning Unit for WRIA 1. The bill didn't make it out of House Appropriations subcommittee, and is considered unlikely to pass at this point.

Payment & Collection Procedures: Dan reviewed the outline of Payment and Collection procedures he created. The outline includes: two month lock-off, late charges, letter notice of lien filing at 6 months, include removal fee with the lien fee, review old liens to update the language, if monthly charges are greater than the current connection charges, eliminate the bankruptcy procedures. Dan then reviewed the current and proposed procedures. There was discussion on the charges and fees related to the change in procedures. There was a question on the elimination of monthly accounts that had paid the connection charge but never paid the monthly bills. Dan reviewed proposed miscellaneous fee and charges increases. He then went over the proposed bankruptcy policy. The Board requested Bob to review the procedures and put them on the consent agenda.

PWTF Loan Funding: Don said that one of the legislators is still pushing a ranking criteria for PWTF loan funding project requests. Don does not know where this is at in the legislature.

Developer Extensions:

Emily has made two side sewer inspections in the last month.

Executive Session:

The Board went into executive session at **6:14 pm** to discuss potential litigation. The anticipated time in executive session is 20 minutes; no action is expected. The meeting came out of executive session at **6:39 pm**.

The motion was made by Reichhardt and seconded by Alesse to pursue collection of utility billing for the Horizon's parcel through Carmichael's office. The motion was approved unanimously..

The Board meeting was adjourned at **6:40 pm**.

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 **March 14, 2013**.

BOARD SECRETARY