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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- *(Absent)*
Cameron Ochiltree- *(Absent)*

General Manager:

Ron Hall-

October 6th, 2020

1. Call to Order:

6: 30 p.m.

Due to the COVID-19 virus epidemic the Board of Commissioner meeting was held via teleconference only.

2. Also in Attendance:

No others in attendance.

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 September 15th, 2020 Board meeting.
- 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,

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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 20.0886 through 20.0947 in the total amount of \$293,639.76.
- Construction voucher number 20.0042 through 20.0043 in the total amount of \$342,120.40.
- 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:

Hall requested approval for Pay Estimate #22 for work performed by Prospect Construction for the Salmon Creek Solids Handling Project in the amount of \$341,884.40. After brief discussion, M/S/P unanimously approving the requests.

Hall requested approval to have Blackpoint IT provide hardware and to install improved WIFI communication equipment at both the Salmon Creek and Miller Creek Wastewater Treatment Plants at the costs of \$29,900.00. After brief discussion, M/S/P unanimously approving the requests.

Hall requested approval to have Johnson Controls provide and install the security portion of the Salmon Creek Wastewater Treatment Plant Solids Handling Project. This would include access and intrusion control to all of the buildings on site and CCTV monitoring of the premise. After lengthy discussion, the approval was postponed to a later date and the Board of Commissioners directed Attorney Frimodt to prepare a Resolution.

Hall requested approval to advertise for the 2021 Engineering Professional Services Roster. After brief discussion, M/S/P unanimously approving the request.

Hall requested approval to purchase new alarm notification equipment to replace the 1980's Chatterboxes at the Miller Creek Wastewater Treatment Plant in the amount of \$8,731.00. After brief discussion, M/S/P unanimously approving the request.

8. Manager's Comments or Reports:

Hall informed the Board that he had filled the Project and Emergency Management Coordinator position.

Hall informed the Board that he had reviewed City of Burien, Ordinance No. 744, Utility Tax Amendment, where it states: "*Upon every Person engaged in or carrying on the business of furnishing sewerage services for commercial, industrial, or domestic use or purpose, a tax equal to eight percent (8%) of the total gross income from such business in Burien during the period for which the tax is due;*". Hall shared his concern of the new

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City of Burien utility tax imposed onto the District's rate payers. Especially the lower income residents who are already struggling to pay their bills. The new utility tax will be an increase of \$6.20/residential account/billing cycle and an even bigger increase to the struggling businesses of Burien. The Board agreed with Hall's concerns. Hall also informed the Board that there is similar language in the Ordinance that will also be imposing an 8% total gross utility on the Burien residents' water service bill.

9. Attorney's Comments and Reports:

Attorney Frimodt provided additional information to the Board relating to other cities that are considering imposing utility taxes on water-sewer districts based on the recent Washington Supreme Court ruling in the Lakehaven v. Federal Way litigation.

Frimodt reported on Governor Inslee's recent amendments of Proclamations 20-28 and 20-23 relating to the OPMA waivers and the customer assistance program requirements. Frimodt noted that the new expiration date of these proclamations was extended to November 9, 2020, although there appears to be an error in the language of amended Proclamation 20-23 which failed to change a reference to October 15th. WASWD has asked its lobbyist to check with the Governor's office to seek clarification. Frimodt indicated that these amendments don't really change anything and it is pretty much status quo. Frimodt indicated that he anticipates that the District may be conducting remote Board meetings through the end of 2020.

Frimodt discussed a process that would allow the District to appoint auditing officers that would have the ability to process payments in order to avoid potential later fees associated with processing vouchers through the Board. The process allows for Board review of any payments authorized by the auditing officers. Frimodt indicated that he would provide the General Manager with a sample resolution to address that issue in case that might be useful to the District.

The General Manager asked Mr. Frimodt to provide an update on the King County Executive's proposed biennium budget for 2021-2022. Frimodt reported that the County Executive's proposed budget to the County Council includes a reference to new sources of revenue relating to the Washington Supreme Court's ruling in the King County franchise ordinance litigation. Frimodt noted that the proposed budget includes \$25M in revenue from the rental of rights-of-way. Frimodt commented that the prior budget offered by the County Executive for 2017-2018 only included \$20M in revenue from the rental of the rights-of-way. Frimodt indicated that at this time he was not sure why that number increased.

Commissioner Hilsen also asked about the status of the Fish appeal. Frimodt reported that all briefing has been completed and Court of Appeals has advised the parties that this matter is ready for consideration by the Court. Frimodt indicated that no date has been set for oral argument. However, he anticipates that oral argument will not occur until the first quarter of 2021.

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William Tracy

___ Approve

Secretary and Commissioner

___ Oppose