

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
HELD **September 27, 2012**

Vice President Carl Reichhardt called the meeting to order at **4:33 pm**. Other persons present included Commissioner Don Montfort, General Manager Roger Brown, Assistant General Manager Dan Eisses, Attorney Bob Carmichael, Interim Finance Director Meredith Riley, and Doug Dean, Donna Messam and Rob Messam of Bay Road 3 Lots.

Agenda additions/changes: Remove Item 10 Policy Updates from the agenda; under Executive Session add personnel issues.

Public Input: None.

Consent Agenda included: Minutes for the regular meeting of September 13, 2012; Accounts Payable Warrants #41847-41860 paying Claims #41847-41860 of \$13,416.97; September Draw Payroll Warrants #7449-7450 and auto payments #10324-10333 for \$15,475.00 in total; Manual Warrant #901163 to Elavon of \$681.33 for credit card fees paid in September; Manual Warrant #901164 to Key Bank of \$137.20 for bank fees paid in September; Manual Warrant #901165 to Dept of Revenue of \$11,152.20 for excise taxes paid in September; MRSC contract for Small Works and Consultant Rosters; and voided warrant #41833 for duplicate invoice to Ferndale Ready Mix for \$559.80. It was moved by Montfort and seconded by Reichhardt to approve the Consent Agenda. The motion passed unanimously.

Public Hearing: Bay Road 3 Lots Reimbursement Agreement. Public Hearing was opened at 4:34pm. Dan did get a call from the one benefited and affected property owner; he said he didn't like the cost but understood the reasons. No other public comment was received.

The Public Hearing was closed at 4:36pm.

It was moved by Montfort and seconded by Reichhardt to direct staff to draft a resolution for a reimbursement agreement for Bay Road 3 Lots to be signed by the General Manager. The motion passed unanimously.

Developer Extensions: None.

Additional Accounts Payable: Accounts Payable Warrants #41861-41880 paying Claims #41861-41880 of \$11,768.45 were presented. It was moved by Montfort and seconded by Reichhardt to approve the additional Accounts Payable. The motion passed unanimously.

State Funding: Dan reported on the PWTF Loan approval list that has been made public. The list now goes to the Legislature for approval. Don M. has not heard anything negative at this time. Dan stated it was a good process this year.

WRIA 1 Watershed Planning: Roger and Don had a meeting with the WRIA 1 Water Districts Caucus. The Caucus reviewed some communication Roger had sent to Whatcom County. Roger stated his concern that the water budget was a model was prepared by one person, and needs further review. The Caucus would like Roger and Patrick Sorensen of Lake Whatcom to develop a proposal for legal services and bring it back to the Caucus at the next meeting. The Caucus will meet again the last Wednesday week of next month. Roger will be meeting on October 9th with the mayor and staff from City of Ferndale.

Developer Extensions:

The Tides is asking to pay connection charges for one unit in Phase 2 of his project, without paying the GFC's for all of the units in Phase 2. The Board was not in agreement with allowing partial payments.

Executive Session:

The meeting went into executive session at **4:57 pm** to discuss potential litigation. The time in executive session is estimated to be 35 minutes; no action is expected.

The meeting came out of executive session at **5:29 pm**. It was moved by Montfort and seconded by Reichhardt to send the last and final offer letter to Harbor Shores to collect District costs. The motion passed unanimously.

The meeting went back into executive session at **5:38 pm** to discuss potential litigation and personnel issues. The time in executive session is estimated to be 30 minutes; no action is expected.

The meeting came out of executive session at **6:24 pm**.

The Board meeting was adjourned at **6:24 pm**.

COMMISSIONER

COMMISSIONER

COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of the minutes for the regular meeting of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, held **September 27, 2012**.

BOARD SECRETARY