

PLDD

Port Ludlow Drainage District, P.O. Box 65261, Port Ludlow, WA. 98365

Minutes of the Commissioners Regular Meeting # 220

Thursday, December 08, 2016 at 10:00 AM

Call to Order: Meeting was called to order by Chair Commissioner Uyeda at 10:04 a.m. in the Bay View Room of the Beach Club, 121 Marina View Drive, Port Ludlow, Washington 98365

Roll Call: Commissioner Uyeda present. Commissioner Smith present. Commissioner Don Forbes present. No absences. Assistant Sue Bartkus.

Guests: Walt Cairns, Mike Nilssen, and Mel Smith.

Commissioner Position 2: Newly appointed Commissioner Don Forbes was introduced. Jefferson County Board of County Commissioners (BoCC) appointed Mr. Forbes during their November 28, 2016 meeting to serve the remaining term of PLDD Commissioner position 2 which was recently vacated by Dwayne Wilcox. This position will be up for re-election in the Special District General Election in Feb-2018.

Consent Items:

Minutes:

1. Commissioner Smith made a motion to approve the **November 10, 2016 Regular Meeting Minutes**. Commissioner Forbes seconded the motion. Commissioner Uyeda carried the motion. Motion approved 3-0.
2. Commissioner Uyeda made a motion to approve the **November 15, 2016 Special Meeting Commissioner Interview Minutes**. Commissioner Smith seconded the motion. Commissioner Forbes carried the motion. Motion approved 3-0.

Vouchers:

1. Commissioner Smith made a motion to approve the **Payroll** in the amount of \$669.08 (Voucher # 16-082). Commissioner Forbes seconded the motion. Commissioner Uyeda carried the motion. Motion approved 3-0.
2. Commissioner Smith made a proposal to have a discussion concerning Commissioner per diem payment (item #3 of Old Business on the agenda) prior to approval of the Vouchers. After lengthy discussion, including no evidence of any prior resolution for commissioner compensation, but based on past practice and being what is allowed in current statute, Commissioner Forbes made "*a motion that the Commissioners continue to have \$90 as compensation*" Commissioner Uyeda seconded and carried the motion. Commissioner Smith abstained. Motion approved 2-0.

3. Commissioner Uyeda made a motion to approve the other vouchers from November 8, 2016 to December 5, 2016 in the amount of \$1,791.00 for an overall Total of \$2,460.08. Commissioner Forbes seconded the motion. Commissioner Smith carried the motion. Motion approved 3-0.

Voucher Number	Item	Description	Amount
16-082	Susan Bartkus (Payroll)	31.5 Hours	669.08
16-083	Yard Dogs Landscaping	Regular Maintenance Schedule	1,270.36
16-084	Allen Uyeda	9 Mtg.s @ \$90.00 & Repayment of 432.00 for overpayment amount owed	395.82
16-085	Enduris Washington	Insurance increase of premium to Blanket Coverage (\$10,000.00)	20.00
16-086	Glessing & Associates	11/8, 11/22 Accounting Services 1.7 hrs., & \$2.82 postage	104.82
Total Vouchers			2,460.08

PLDD Cash Account	128,945.28
PLDD Reserve Account	40,000.00
PLDD Interest Income Reserve Fund	6,586.87
Expenses – Current Month from above	(2,460.08.)
NET TOTAL ALL ACCOUNTS	173,072.07
Special Assessment	89,999.29
PAID TO DATE	(89,582.27)
UNPAID (REMAINING)	417.02

Expenses – Year to Date (Feb-Nov 2016)	148,794.67
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Public Forum: No issues were brought to the Commissioners' attention.

Correspondence:

- Chair Uyeda noted that there was an issue on **Sandra Flaherty's property at 65 Montgomery Lane**. Commissioner Smith read a portion of Nancy Lockett's G&O Memorandum to Ms. Flaherty regarding her on-site review. Engineer Lockett indicated in the memo that she had notified Jefferson County to attend to the ditch above Ms. Flaherty's property. Engineer Lockett did relate that the matter was groundwater, not surface water and therefore wasn't something that the PLDD could address for her. Commissioner Smith explained that the memo was sent to Ms. Flaherty because of Ms. Flaherty's prior unhappiness with not being contacted back by the PLDD, and Commissioner Smith assured her that she would receive written notification.
- Commissioner Smith read a letter from Kathleen Kler, Jefferson County Commissioner Chair, **confirming Commissioner Forbes** appointment as a PLDD Commissioner on November 28, 2016. Commissioner Kler thanked him for serving.
- Commissioners discussed the Washington State Dept. of Revenue letter of November 11, 2016, a Certificate of Payment of State Excise Taxes by Public Works Contractor – Seton

Construction, for the **Cascade Lane project retainage release**. Still needed prior to the PLDD being able to release the final retainage are two more documents from the State.

4. Commissioners reviewed an invoice and attachments from Olympic Ridge, Inc., addressed to PLDD, and to Ludlow Maintenance Commission (LMC), regarding property belonging to Max & Nadia Shaw. The invoice dated November 15, 2016 for work said to be completed in May 2015 on 41 Libby Court, Lot # 2-1-047 & 46. LMC was to be billed, with PLDD committing to cover a portion not to exceed \$1,000.00 for Drainage issues on common property, per a March 12, 2015 agreement, (which stated "cut down a large tree, clean out all roots, and install a new pipe). As far as Commissioners Smith and Uyeda could ascertain, during site visits at the time, and earlier this week (independent of each other) no work was completed on the specified Drainage items. Commissioners agreed that given that the drainage work that was agreed upon was never performed, there was no basis for the PLDD to contribute to this payment.
5. Commissioner Smith read a letter sent from Engineer Lockett on behalf of the PLDD regarding a November 15, 2016 inquiry from David Wayne Johnson of Jefferson County. Engineer Lockett expressed appreciation to Mr. Johnson for information regarding the update to the Jefferson County Comprehensive Plan, and confirmed the PLDD's interest in staying informed of the progress, and an opportunity to review the utilities elements as it pertains to drainage issues.

New Business:

1. Commissioners discussed a recent invoice of \$697.50 submitted by Attorney Shane Seamen, who attended the November 10, 2016 PLDD meeting at the request of Chair Uyeda, but without prior knowledge of Commissioner Smith, or discussion and agreement between Commissioners. Commissioner Smith noted that she did not consider this a Board-authorized expense. Smith stated that she didn't think that independently, as Commissioners we should be allowed to just incur expenses. Commissioner Uyeda felt that advice was needed and that due to the tone of emails regarding Commissioner per diem compensation, legal advice was warranted. Commissioner Forbes noted that he agreed with Commissioner Smith, but that the Chair should have a little latitude and discretion when he felt it was warranted. Commissioner Smith felt it wasn't a good value for the expense. Commissioner Forbes indicated that was a separate issue. Commissioners agreed that going forward, it might be prudent to obtain an attorney specializing in Public Works.
2. Discussion was held regarding the directive by Joanne Bisquera of Enduris, the District's risk pool, of the need for PLDD to enact and file a resolution to appoint an agent to receive claims for damages (RCW 4.96.020).
3. Commissioners discussed an Enduris Financial Note for Annual Report Commissioner. Smith suggested this document be filed with the District Budget and financial records and volunteered to take care of Enduris going forward this, she also volunteered to assist Glessing in filing the annual State Auditor report.
4. Commissioner Smith noted that per the Public Records Act, (RCW 42.56), a public officer needed to be named as the prior (2003) PLDD Public Records Resolution #10 refers to "District Manager" (under RCW 42.17) which is not a position we have. Updates to the website have been done that include the original petition, founding documents, minutes, resolutions, etc. Commissioner Smith noted that the Municipal Research Center (MRSC) provides a checklist and model.

Old Business:

1. Discussion was held regarding the Waste Water Treatment Plant (WWTP) Project for Overflow Containment / **Easement process survey**. Chair Uyeda stated that for cost efficiency, Engineer Lockett be authorized to combine the WWTP Project survey with the survey for the Montgomery project, provided that costs not exceed \$6,000.00. After discussion Commissioner Forbes made a motion that we authorize the combined survey anticipating that cost will not exceed \$5,000, with any additional amount to be subject to engineer discretion and notification to the Board. Commissioner Smith seconded the motion. Chair Uyeda carried the motion. Motion approved 3-0.
2. Commissioners discussed the November 7, 2002 **PLDD – LMC - County Agreement for Drainage Plan Review**. This agreement authorizes the PLDD to review and comment on Drainage plans within the District. Former Commissioner Walt Cairns commented that to do away with this agreement now could create problems with combining roof drains and footing drains. Mike Nilssen, LMC Board Trustee noted that the LMC Architectural Control Committee (ACC) should not have to be concerned with Drainage plans, and that it sounded like PLDD Engineer Lockett consulted and offered comments and or recommendations on New Construction Drainage Plans for Jefferson County, who are the permitting authority. Mr. Nilssen asked if a PLDD representative could come to a LMC meeting and make the Board aware of the PLDD/LMC Agreement and the history supporting this agreement. Commissioner Smith indicated that she would be happy to do this, and invited former Commissioner Cairns to attend with her.
3. Commissioner per diem – This agenda item was discussed during the Voucher # 2 portion of this meeting.
4. Commissioner Smith noted that, effective 9/1/2016, the PLDD Coverage with Enduris, was changed from "\$10,000 Named Position", for the administrative assistant, to "\$10,000 Blanket Crime Coverage", for any employee, board member, or volunteer of the District, with a \$20.00 increase in premium.
5. Commissioners Uyeda and Forbes noted that they have obtained **surety bonds** per RCW 85.38.080 and have filed those bonds with the Jefferson County Clerk. Commissioner Smith read a November 7, 2016 letter from Jefferson County, confirming that County Commissioners established the PLDD Commissioner Performance Bond amount of \$5,000.00.

Commissioner Uyeda made a motion to adjourn the meeting at 12:05 p.m. Commissioner Smith seconded the motion. Commissioner Forbes carried the motion. Motion approved 3-0.

The next regularly scheduled meeting of the PLDD will be held in the Bay View Room of the Beach Club, 121 Marina View Drive, on Thursday January 12, 2017 at 10:00 a.m.

Respectfully prepared by Sue Bartkus


Approved:

Approved:

Approved:


Allen Uyeda, Chair

Don Forbes


Katie Smith

Drainage District
Commissioner 3

Drainage District
Commissioner2

Drainage District
Commissioner 1