

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER AND SEWER DISTRICT,  
HELD **April 25, 2013**

President Don Montfort called the meeting to order at **4:31 pm**. Other persons present included Commissioner Carl Reichhardt, General Manager Roger Brown, Assistant General Manager Dan Eisses, Attorney Bob Carmichael, and Interim Finance Director Meredith Riley. Commissioner Patrick Alesse joined the meeting at **4:35 pm**.

**Agenda additions/changes:** Move Payment and Collections to the last item. Add an Executive Session.

**Public Input:** None

**Consent Agenda included:** Minutes for the regular meeting of April 11, 2013; Accounts Payable Warrants #42353-42370 paying Claims #42353-42370 of \$20,412.04 for 2013 Budget, April Draw Payroll Warrants #7534-7535 and auto payments #10490-10498 of \$16,400.00 in total; Manual Warrant #901185 to Elavon of \$701.04 for credit card fees paid in April; Manual Warrant #901186 to Key Bank of \$226.26 for bank fees paid in April, Manual Warrant #901187 to Dept. of Revenue of \$9,143.99 for excise taxes paid in April. It was moved by Reichhardt and seconded by Montfort to approve the Consent Agenda. The motion passed unanimously.

**Developer Extensions:** None.

**Additional Accounts Payable:** Accounts Payable Warrants #42371-42384 paying Claims #42371-42384 of \$27,052.85 were presented. It was moved by Reichhardt and seconded by Montfort to approve the additional Accounts Payable. The motion passed unanimously.

**Customer Accounts:** Dan and Meredith discussed the following customer accounts:

Birch Bay Café & Bistro Corp: Dan spoke to this account. This account was up for lock off for the current bill. The tenant came in last Friday to pay this bill, and staff spoke to him regarding the additional outstanding amount of \$943.37. A letter was previously sent to this account regarding this amount. The Board was given a draft letter regarding a payment arrangement for this amount. It was moved by Reichhardt and seconded by Alesse to approve the draft letter. The motion passed unanimously.

Idlesse Condos: Dan spoke to this account. This account had a large unexplained leak and they are asking for a credit which is over the amount that can be approved by staff. This account has a smart meter that tracks usage on a daily basis and the leak appears to be fixed. It was moved by Reichhardt and seconded by Alesse to approve the credit to this account. The motion passed unanimously.

4891 Dory Court: Meredith explained that this account was locked off and the customer came in upset as she stated that she mailed the payment on Saturday. The District locks off on Wednesday mornings and her payment was received Wednesday afternoon. The Board did not approve the credit.

**WRIA 1 Watershed Planning:** Roger went over the information given to the Board regarding the Flood Control Zone District budget and an internal audit done by the County done in 1998 on the FCZD. An Interlocal Agreement was signed between the County and the FCZD in 2011 that was supposed to address the findings in the audit report, which was performed in 1998. It doesn't appear that the Interlocal did address the internal control issues. The Joint Board fund is not in the County budget as the County states the Joint Board is a special purpose district.

**PWTF and SRF Loan Funding:** Dan reviewed a copy of the pre-contract information request form that he sent into the Public Works Board on the WWTP blowers and aeration basin upgrade.

**Software RFP:** Dan reviewed the companies that have downloaded the District's RFP. Around 25 companies have pulled the RFP off of our website, and it remains to be seen how many complete it.

**Conservation Program:** Roger reviewed the conservation school program with the Board, and asked for a Commissioner for the June 6<sup>th</sup> poster awards assembly. Patrick Alesse volunteered to attend the assembly.

### **Developer Extensions:**

#### The Ridge at Semiahmoo

This project is asking the District for a "will serve letter". Dan said this project made application to the County just before the County Comprehensive Plan changed the zoning of this area. The problem is that rural area will need to be crossed in order for the District to serve. The Board agreed that a will serve letter should be sent out, and to notify City of Blaine's Public Works Director.

#### Loomis Trail

This is a sewer service request for a sewer extension. Whatcom County Health Dept. let Dan know that they would authorize this sewer extension. Dan notified the party stating that the District could provide sewer.

#### Holiday Park

This is a request for sewer service for a single family residence. Dan recommends that the District take a deposit for both water and sewer, and review this application. The District may also ask for an easement.

#### Lincoln Green C1

This is a continuation of Lincoln Green Track C Lot 1. One of the developers is planning on doing a short plat to subdivide this lot into 3 lots. Dan recommends proceeding with this through the application process.

**Payment & Collection Procedures:** Dan reviewed the proposed 2 month lock-off procedure as opposed to 4 month lock-off. The main point is we could then start taking partial payments. The Board policy and a District resolution change will be required. Dan also reviewed how our customers will be informed. The proposed implementation date is four (4) months out. Staff also asked if we can advertise the 6% increase to the late fee at the same time. The Board concurred on both issues.

### **Executive Session:**

The Board went into executive session at **5:46 pm** to discuss potential litigation. The anticipated time in executive session is 30 minutes; possible action is expected. The meeting came out of executive session at **6:16 pm**.

The motion was made by Reichhardt and seconded by Alesse to offer a contract with an attorney to act as Water Rights Attorney. The motion passed unanimously.

The Board meeting was adjourned at **6:18 pm**.

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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 25, 2013.**

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BOARD SECRETARY