

PLDD

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

Commissioners Regular Meeting # 219

Thursday, November 10, 2016 at 10:00 AM

Call to Order: Meeting was called to order by Acting Chair Commissioner Uyeda at 10:07 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. No absences. Engineer Nancy Lockett, Assistant Sue Bartkus.

Guests: Brian Belmont, Joanne Bisquera, Mike Nilssen, Shane Seaman, and Mel Smith.

Chair Position: After brief discussion, Commissioner Smith made a motion to have Commissioner Uyeda serve as PLDD Chair. Commissioner Uyeda accepted and seconded the motion. Motion approved 2-0.

Special Presentation: Joanne Bisquera, Director of Member Services for **Enduris Insurance** (formerly Washington Governmental Entity Pool) presented an overview of Enduris as a local government risk sharing pool with offices located in Spokane, Washington. Ms. Bisquera shared that the Enduris membership included over 532 local governments or special purpose districts in Washington State that unite to share risks and reduce costs. The PLDD has been a member of this risk pool since 2003. Ms. Bisquera further explained different insurance options for PLDD coverage. Copies of the PLDD Memorandum of Coverage for 2017 (a disc), Crime Coverage, and Binder were given to the Commissioners and Sue.

Ms. Bisquera answered several inquiries regarding insurance coverage, noting that Enduris did not provide "Bond" coverage. Commissioner Smith noted that a Surety Bond does not have a deductible as the PLDD Enduris Crime coverage does of \$1,000.00. Surety Bonds are not to cover crime but rather are for faithful performance of duties. These are required prior to public officials taking an Oath of Office per RCW 85.38.080. This statute states in part that:

Each member of a governing body of a special district, whether elected or appointed, shall enter into a bond, payable to the special district. The bond shall be in the sum of not less than one thousand dollars nor more than five thousand dollars, as determined by the county legislative authority of the county within which the special district, or the largest portion of the special district, is located. The bond shall be conditioned on the faithful performance of his or her duties as a member of the governing body of the special district and shall be filed with the county clerk of the county within which the special district, or the largest portion of the special district, is located.

Ms. Bisquera provided a Resolution template and recommended that the PLDD, by Resolution, name an agent to receive claims per RCW 4.96.020, which says in part that:

(2) The governing body of each local governmental entity shall appoint an agent to receive any claim for damages made under this chapter. The identity of the agent and the address where he or she may be reached during the normal business hours of the local governmental entity are public records and shall be recorded with the auditor of the county in which the entity is located.

Ms. Bisquera added that member benefits in Enduris included pre-defense programs with up to \$300,000.00 in attorney fees, contract and policy reviews, insurance indemnification, free Municipal Research and Services Center (MRSC) advice and training opportunities, and several free courses or seminars offered by Enduris.

Meeting was recessed at 11:15 a.m.

Meeting reconvened at 11:20 a.m.

Consent Items:

- **Minutes:**

- 1) Commissioner Smith made a motion to approve the **September 8, 2016 Amended Regular Meeting Minutes**. Commissioner Uyeda seconded and carried the motion. Motion approved 2-0.
- 2) Commissioner Smith made a motion to approve the **September 22, 2016 Amended Special Meeting Budget Workshop Minutes**. Commissioner Uyeda carried and seconded the motion. Motion approved 2-0.
- 3) Commissioner Smith made a motion to approve the **October 13, 2016 Regular Meeting Minutes**. Commissioner Uyeda seconded and carried the motion. Motion approved 2-0.

- **Vouchers:**

- 1) Commissioner Smith made a motion to approve the **Payroll** in the amount of \$913.35 (Voucher # 16-074). Commissioner Uyeda seconded and carried the motion. Motion approved 2-0.
- 2) Commissioner Smith made a motion to approve the **Vouchers** from October 6, 2016 to November 8, 2016 in the amount of \$7,219.82 for an overall total of \$8,133.17. Commissioner Uyeda seconded and carried the motion. Motion approved 2-0.

Voucher #	Item	Description	Amount
16-074	Susan Bartkus (Payroll)	43 Hours	913.35
16-075	Gray & Osborne	Budget Workshop & 2017 Budget Prep., Ludlow Cove II Stormwater Review	3,158.91
16-076	Dwayne Wilcox	990.00 less 648.00 owed from overpayment	342.00
16-077	Port Townsend Leader	2x Public Announcement, Commissioner Vacancy	172.50
16-078	Yard Dogs Landscaping	Reg maint. Schedule, Enduris prep. & extra Winter storm Monitoring WWTP & Cascade inlet	1,270.36
16-079	Seaman Law Firm PLLC	4.6 hrs Legal Work	1,012.50
16-080	Washington State Auditor	Audits for 2014 & 2015	1,117.20
16-081	Glessing & Associates	10/11 & 10/25/2016 Accounting Services	145.35
TOTAL VOUCHERS			8133.17

PLDD Cash Account	126,042.37
PLDD Reserve Account	40,000.00
PLDD Interest Income Reserve Fund	6,565.68
Expenses – Current Month from above	(8,133.17)
NET TOTAL ALL ACCOUNTS	164,474.88
Special Assessment	89,999.29
PAID TO DATE	(78,546.19)
UNPAID (REMAINING)	11,453.10

Expenses – Year to Date (Feb-Nov 2016)	146,334.59
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Public Forum: No issues were brought to the Commissioners attention.

Correspondence:

Engineer Lockett reported that she had responded to a builder via email regarding a **Drainage Plan Review Request** for a Carport Addition. Part of her email response follows:

The PLDD does not have authority over issuing drainage plan approvals. The County requests District review of drainage plans in an advisory capacity. You and your client need to work with Jefferson County regarding permit approval for this project. The website for the Community Development office in Jefferson County is <http://www.co.jefferson.wa.us/commdevelopment/default.htm>.

Commissioners thanked Engineer Lockett for her response on the District’s behalf.

New Business:

1. Commissioner Smith read **Resolution 2016-03**, which was prepared to correct a handwritten clerical error made within Resolution 2016-02, the Commissioners approval of the 2017 Budget and the 2017 Assessment amount. Resolution 2016-03 also changed the handwritten insert of Resolution 2016-02 to a printed version. Commissioner Smith made a motion to approve Resolution 2016-03. Commissioner Uyeda seconded and carried the motion. Motion approved 2-0. A copy of Resolution 2016-03 will be attached to these minutes.
2. The PLDD Commissioner per diem compensation history was discussed at length. Commissioner Smith extensively researched the issue and drafted **Resolution 2016-04** to capture past history regarding Commissioner Compensation. Attorney Seaman suggested going into an executive session. It was pointed out that only Commissioner Uyeda knew that attorney Seaman would be present at this day’s meeting, an executive session wouldn’t be possible because it did not meet the criteria for Executive Session and had not been publicly announced, nor put onto the agenda, per RCW 42.30.110 requirements. Attorney Seaman was concerned with attorney client privilege, saying that he and Commissioner Smith should speak in private about her position and intent on the commissioner compensation matter. Commissioner Smith replied that her opinion did not matter, the law was what mattered. Attorney Seaman stated that he, as the PLDD

attorney, should have been consulted before other legal sources were contacted for their opinions. Commissioner Smith said she had consulted the MRSC for their opinion at no cost to the District. Attorney Seaman replied that he had a contract with the PLDD; Commissioner Smith asked him to forward a copy as assistant Bartkus could not locate one within the PLDD files, and no mention had been made of a legal agreement in past meeting minutes. After further discussion, Commissioner Smith read the Resolution draft aloud. Commissioner Smith made a motion to approve Resolution 2016-04.

Commissioner Uyeda seconded and carried the motion. Motion approved 2-0. A copy of Resolution 2016-04 will be attached to these minutes.

3. Engineer Lockett reported that she had coordinated with Jeff Chapman, the Jefferson County Assessor, to review the preliminary 2017 assessment roll and the modifications made on November 8, 2016 to remove the clean water tax from 2 lots in Ludlow Cove, and the Medical Building. She found the roll to be acceptable and would certify it. A bound final copy will be made for district residents to review in the Beach Club office.
4. Engineer Lockett reported that in planning for the **Waste Water Treatment Plant Project for Overflow Containment** a survey was needed to determine easement specifics and enable design. Commissioner Smith commented that since Olympic Water & Sewer has indicated willingness to move now would be an optimal time to start planning. Lockett estimated that the survey would cost approximately \$3,000.00. Commissioners agreed and asked Engineer Lockett to schedule the survey.

Old Business:

5. Commissioners, Engineer Lockett and Ludlow Maintenance Commission (LMC) Manager Brian Belmont reviewed the possible need for a change in the PLDD - LMC – County Agreement for **Drainage Plan Review** as discussed briefly in the correspondence segment of this meeting. Engineer Lockett distributed a flow chart draft outlining an applicant's process for new construction. It was decided that changes should be made on the PLDD website and to the LMC New Home application packet to remove past PLDD drainage plan guidelines. Commissioner Smith reflected back to how the practice of PLDD drainage plan review arose, because at the beginning of PLDD inception the County didn't have the resources to review and PLDD Commissioners wanted to make sure that plans were in keeping with the best interest of the entire District. Discussion included observation by Engineer Lockett and LMC General Manager Brian Belmont that since Jefferson County is responsible for setting guidelines and permitting, the cost of Engineer review of drainage plans (approximately \$100.00 to \$150.00 per review) should perhaps not be borne by the District. It was noted that these reviews benefit private property owners, not always commonly held property as PLDD is mandated with serving under Washington State statutes. Engineer Lockett added that if advice is needed by owners for design, it should be obtained by hiring an engineer of their own.
6. The yearly advertising and maintenance for the PLDD Small Works Roster was discussed as being an annual requirement, and would be continued by the District not by the joining MRSC Roster


Commissioner Reports:

1. 543 Montgomery Lane (Janice Svien) – Commissioner Uyeda and Commissioner Smith both reported visiting the site, finding that the problem was standing water due to saturation on her own property.

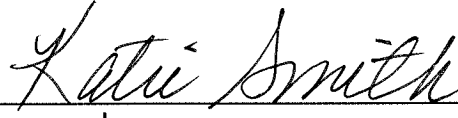
2. 60 McCurdy Lane (Julie Martin) – Commissioner Uyeda conducted a site visit, reporting that Ms. Martin was going to remove some trees, but couldn't gain access to them without driving over a previously worked on area by PLDD. Engineer Lockett advised Commissioner Uyeda that if the area was going to be driven over, thick planks would need to be laid down first as the pipe was only approximately 2 feet from the surface. Commissioner Uyeda will call Ms. Martin to let her know.
3. 65 Montgomery Court (Sandra Flaherty) Engineer Lockett noted that the PLDD had visited the site in November 2012, and noted that at the time all three Commissioners found that her curtain drains needed attending to and the water was standing water from ground saturation. Nancy and one Commissioner will visit the site after this day's meeting to determine the problem Ms. Flaherty is experiencing. A response will be sent to her.

Commissioner Smith made a motion to adjourn the meeting at 12:43 p.m. Commissioner Uyeda seconded the motion. Motion approved 2-0.


Respectfully prepared by Sue Bartkus



Approved:
District Commissioner 3
Allen Uyeda



Approved:
District Commissioner 1
Katie Smith



Approved
District Commissioner 2
Don Forbes