



# Southwest Suburban Sewer District Commissioner's Meeting

*Dedicated to preserve the purity of your environment."*

**Commissioners:**

William Tracy– President  
Susan Genzale– Vice President  
Scott Hilsen – Secretary

**Consulting Attorney:**

Eric C. Frimodt

**Consulting Engineers:**

Ken Nilsen (*Absent*)  
Cameron Ochiltree (*Absent*)

**General Manager:**

Ron Hall

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**June 4<sup>th</sup>, 2019**

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**1. Call to Order:**

Commissioner Tracy called the meeting to order at 6:33 p.m.

**2. Also in Attendance:**

No others in attendance.

**3. Changes or Additions to the Agenda:**

Added an Executive Session.

**4. Written Communications:**

No written communications.

**5. Public Comment**

No public comment.

**6. Consent Agenda:**

- Approval of the Minutes for the May 14<sup>th</sup> & 21<sup>st</sup>, 2019 Board meetings.
- 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 19.0535 through 19.0572 in the total amount of \$209,421.70.
- Construction voucher numbers 19.0052 through 19.0054 in the total amount of \$1,033,356.77.
- Review monthly Income Report.

A motion to approve the consent agenda was made by Commissioner Genzale, seconded by Commissioner Hilsen and unanimously approved.

**7. Business Agenda:**

Hall requested approval for Pay Estimate #06 for work performed by Prospect Construction for the Salmon Creek Solids Handling Project in the amount of \$1,027,455.00. After brief discussion, M/S/P unanimously approving the request.

Hall requested approval to purchase a new Toyota forklift in the amount of \$30,559.10, to be used at the Miller Creek WWTP. After brief discussion, M/S/P unanimously approving the request.

Hall requested approval for Resolution 2019-06-01, accepting the Gem Construction Developer Extension as complete. After brief discussion, M/S/P unanimously approving the request.

Hall requested approval for Resolution 2019-06-02, approving the transfer of \$3,000,000.00 from the Construction Revolving Fund to the Construction Fund. After brief discussion, M/S/P unanimously approving the request.

**8. Manager's Comments or Reports:**

Hall reported that he had advertised both the Sewer Collection Operator and the Maintenance Mechanic positions. Hall also informed the Board that the District went live this morning with paperless billing.

**9. Attorney's Comments and Reports:**

Attorney Frimodt provided an update on the status of the Fish/SWSSD property partition action. Frimodt advised the Board that the court denied Brett Fish's motion for reconsideration of the trial court's decision in favor of the District. Frimodt reported that Inslee Best is working on the final partition order and a motion relating to a request for an award of attorneys' fees and costs associated with the partition action. The hearing on the attorneys' fee issue is scheduled for June 28, 2019.

Frimodt also reported that he is working on drafting an interlocal agreement between the District and Highline Water District (HWD) relating to the District's use of HWD's hydrants to fill up the District's Vactor truck. Frimodt advised the Board regarding the conflict of interest since Inslee Best represents both the District and HWD. Frimodt indicated that since the terms have already been agreed to, his firm's efforts will be focused on preparing an interlocal agreement to reflect the terms previously discussed and agreed to by the District and HWD. Frimodt advised the Board

that the conflict could be waived and if that occurred Frimodt would represent the District and John Milne would represent HWD in the review and negotiation of the final form of the interlocal agreement. The Board indicated that it was willing to waive the conflict and authorized the General Manager to sign a formal conflict waiver.

Frimodt also provided the Board with an update on the King County franchise ordinance appeal. Frimodt informed the Board that the Washington Supreme Court recently granted King County's motion for extension of time to file its Reply brief and to file a consolidated Reply brief responding to the Response briefs filed by the districts and the intervenor-defendants. The Court reserved for future determination whether King County can file an over-length Reply brief.

Finally, Frimodt provided a report on the status of the Burien franchise negotiations. Frimodt informed the Board that he recently contacted the Burien City Attorney to request a status report since Burien had not responded to the draft franchise agreements provided to Burien back in February 2019. The Burien City Attorney responded by email on May 22, 2019 indicating that Burien was not willing to waive its right to impose a utility tax on the districts and that the City had issues with some of the proposed franchise language offered by the districts. Based on the Burien City Attorney's email, it appears that the City does not intend to engage in further meetings or negotiations with the six water-sewer districts serving within Burien and that the City will be considering its options between now and the end of the year regarding the City's interest in entering into franchise agreements with the districts and the potential imposition of a utility tax against the districts. Frimodt informed the Board that the districts have scheduled a meeting for June 18<sup>th</sup> to discuss the City's current position. A general discussion of the status of this matter followed.

**10. Commissioner's Comments or Reports:**

No commissioner comments or reports.

**11. Executive Session:**

No executive session.

**12. Set the next Public Meeting, Dates and Times:**

Commissioner's Meetings	-	June 18 <sup>th</sup> , 2019 @ 6:30 p.m.
		July 2 <sup>nd</sup> , 2019 @ 6:30 p.m.
		July 16 <sup>th</sup> , 2019 @ 6:30 p.m.

