

Southwest Suburban Sewer District Commissioner's Meeting

November 6, 2007

Commissioner Tracy called the meeting to order at 6:00 p.m.

Present: Commissioner William Tracy
Commissioner Tony Genzale
Commissioner Scott Hilsen

Attorney Eric Frimodt
Manager Steve Sandelius
Engineer Evan Henke
Engineer Garreth Gruth
General Manager Ron Hall

Also in attendance were 15 residents of ULID 79-P2.

Changes or Additions to the Agenda – None

Acknowledge Written Communications – Sandelius reported that the District received 5 emails supporting ULID 79-P2 that will be distributed at the Formation Hearing.

Consent Agenda

After brief discussion, M/S/P approving the Consent Agenda.

- Approval of the Minutes of the Meetings of October 23rd, 2007
- Approval and Signing of the Accounts Payable Vouchers & Payroll
Vouchers audited and certified by the Auditing Officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on listings that have been made available to the Board. Vouchers are included in the attached lists, and further described as follows:
 - Maintenance voucher numbers 07.1185 through 07.1267 in the total amount of \$277,351.43.
 - Construction voucher numbers 07.0105 through 07.0109 in the amount of \$10,751.43.

Business Agenda

At 6:05 pm, Commissioner Tracy called the ULID 79-P2 Formation Hearing to order. Frimodt explained the petition method of formation and legal issues related to the formation and assessment roll hearings. Commissioner Tracy requested public comments. Sandelius submitted 5 emails supporting the formation and a letter from Cheri McWethy's attorney. Harlan Bolanger, Ron Harman, George Giboney and Cheri McWethy made comments supporting the formation of ULID 79-P2. Scott Sikorski, Patricia Chesterfield, Carrie Pate, Rosemary Malden, Gary Snyder and Keith Brown made comments opposing the formation. Keith Brown submitted 25 protest letters for the Board's consideration. McWethy urged the Board to approve Resolution 2007-38 forming ULID 79-P2. Frimodt informed the Board that he and Bond Counsel recommend waiting 10 days for additional protest before approving the resolution in order to address an ambiguity in Chapter 57.16 RCW relating to the point at which the Board has jurisdiction to take action on the resolution to form ULID 79-P2. Although the 10 day waiting period appears to relate to the formation of ULIDs by the resolution method, the language of the statute creates a potential argument that the District can eliminate by simply waiting until the 10 day period has expired. Mr. Frimodt indicated that the purpose of delaying final action on the resolution is not to receive additional protests and that to the extent additional protests are submitted after the ULID formation hearing was closed such protests should not be considered by the Board. McWethy requested the Board hold a special meeting on November 20th for the purpose of approving the resolution. The Board determined that a special meeting would not significantly speed up the ULID process and that the resolution would be considered at the November 21st meeting. Commissioner Tracy ended the Formation Hearing at 7:04 pm.

