



# Highline Water District Meeting Minutes December 7, 2011

<b>ATTENDEES</b>		
<b>COMMISSIONERS</b> Gerald R. Guite Daniel Johnson Vince Koester George Landon Kathleen Quong-Vermeire	<b>HWD STAFF</b> Matt Everett, General Manager <del>Jeremy DeMar, Eng/Ops Manager Vac</del> Debra Prior, Administrative Manager Mary Fossos, Project Coordinator, CIPs	<b>HWD ATTORNEY(S)</b> John Milne, Inslee Best Dawn Findlay Reitan, Inslee Best <b>VISITORS</b>
<b>Strikeouts indicate absence</b>		

**1. CALL TO ORDER**

President Guite called the meeting to order at 9:00 a.m.

**2. APPROVE AGENDA**

Commissioner Landon’s motion to approve the Agenda as amended to include an additional executive session relating to pending litigation, seconded by Commissioner Johnson. The motion carried unanimously.

**3. CONSENT AGENDA**

Minutes:	November 22, 2011 Workshop				
Fund Name	Fund No.	Warrant Date	Vouchers		AMOUNT
Maintenance	09-075-0010	12/13/11	14785	- 14815	\$ 56,419.66
Construction	09-075-0030	12/13/11	901337	- 901339	\$ 152,647.42
Maintenance - Payroll	09-075-0010	12/09/11	302379	- 302384	\$ 5,663.97
Fund Name	Fund No.	Period Ending	EFT Transfer Date		AMOUNT
Payroll Tax	09-075-0010	11/25/11	12/07/11		\$ 20,654.93
Payroll Tax	09-075-0010	11/30/11	12/14/11		\$ 10,884.78
Direct Deposit – Payroll	09-075-0010	11/25/11	12/02/11		\$ 65,478.06
Direct Deposit – Payroll	09-075-0010	11/30/11	12/09/11		\$ 14,719.37
Dept of Retirement	09-075-0010	11/25/11	12/15/11		\$ 10,022.17
Dept of Retirement	09-075-0010	11/30/11	01/13/12		\$ 202.24
Dept of Retirement – Deferred Compensation	09-075-0010	11/25/11	12/02/11		\$ 2,758.00
HRA-VEBA	09-075-0010	11/25/11	12/02/11		\$ 1,993.50
CONSENT AGENDA RESOLUTIONS					
Item #	Resolution #	Description			
NONE					

Commissioner Landon’s motion to approve the Consent Agenda as presented seconded by Commissioner Johnson. The motion carried unanimously.

**4. PUBLIC INPUT**

No members of the public attended the meeting.



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### 5. RESOLUTIONS/MOTIONS

Resolution 11-12-7A confirming Declaration of Emergency for Military Rd S/S 240<sup>th</sup> St Water Main Rupture. Commissioner Koester's motion to approve seconded by Commissioner Johnson. After discussion, the motion carried unanimously.

Resolution 11-12-7B adopting the 2012 Operating Budget. Commissioner Koester's motion to approve seconded by Commissioner Landon. After discussion, the motion carried unanimously.

Resolution 11-12-7C adopting the 2012 Capital Improvement Program. Commissioner Johnson's motion to approve seconded by Commissioner Landon. After discussion, the motion carried unanimously.

Resolution 11-12-7D adopting the 2012 Goals and Objectives. Commissioner Koester's motion to approve seconded by Commissioner Landon. After discussion, the motion carried unanimously.

Resolution 11-12-7E amending Personnel Manual - Section 3.05.010 Disclosure of Benefits. Commissioner Landon's motion to approve seconded by Commissioner Koester. After discussion, the motion carried unanimously.

Motion 11-12-7(1) to authorize increase in rates and charges of the District's legal counsel (Inslee, Best), as referenced in Item 6 and incorporated herein. Commissioner Landon's motion to approve seconded by Commissioner Johnson. After discussion, the motion carried unanimously.

Motion 11-12-7(2) to cancel the 12/27/11 Board Workshop duly seconded. After discussion, the motion carried unanimously.

Motion 11-12-7(3) to approve a salary increase of \$500 per month for the General Manager effective January 1, 2012. Following discussion, based on what he felt to be commendable job performance by the General Manager, Commissioner Koester made the motion to approve a salary increase of \$500 per month for the General Manager effective January 1, 2012. Commissioner Johnson seconded the motion, which carried unanimously.



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### 6. STAFF/COMMISSIONERS/ATTORNEY

#### John Milne

- Mr. Milne submitted a memo dated 12/6/11 to the General Manager and Board of Commissioners with the following proposal to increase Rates & Charges for Legal Services effective January 1, 2012:

#### **FEE AND RATE PROPOSAL FOR 2012-2013:**

Since the Board approved the present rate schedule in 2009, the cost of living index has increased and the firm has experienced significant increases in overhead including rent, staff salaries, health care costs and other benefits. For example, our rent per square foot increased from \$22 (fully serviced) to \$41 SF (fully serviced) in June 2009; we have incurred average annual increases of 10% for staff medical coverage, and we are expecting an additional increase in 2012 of between 6 to 16%. Our parking expense doubled in the last three years. Therefore, we respectfully request the Board approve the following rates and charges commencing January 1, 2012:

1. Senior Municipal Group Partners (John Milne, Rod Kaseguma, William Linton) - **\$275** per hour.
2. Junior Municipal Group Partners (Rosemary Larson, Dawn Findlay Reitan, Eric Frimodt) - **\$260** per hour.
3. Associates – regular hourly rates.
4. Non Municipal Group Partners – 10% less than regular hourly rates rounded to the next lowest \$5.00 increment.

These rates would remain in effect through the year 2013, would be used for all legal services requested from Inslee, Best and would not be changed without prior mutual written agreement. Inslee, Best would continue to bill on a monthly basis for legal services rendered and for the out-of-pocket expenses incurred on the District's behalf as referenced above. Action Taken: Reference Motion 11-12-7(1).

#### Matt Everett

- Jefferson Holdings – Lakhani Property Sale for McMicken Heights Treatment Plant – The agenda was amended to include an Executive Session relating to the pending litigation pursuant to RCW 42.30.110(1)(i).
- Selection Process of Engineering Consultant for the Angle Lake Water Main Replacement Project – Matt, Jeremy and Dave Stanley have reviewed the proposals of six consultants and selected two consultants (BHC and Kennedy/Jenks) to interview for the design of the project. The interviews will take place the week of December 19th.



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### 6. STAFF/COMMISSIONERS/ATTORNEY

- ◆ Sound Transit Memorandum of Understanding regarding Light Rail from SeaTac Airport to S 200<sup>th</sup> Street Station – Matt explained the light rail is a design/build project. The District's attorney, John Milne, is working with Sound Transit attorneys on agreement. Based on impacts to the District's infrastructure, the District has two options: (1) enter into a Developer Extension Agreement; or (2) enter into a Relocation Agreement in which the District would bid as a public works project. Sound Transit would reimburse the District in full for any expenses incurred with either option.
- ◆ Abandon or Replace 4" & 6" Water Main above the Bluffs @ 22nd Ave SW & SW Hillcrest – Matt explained to the Board that the District has approximately 300' of water main in a critical area above the Bluffs. The District believes there is adequate fire flow from the hydrant at the Bluffs. The District has hired William Laprade, L.E.G., with Shannon & Wilson, to prepare a letter report with his observations and professional opinion regarding the stability of the hillside and the viability of the pipeline in this environment.
- ◆ District Employees Silent Auction – Wednesday, 12/14/11 – 12:30 pm to 1:30 pm – Matt invited the Board to participate in the auction. All proceeds will go to the Des Moines Area Food Bank.
- ◆ Toys for Tots – Matt invited the Board to participate in the toy drive. The toys will be delivered to the Marines' Warehouse on 12/19/11.

#### Commissioner Jerry Guite

- ◆ Jerry commented on an article about Seattle City Light published in the Seattle Times on 12/4/11.
- ◆ Jerry suggested the Board participate with staff in a First Aid/CPR Training class. Commissioner Quong-Vermeire suggested that WASWD host the training.

### 7. EXECUTIVE SESSIONS

- A. Pending Litigation Pursuant to RCW 42.30.110(1)(i). Milne requested an executive session to discuss a pending condemnation action involving the District and Lakhani Enterprises/Jefferson Holdings. On motion made, seconded and carried unanimously, the Board convened an executive session on that basis. Before convening the executive session at 10:00 a.m., Commissioner Guite advised the executive session would be concluded at approximately 10:15 a.m. The commissioners, the General Manager and counsel then attended the executive session. At 10:15 a.m., the executive session was concluded and open public meeting was reconvened.



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**7. EXECUTIVE SESSIONS**

- B.** Collective Bargaining Pursuant to RCW 42.30.140(4)(b). Everett requested an executive session to discuss collective bargaining negotiations with the union representing District field employees and positions to be taken by the District in such negotiations. On motion made, seconded and carried unanimously, the Board convened an executive session on that basis. Before convening the executive session at 10:16 a.m., Commissioner Guite advised the executive session would be concluded at approximately 10:30 a.m. The commissioners, the General Manager and counsel then attended the executive session. At 10:30 a.m., the executive session was concluded and open public meeting was reconvened.
- C.** Employee Performance Review Pursuant to RCW 42.30.110(1)(g). Commissioner Guite requested an executive session to undertake an annual performance review of the General Manager. On motion made, seconded and carried unanimously, the Board convened an executive session on that basis. Before convening the executive session at 10:31 a.m., Commissioner Guite advised the executive session would be concluded at approximately 10:45 a.m. The commissioners and counsel then attended the executive session. At 10:45 a.m., the executive session was concluded and open public meeting was reconvened. Action Taken: Reference Motion 11-12-7(3).

There being no further business of the District, President Guite concluded the meeting at 10:50 a.m.

**BOARD OF COMMISSIONERS**

  
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**Gerald R. Guite, President**

  
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**Vince Koester, Secretary**

  
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**Daniel Johnson, Commissioner**

  
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**George Landon, Commissioner**

  
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**Kathleen Quong-Vermeire, Commissioner**