



# Southwest Suburban Sewer District Commissioner's Meeting

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

**Commissioners:**

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

**Consulting Attorney:**

Eric C. Frimodt

**Consulting Engineers:**

Ken Nilsen  
Cameron Ochiltree

**General Manager:**

Ron Hall

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**January 21<sup>st</sup>, 2020**

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**1. Call to Order:**

6: 30 p.m.

**2. Also in Attendance:**

Nancy Tracy

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

No Changes or Additions.

**4. Written Communications:**

No Written Communications.

**5. Public Comment:**

No Public Comment.

**6. Consent Agenda:**

- Approval of the Minutes for the January 7<sup>th</sup>, 2020 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 20.0061 through 20.0102 in the total amount of \$449,321.57.
- Construction voucher number 20.0007 in the total amount of \$14,555.53.
- Review monthly Income Report.

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

## **7. Business Agenda:**

Ken Nilsen updated the Board on PACE's status on providing the District with information on the retrofit of existing lift stations #18, #11 & #4.

Cameron Ochiltree updated the Board on BHC's status of the Salmon Creek Solids Handling Project.

Hall requested approval for Resolution 2020-01-03, transfer of funds in the amount of \$5,963,383.00 from the Maintenance Fund to the Construction Revolving Fund. After brief discussion, M/S/P unanimously approving the requests.

Hall requested approval for Resolution 2020-01-04, transfer of funds in the amount of \$5,963,383.00 from the Maintenance Fund to the Bond Fund. After brief discussion, M/S/P unanimously approving the requests.

Hall requested approval for the Salmon Creek Solids Handling Project contract Change Order #19, in the amount of \$44,791.00. After brief discussion, M/S/P unanimously approving the requests.

Attorney Frimodt provided the Board with an update on the status of the King County franchise ordinance litigation. Frimodt reported that the Supreme Court recently denied the defendant utilities' motion for clarification and the Court has issued a mandate that the case be remanded to the trial court for entry of an order consistent with the Court's opinion. Frimodt discussed the issues that remain before the trial court, issues relating to the districts' negotiation of franchise agreements with King County and other related matters. A general discussion followed. Frimodt also discussed the need for further funding for what is being referred to as Phase IV activities which includes further litigation, franchise negotiations and legislative efforts. A motion approving of the Fourth Amendment to Legal Services Agreement with Inslee Best to cover Phase IV activities was made, seconded and approved by the Board.

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

Hall updated the Board on the January 6<sup>th</sup> City of Burien Council meeting and the status of the Annex Building.

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

Attorney Frimodt reported to the Board on the recent oral arguments made before the Washington Supreme Court on the Federal Way excise tax appeal. A general discussion followed. Frimodt also reported to the Board on HB 2588 which was recently introduced in the Legislature that relates to governance issues, inactive and unauditable special purpose districts and meeting requirements for special purpose districts. Frimodt indicated that HB 2588 would prohibit special purpose districts from serving as their own treasurer. Frimodt reported that he had been requested by WASWD to provide testimony to the Local Government Committee which occurred earlier in the day due to concerns we had about the bill. Representative Pollett appeared willing to consider WASWD's comments about the proposed legislation. A general discussion followed.

Commissioner Hilsen inquired about the status of the Fish collection matter. Frimodt noted the District had not yet been able to serve Mr. Fish with the order relating to the collection of the District's judgment.

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

No Comments or Reports.

**11. Executive Session:**

No Executive Session.

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

February 4<sup>th</sup>, 2020 @ 6:30 p.m.  
February 18<sup>th</sup>, 2020 @ 6:30 p.m.  
March 3<sup>rd</sup>, 2020 @ 6:30 p.m.  
March 17<sup>th</sup>, 2020 @ 6:30 p.m.

**13. Adjournment:**

The meeting was ended at 7:42 p.m.

**Attest:**

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**Scott Hilsen**                      \_\_\_ Approve  
President and Commissioner      \_\_\_ Oppose

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**Suzy Genzale**                      \_\_\_ Approve  
Vice-President and Commissioner      \_\_\_ Oppose

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**William Tracy**                      \_\_\_ Approve  
Secretary and Commissioner      \_\_\_ Oppose