

**Port Ludlow Drainage District (PLDD)**  
**December 13, 2018**  
**Board of Commissioners**  
**Regular Meeting - #0243**  
**Final Minutes**

The Regular Meeting of the Port Ludlow Drainage District (PLDD) was called to order by Chair Don Forbes at 10:01 a.m. on December 13, 2018, at the Training Room of the Port Ludlow Fire & Rescue Headquarters Fire Station 31, 7650 Oak Bay Road, Port Ludlow, Washington 98365.  
Present:

Katie Smith, Commissioner 1  
Don Forbes, Commissioner 2  
Deborah Helleson, Commissioner 3

1. **CALL TO ORDER:** Chair Don Forbes called the meeting of the Port Ludlow Drainage District to order at 10:01 a.m.
2. **ROLL CALL:** Chair Don Forbes called for roll call. All three commissioners were present.
3. **AGENDA APPROVAL:** Commissioner Katie Smith requested that, as a courtesy to the owner of Yard Dogs Landscaping who was present, Item 7c of the agenda be moved to the top after No. 4 Public Forum.

**MOTION:** Commissioner Smith made the motion to approve the Agenda with the exception of moving Agenda Item 7c to be placed after No. 4 Public Forum. Commissioner Helleson seconded the motion. Motion carried unanimously.

4. **PUBLIC FORUM:** Members of the public were asked at this time to submit any comments and/or statements. No comments.
- 7c. **Old Business: 2018 Maintenance Contract.** Engineer Nancy Lockett reported on the 2018 Maintenance Contract with Yard Dogs Landscaping and distributed Handout No.1.

**MOTION:** Commissioner Smith made a motion that the Board approve the 2018 Maintenance Contract with Yard Dogs Landscaping at an estimated annual cost of \$16,500 for a term of three years with the option to extend the Contract for an additional two years, to become effective December 13, 2018. Motion was seconded by Commissioner Forbes. Motion carried unanimously.

The Contract was signed after the Motion was approved.

5. **CORRESPONDENCE:** The Log book was made available for review. There were no comments.

**6. CONSENT AGENDA:**

- a. Review and Approval of October 11, 2018, Regular Meeting Minutes.
- b. Approval of Voucher/Warrants #18-060 - #18-064, from October 1, 2018 through November 30, 2018 in the amount of \$10,565.55.

**MOTION:** Commissioner Smith made a motion to approve the Consent Agenda as presented with the Minutes and the Vouchers in the amount of \$10,565.55. Commissioner Forbes seconded the motion. Motion carried unanimously.

Commissioner Smith commented that the vouchers are for two months.

Commissioner Helleson commented that she would like to make herself available to Cammy for any assistance she may need in preparing the minutes.

**7. OLD BUSINESS.**

- a. **2002 LMC (Ludlow Maintenance Commission) Agreement with PLDD – 2018 Memorandum of Understanding (MOU).** Commissioner Forbes gave a brief report. Commissioner Forbes spoke with Brian Belmont and agreed to let the pending agreement ride. Engineer Nancy Lockett distributed Handout No. 2, a potential door hanger (Land Clearing Erosion Prevention Best Management Practices) and gave a brief report. There was some discussion. Commissioner Forbes will contact Brian Belmont about his attendance at the PLDD meeting in January for a workshop.

Commissioner Smith was asked to contact Jefferson County Public Works and invite a representative to attend a meeting of the PLDD in February or March. Nancy Lockett was asked to make the edit on the door hanger and distribute to Brian Belmont and copy the commissioners.

- b. **Drainage on Libby Court Trail; pending fir tree removal.** Still waiting for tree removal. There is indication from Ludlow Maintenance Commission that the Greenbelt Committee (GBC) had agreed to take down the tree. Commissioner Forbes will speak with Brian Belmont about this issue. There was some discussion. Item will be removed from next agenda.
- c. **Item moved up.**
- d. **Voucher #18-057:** Commissioner Helleson re-submitted Voucher #18-057 for payment and also presented a copy of her request to Linda Gallagher, MRSC Legal Consultant and Linda Gallagher's response dated October 15, 2018 (Handout No. 3) on RCW 85.38.075. This voucher was for reimbursement for a meeting and software for word processing.

There was some question whether language in RCW 85.38.075 applies to all members of the governing body or only those whose terms which have started after the approval of Resolutions approved in 2017 and 2018 by the PLDD regarding compensation.

Legal Consultant Linda Gallagher gave the opinion that reimbursement of expense of purchasing software that is outside of what a commissioner would typically use and is for the purpose of effective communication while serving the District should be considered a reimbursable expense.

Commissioner Smith commented that the resolutions approved in 2017 and 2018 were put in place after the commissioners' terms began. For positions 3 and 1, the only guidance before terms began was the 2010 motion the Board adopted for \$90.00 per meeting. The resolutions the Board passed are rates for the future. Neither of the resolutions, that have been adopted since the terms began, apply until the beginning of the new term.

Linda Gallagher wrote: "In my opinion, the board may not exclude all other official services or duties on behalf of the district or exclude such activities for certain commissioners." There was a distinction between the rate of compensation which is dependent on when a commissioner was elected and what was in place either by the state or by the district; her distinction was that same rule does not apply to the type of duties for which compensation is allowed. RCW does not exclude someone from being paid for performing their duty. It is the rate of compensation that will be a variable but not the type of duty. It is only the rate of compensation that is time dependent.

Commissioner Forbes is sufficiently satisfied that this handles the legal issues that might be imbedded in the particular voucher request.

**MOTION:** Commissioner Deborah Helleson made a motion to approve Voucher 18-057. Commissioner Forbes seconded the motion. Motion passes by majority. Commissioner Smith opposed the motion.

Commissioner No. 1 will speak with legal counsel to close any gaps that remain in this interpretation of the RCWs and any action that was taken.

Voucher 18-057 will not be processed until the January vouchers.

**Not on Agenda: PLDD 2019 Assessment Roll.** Engineer Nancy Lockett announced that the county prepared the Assessment Roll for 2019 (Handout No. 4) and submitted copies to the commission.

## **8. NEW BUSINESS:**

**Meeting Frequency:** Chair Forbes proposed the possibility of quarterly rather than monthly meetings. The commissioners discussed the topic of meeting frequency.

The commission has to approve vouchers on a monthly basis for our vendors and consultants. Since the commission is in maintenance mode, and Commissioner Forbes suggested there may not be the volume of business coming forth, and perhaps the commission could authorize one of its commission members to pay the vouchers on an interim basis if the District goes to quarterly meetings? The commission would authorize a designated financial officer commissioner to provisionally approve the vouchers on the off months.

Some comments and thoughts:

1. It is a hardship for the regular vendors not to be paid.
2. If the public wants to communicate, it makes it more difficult if the commission only meets every three months. It would be more difficult to be responsive.
3. The county auditor requires two commissioner signatures on requests for vendor payment. Two commissioners could not act outside of a public meeting.
4. Commissioner Helleson asked for input from Engineer Nancy Lockett – she has the most to bring to the table.
5. Is there any way the commission could not meet monthly and still get the vendors paid?
6. There would be a reduction in costs if commission did not have to meet monthly.
7. How would this impact the members of the LMC?
8. Is the commission signaling to the community that they are not available except once every quarter?
9. Does the commission have the volume of business to meet every month?

Commissioner Helleson was open to the idea of quarterly meetings.

Commissioner Smith will contact legal counsel regarding the quarterly meetings and she will also contact the state and county auditor.

Commissioner Forbes announced that he would not be at the February meeting of the PLDD.

Commissioner Forbes will ask Brian Belmont on how quarterly meetings would impact the LMC.

## **9. Engineer Reports:**

Engineer Nancy Lockett gave a report on each of the following:

- a. Nov. 7 -Memo of October 11 Site Visit to 133 Baldwin Lane.
- b. Nov. 19 - Drainage Ditch 571 Rainier Lane, County Review and Response.
- c. Nov. 20 – Site Plan Review for Jefferson County Bldg. permit application 18-00436, 186 Resolute Lane.
- d. Nov. 23 – Site Plan Review for Jefferson County Bldg. Permit application 18-00439, 93 Tyee Lane.

- e. Nov. 23 – Site Plan Review for Jefferson County Bldg. Permit application 18-00456, Cove II Lot 26.
- f. Nov. 23 – Site Plan Review for Jefferson County Bldg. Permit application 18-00459, Cove II Lot 29.
- g. Nov. 23 – Site Plan Review for Jefferson County Bldg. Permit application 18-00511, Montgomery CT Lot 3.

**10. COMMISSIONER REPORTS AND COMMENTS:**

a. **Commissioner Compensation – legal response.** This was previously addressed at the beginning of the agenda.

b. **Commissioner Activities, Reports:**

**Commissioner Deborah Helleon:**

Commissioner Helleon will review the PLDD’s Claim for Damage form. It needs to be updated. She will bring it back to the commissioners for review. She will only conduct research and won’t make any changes.

**Commissioner Katie Smith:**

Attended an “Enduris” webinar.

Risk Management Services had a recommendation that all requests for review of production of public records be reviewed by the district’s attorney. If the PLDD has a public records request, it needs to have the ability to contact its attorney. If this request is made right after a meeting, then approval of the commission to contact an attorney would have to wait another month. There is a deadline to respond to a public records request within five days of the request. There needs to be a point of contact on the PLDD.

It was determined that Commissioner Katie Smith would be the reasonable point of contact on the commission.

**Commissioner Don Forbes:** No report.

**11. SIGNING OF DOCUMENTS:** Documents were signed during the public meeting format.

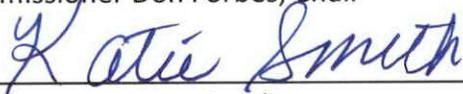
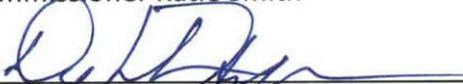
**12. MEETING ADJOURNMENT:**

**MOTION:** Commissioner Katie Smith made a motion to adjourn the December 13, 2018, regular meeting of the Port Ludlow Drainage District. Commissioner Don Forbes seconded the motion. Motion carried unanimously.

The December 13, 2018, regular meeting of the Port Ludlow Drainage District adjourned at 11:38 a.m.

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Minutes prepared by  
Cammy Brown, Recording Secretary

**Approved:**

|  |      |                  |
|--|------|------------------|
| <br>_____<br>Commissioner Don Forbes, Chair | Date | <u>2/14/19</u>   |
| <br>_____<br>Commissioner Katie Smith       | Date | <u>2-14-2019</u> |
| <br>_____<br>Commissioner Deborah Helleson  | Date | <u>2-14-2019</u> |

*Please note the Port Ludlow Drainage District (PLDD) meetings are audio recorded and are available by request at the PLDD website at [www.pldd.org](http://www.pldd.org).*

| <b>VOUCHER SUMMARY</b>  |   | <b>12/13/2018</b>         |                                     |                     |
|---|---|---------------------------|-------------------------------------|---------------------|
| <b>VOUCHER NUMBER</b>   | <b>VENDOR (Services)</b>  | <b>Vouchers (warrant)</b> | <b>Payroll warrant/ transaction</b> | <b>Total</b>        |
| 18-060  | ARTEMIS COMPUTING<br>Website Quarterly Retainer (Q4-Oct,Nov,Dec);<br>Rackspace Email Hosting & Archiving; Assistance.                                       | \$ 415.00                 |                                     | \$ 415.00           |
| 18-061  | GLESSING & ASSOCIATES, CPA<br>Accounting Services for Oct (2 hrs)   | \$ 120.00                 |                                     | \$ 120.00           |
| 18-062  | GRAY & OSBORNE<br>Engineering Services ending Oct 13 (37.50 hrs):<br>Pickleball Drainage, Budget, Site visit; ending Nov 10<br>(7 hrs): Assessment, Review. | \$ 6,852.33               |                                     | \$ 6,852.33         |
| 18-063  | PENINSULA LEGAL SECRETARIAL<br>Meeting attendance & Minutes: Sep (6 hrs),<br>Oct (15.25 hrs)  | \$ 637.50                 |                                     | \$ 637.50           |
| 18-064  | YARDDOGS LANDSCAPING<br>Maintenance Services for Sept & Oct; Inspect and<br>Service all Sites.  | \$ 2,540.72               |                                     | \$ 2,540.72         |
|   | <b>TOTAL VOUCHERS</b>   | <b>\$ 10,565.55</b>       | <b>\$ -</b>                         | <b>\$ 10,565.55</b> |
| <b>PLDD Financial Information</b>   |   |                           |                                     |                     |
| <b>PLDD Cash Account-010 - November 30, 2018</b> (Includes monthly Interest of \$178.21)  |   |                           |                                     | \$ 97,127.38        |
| <b>Expenses - Current Month from Above</b>  |   |                           |                                     | \$ 10,565.55        |
| <b>PLDD Cash Account-010 - Subtotal</b> ( after today's Vouchers)                         |   |                           |                                     | \$ 86,561.83        |
| <b>PLDD Investment Account - 010</b>  |   |                           |                                     | \$ 100,000.00       |
| <b>PLDD Investment Account - 010 Interest</b> (from inception 12/2017 Included on Line 1) |   |                           |                                     | \$ 1,674.02         |
| <b>PLDD Reserve Account - 040</b>   |   |                           |                                     | \$ 46,800.00        |
| <b>PLDD Reserve Account - 040 Interest</b> (Balance on 11/30/2018)                        |   |                           |                                     | \$ 912.74           |
| <b>Net TOTAL All Accounts</b>   |   |                           |                                     | \$ 234,274.57       |
| <b>2018 Special Assessment</b>  |   |                           |                                     | \$ 87,000.00        |
| <b>Assessment Paid to Date</b> (Included on Line 1)                                       |   |                           |                                     | \$ 86,990.78        |
| <b>Unpaid 2018 Assessment</b> (remaining)   |   |                           |                                     | \$ 9.22             |
| <b>Expenditures - Calendar Year to Date</b> (Jan 1 - Dec 13, 2018)                        |   |                           |                                     | \$ 61,608.96        |
| <b>Expenditures - County Budget Year to Date</b> (Jan 22 - Nov 30, 2018)                  |   |                           |                                     | \$ 43,427.84        |