Regular Meeting of the Board of Commissioners
Monday, January 9, 2023
3:30 PM

Meetings of the Board of Commissioners are now hybrid meetings. The public is welcome to attend in-person at the District Office or remotely through the Zoom meeting platform.

Join from a PC, Mac, iPad, iPhone or Android device:
Please click this URL to join. https://us02web.zoom.us/j/85475626495

Or join by phone:
Dial(for higher quality, dial a number based on your current location):
US: +1 253 215 8782 or +1 253 205 0468 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 346 248 7799 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 931 3860 or +1 689 278 1000 or +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623
Webinar ID: 854 7562 6495
International numbers available: https://us02web.zoom.us/u/k9sjV8qn5

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<tr>
<th>Estimated Time</th>
<th>Minutes Allocated</th>
<th>Item</th>
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<tr>
<td>03:30 PM</td>
<td>1</td>
<td>CALL TO ORDER</td>
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<tr>
<td>03:31 PM</td>
<td>1</td>
<td>APPROVAL OF AGENDA</td>
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<td>03:32 PM</td>
<td>3</td>
<td>PUBLIC COMMENTS</td>
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Zoom instructions are available on the District’s website: https://spwater.org/371/Board-Meetings.
Verbal public comment is limited to three minutes per person or five minutes per group.
Written public comments are to be emailed to administration@spwater.org no later than 12:00 noon the date of the meeting.

03:35 PM 5

CONSENT AGENDA
A Siler Ridge Water Annexation - Resolution Finalizing Annexation of an Area for Water Service
B Interim Central Lake Forcemain - Resolution to Approve Change Orders Nos. 1 and 2
C Bohan NE 2nd Short Plat - DEA Initial Acceptance Resolution - Parcel 3325069113

ACTIVE AGENDA
03:40 PM 10
A Annual Election of Board Officers
03:50 PM 15
B Sno-King Water District Coalition Membership Discussion
04:05 PM 45
C Commissioner Compensation Policy Discussion

REPORTS
04:50 PM 5
A Attorney
04:55 PM 5
B General Manager
05:00 PM 10
C Commissioner

05:10 PM 30
EXECUTIVE SESSION
To Review the Performance of a Public Employee – RCW 42.30.110(1)(g)

05:40 PM
ADJOURN

Next Regular Meeting - Monday, January 23, 2023
Public Comments

**Verbal Comments:**
Limited to three minutes per person or five minutes per group.

For those attending remotely, Zoom instructions are available on the District’s website: [https://spwater.org/371/Board-Meetings](https://spwater.org/371/Board-Meetings).

**Written Public Comments:**
Emailed to administration@spwater.org no later than 12:00 p.m. the date of the meeting. Note “Public Comment” and the meeting date in the Subject field of the email.
Consent Agenda
Consent Agenda

Item A
INTRODUCTION:
District staff is annexing a territory in the Cascade View service zone to the District for water service. This annexation is referred to as the Siler Ridge Water Annexation.

The annexation proposal was previously approved by the Board, contingent upon Boundary Review Board and King County Council approval. The annexation is now ready for final approval.

BACKGROUND:
Annex approximately 120 acres of the Siler Ridge area to the District for water service. The area was identified in the District’s future water service area through the East King County Water Supply Plan. The Siler Ridge area is proposed for subdivision, and water mains would be extended to provide service through the development process.

This annexation is being done by the petition method. The District has a petition representing approximately 100% of the area included in the Annexation. The property owner provided signed petition.

Overview of the Annexation:
- District Board accepted the petition from the Siler Ridge area property owner for the annexation.
- District completed the SEPA process, including Non-Project Action components for the annexation, with a Determination of Non-Significance.
- Confirmed with Cascade Water Alliance that CWA Board approval was not required in order to proceed.
- District Board held a Public Hearing on the annexation on September 12, 2022.
- District Board adopted Resolution of Intent to Annex the Siler Ridge area for water service, subject to the approval of the King County Boundary Review Board and King County Council.
- District prepared a Notice of Intention and submitted to the King County Boundary Review Board.
- Filed copy of resolution stating intent to annex the area for water service with the King County Clerk and advising of the submittal of the Notice of Intention to the Boundary Review Board.
- King County Council approves the Annexation: Ordinance 19554 on December 6, 2022, with King County Executive signature on December 22, 2022.

The final steps to complete the annexation is for the District to:
- Adopt resolution finalizing annexation for the Siler Ridge Water Annexation, and
- Submit the resolution to the King County Clerk of the Council with the final Boundary Review Board letter.
- Notify East King County Regional Water Association of the water service boundary adjustment.
OPTIONS:
1. Approve the Resolution finalizing annexation of the Siler Ridge Water Annexation Area to the District for water service.
OR
2. Deny the Annexation request – with explanation.

STAFF RECOMMENDATIONS:
Complete the annexation process by approving the resolution finalizing annexation of the Siler Ridge Water Annexation area to the District for water service.

ATTACHMENTS:
- Vicinity Map
- Resolution Finalizing the Annexation
Siler Ridge Water Annexation Vicinity Map

Legend
- Annexation Area
- Urban Growth Boundary
- District: Corporate Limits

Siler Ridge Water Annexation
Vicinity Map with only Corporate Limits and Annexation Proposal Area

Exhibit P - Vicinity Map with only Corporate Limits and Annexation Proposal Area.pdf | Print Date: 7/27/2022
RESOLUTION NO. ____________

RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAMMAMISH PLATEAU WATER AND SEWER DISTRICT, KING COUNTY, WASHINGTON, FINALIZING ANNEXATION OF AN AREA FOR WATER SERVICE GENERALLY REFERRED TO AS:

SILER RIDGE WATER ANNEXATION

WHEREAS, on September 12, 2022, the Board of Commissioners of Sammamish Plateau Water and Sewer District, King County, Washington, stated its intent to annex certain territory to the District’s Water Service Area subject to the approval or disapproval of the King County Council and the King County Boundary Review Board, and

WHEREAS, by letter from the Boundary Review Board, a copy of which is attached hereto as Exhibit “B” and by this reference made a part hereof, notice was given that the annexation of said property was approved as of November 14, 2022; and

WHEREAS, per Ordinance No. 19554 the King County Council has approved said annexation, which ordinance was passed on December 6, 2022, and signed on December 22, 2022 by the King County Executive; and

WHEREAS, the District concurs with the actions and decisions of both the King County Council and the King County Boundary Review Board; and

WHEREAS, all requirements of law have been met and proved to the satisfaction of the Board of Commissioners of Sammamish Plateau Water and Sewer District regarding said annexation; now therefore,

BE IT RESOLVED, by the Board of Commissioners of Sammamish Plateau Water & Sewer District, King County, Washington, as follows:

That the annexation of territory of the property described on Exhibit "A" attached hereto and by this reference made a part hereof, be and the same is hereby finalized; that one certified copy of this Resolution, together with a copy of the letter from said Boundary Review Board, be forwarded to the Office of the Clerk of the Council.
ADOPTED by the Board of Commissioners of Sammamish Plateau Water and Sewer District, King County, Washington, at a regular open public meeting held on the 9th day of January, 2023.

Individual Commissioner's Vote on this Resolution:

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EXHIBIT A
LEGAL DESCRIPTION & DEPICTION
Exhibit “A”

Legal Description – SPWSD Annexation Area

That portion of Section 13, Township 25 North, Range 6 East, Willamette Meridian, in King County, Washington, described as follows:

That portion of the North half of the Northwest quarter lying North of the northerly right-of-way margin of Union Hill Road;

TOGETHER WITH the South half of the Southwest quarter of Section 12, Township 25 North, Range 6 East, Willamette Meridian, in King County, Washington.
EXHIBIT B
LETTER FROM THE BOUNDARY REVIEW BOARD
November 18, 2022

Jay Regenstreif, jay.regenstreif@spwater.org
Planning Engineer
Sammamish Plateau Water and Sewer District
1510 228th Avenue SE
Sammamish, WA 98075

RE:   FILE NO. 2412 – SAMMAMISH PLATEAU W & S DIST – SILER RIDGE WATER ANNEX.

Dear Ms. Regenstreif:

We are writing to advise you that the Boundary Review Board has now completed the required
evaluation, as specified in RCW 36.93, for the above-referenced proposed action filed with the Board
effective September 28, 2022.

The Boundary Review Board also provided a 45-day public review period, as prescribed by
RCW36.93. The Board received no request for a public hearing of this proposed action during the
public review period.

The Boundary Review Board, therefore, hereby deems this proposed action approved effective
November 14, 2022. Final approval of the proposed action is also subject to the following actions,
where applicable:

1. Sewer and Water District actions and some other actions are also subject to approval by
   the King County Council. If the Council makes changes to the proposal, the Board may
   then be required to hold a public hearing.
2. Filing with King County of franchise application(s), as required, accompanied by a copy of
   this letter.
3. Filing with King County of permit application(s), as required, accompanied by a copy of this
   letter.
4. Fulfillment of all other statutory requirements and/or procedures specified in your Notice of
   Intention.
5. Notification in writing of your intended effective date of annexation. This notification should
   be provided as early as possible. Please send this information to:
Attn: Karen Meyering, Executive Analyst  
King County Office of Performance, Strategy and Budget  
401 Fifth Avenue, Suite 810  
Seattle, WA 98104

6. Filing with King County Council of: (1) one certified copy of **final** resolution or ordinance accomplishing this proposed action; and (2) a copy of this letter. This document should be filed with the Clerk of the Council (Attn: Melani Pedroza), King County Courthouse, 516 Third Avenue, Room 1200, Seattle, Washington 98104.

If you have questions or would like additional information, please contact our office at (206)-477-0633.

Sincerely,

Shelby Miklethun  
Executive Secretary

CC: ZZGrp, BRB Annexations
Consent Agenda

Item B
INTRODUCTION:
Review and approve Change Orders No. 1 and No. 2 to the Interim Central Lake Forcemain project (Project).

POLICY:
In accordance with Resolution No. 5088, procurement policies, includes policies regarding Change Orders.

BACKGROUND:
The Project was identified in the North Diversion Phase 1 Analysis and generally consists of the installation of approximately 940 linear feet of 16-inch ductile iron sewer forcemain and 130 linear feet of 10-inch ductile iron sewer forcemain on East Lake Sammamish Parkway.

The Board of Commissioners previously approved Resolution No. 5099 on May 9, 2022 awarding the construction contract for the Project to Laser Underground & Earthworks, Inc. for their bid of $1,349,540.00, excluding sales tax.

On November 7, 2022, the District issued the notice to proceed to Laser Underground & Earthworks, Inc. and they began work on the Project. To date the contractor has installed all of the sewer forcemain with the remaining items being connections to the existing sewer system and roadway restoration.

Change Order No. 1 addresses delays in the contractor’s schedule due to supply chain issues and material availability delays encountered by the contractor. The contract extension will move the original completion date of January 11, 2023 to February 28, 2023.

Because this was a $0 change order, the Engineering Manager approved Change Order No. 1.

Change Order No. 2 addresses a variation in estimated quantities on Bid Item #21 for Cast-in-Place Concrete Panel. Per requirements by the City of Sammamish (City) the Bid Documents accounted for replacement of all concrete panels encountered by the Project. In coordination with the City it was agreed upon that replacement of entire panels would not be required provided the panels are not completely damaged by the installation of the sewer forcemain. During the construction it was determined that existing panels encountered were in good condition and the District would only be required to replace partial areas of the concrete panels removed by the
construction of the Project. Change Order No. 2 covers the additional cost to the contractor for added labor such as fabricating already procured materials to conform to a smaller concrete panel replacement.

Change Order No. 2 adds Bid Item #CO2 to establish a cost for Partial Cast-in-Place Concrete Panel installation at $790 per cubic yard (CY) installed. An estimated amount of 120 CY would be needed totaling to $94,800.00, not including taxes. This new Bid Item #CO2 would be used in lieu of original Bid Item #21 for Cast-in-Place Concrete Panel which was bid at $580 per CY for installation of 320 CY totaling to $185,600.00, not including taxes.

Even though this an increase in the unit cost to install concrete paneling, this represents a net cost savings to the District of $90,800.00 due to the reduced quantity of concrete panels being replaced compared to the original design estimate.

Because Change Order No. 2 exceeds $50,000.00, the Board is required to approve Change Order No. 2 by Resolution prior to proceeding with the work.

**BUDGET STATUS:**
District staff is requesting approval of Change Order No. 1 and No. 2 for change to the Contract of $94,800.00, excluding sales tax, which will modify the contract amount. However, no change in the project budget is required due to the Project no longer anticipating to use Bid Item #21.

**Project Budget Summary**

<table>
<thead>
<tr>
<th>Total Project Budget</th>
<th>$1,349,540.00</th>
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<tr>
<td>Expended to Date</td>
<td>$ 567,697.54</td>
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<tr>
<td><strong>Project Budget Remaining</strong></td>
<td>($ 781,842.46)</td>
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**Project Budget Status Update**

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<tr>
<th>Current Construction Contract Amount, excluding Tax</th>
<th>$1,349,540.00</th>
<th>% of Original Contract Amount</th>
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<tr>
<td>Change Order No. 1 and 2, excluding Tax</td>
<td>$ 94,800.00</td>
<td>7.02%</td>
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**Revised Construction Contract Amount, excluding Tax**

| Revised Construction Contract $1,444,340.00 |

**FISCAL IMPACT:**
There is no fiscal impact since the construction contract amount is within the total Interim Sewer project budget.

**OPTIONS:**
The Board has the following options:

1. Approve by resolution Change Order No. 1 and No. 2 in the amount of $94,800.00 to the Interim Central Lake Forcemain project.

2. Take the change orders under review.
STAFF RECOMMENDATIONS:
District staff recommends the approval of Change Order No. 1 and No. 2 by resolution.

ATTACHMENTS:
Project Location Map
Resolution approving Change Order No. 1 and No. 2
SAMMAMISH PLATEAU WATER & SEWER DISTRICT
KING COUNTY, WASHINGTON

RESOLUTION NO._________

RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAMMAMISH PLATEAU WATER AND SEWER DISTRICT, KING COUNTY, WASHINGTON, AUTHORIZING AND APPROVING CHANGE ORDERS NO. 1 AND 2 FOR THE CONSTRUCTION CONTRACT TITLED THE INTERIM CENTRAL LAKE FORCEMAIN PROJECT.

WHEREAS, the Board of Commissioners awarded the contract to construct the Interim Central Lake Forcemain Project (“Contract”) on May 9, 2022 by Resolution Number 5099, and

WHEREAS, the District staff has recommended Change Order No. 1 for a cost of $0.00, not including sales tax, to the Contract as described on Exhibit A attached hereto; and

WHEREAS, the District staff has recommended Change Order No. 2 for a cost of $94,800.00, not including sales tax, to the Contract as described on Exhibit A attached hereto; and

BE IT RESOLVED, by the Board of Commissioners of Sammamish Plateau Water & Sewer District, King County, Washington, as follows:

Change Order No. 1 & 2 to the Capital Improvement Project titled the Interim Central Lake Forcemain Project as recommended by District Staff and as described on Exhibit A attached hereto, is hereby approved.
ADOPTED by the Board of Commissioners of Sammamish Plateau Water and Sewer District, King County, Washington, at a regular open public meeting held on the 9th day of January 2023.

**Individual Commissioner's Vote on this Resolution:**

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Ryika Hooshangi, President and Commissioner

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Lloyd Warren, Vice President and Commissioner

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Nav Otal, Commissioner

Resolution No. __________
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<th>Description of Changes</th>
<th>Increase in Contract Amount ($)</th>
<th>(Decrease) in Contract Amount ($)</th>
<th>Time Extension (days)</th>
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<tr>
<td>Additional Contract time due to supply chain issues and material availability. Contractor shall be responsible for all additional costs due to increased labor, equipment, and materials as a result of the additional time.</td>
<td>$0.00</td>
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Grand Total without sales tax: $0.00

The amount of the Contract will be increased (decreased) by the sum of $0.00 and the Contract Time shall be extended by 48 calendar days. The Undersigned Contractor approves the following Change Order as to the changes, if any, in the contract price specified for each item including any and all supervision costs and other miscellaneous costs relating to the change in work, and as to the extension of time allowed, if any, for completion of the entire work on account of said Change Order. The Contractor agrees to furnish all labor and materials and perform all other necessary work, inclusive of the directly or indirectly related to the approved time extension, required to complete the Change order items.

Submitted or Recommended: [Signature]
Project Manager: [Name]
Date: 1/5/2023

Contractor Accepted: [Signature]
CEO: [Name]
Date: 1/5/2023

Owner Approved: [Signature]
Department Manager: [Name]
Date: ____________________

2023.01.05 15:48:46-08'00'
## EXHIBIT A
### CHANGE ORDER

**Project & ID:** Interim Central Lake Forcemain

**Owner:** Sammamish Plateau Water & Sewer District

**Contractor:** Laser Underground & Earthworks, Inc.

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<th>Description of Changes</th>
<th>Increase in Contract Amount ($)</th>
<th>(Decrease) in Contract Amount ($)</th>
<th>Time Extension (days)</th>
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<tr>
<td>#CO2 Add Bid Item #CO2 - Partial Cast-in-Place Concrete Panel</td>
<td>$94,800.00</td>
<td>$0.00</td>
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**Grand Total without sales tax:** $94,800.00

The amount of the Contract will be increased (decreased) by the sum of $94,800.00 and the Contract Time shall be extended by 0 calendar days. The Undersigned Contractor approves the following Change Order as to the changes, if any, in the contract price specified for each item including any and all supervision costs and other miscellaneous costs relating to the change in work, and as to the extension of time allowed, if any, for completion of the entire work on account of said Change Order. The Contractor agrees to furnish all labor and materials and perform all other necessary work, inclusive of the directly or indirectly related to the approved time extension, required to complete the Change order items.

**Submitted or Recommended:**

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**Contractor Accepted:**

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<td>CEO</td>
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**Owner Approved:**

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Date: 1/5/2023

Date: 1/5/23
Consent Agenda

Item C
RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAMMAMISH PLATEAU WATER AND SEWER DISTRICT, KING COUNTY, WASHINGTON, AUTHORIZING AND APPROVING THE APPLICATION FOR THE DEVELOPER EXTENSION AGREEMENT FOR THE

BOHAN NE 2ND SHORT PLAT

WHEREAS, Robert Bohan has submitted an application to enter into a Developer Extension Agreement for service to a development known as

BOHAN NE 2ND SHORT PLAT; and

WHEREAS, said party has submitted to the District Preliminary/Certificate Fees of

WATER $8,052.50 SEWER $4,070.00

BE IT RESOLVED, by the Board of Commissioners of Sammamish Plateau Water & Sewer District, King County, Washington, as follows:

1. The District hereby approves the application and authorizes the execution of the Developer Extension Agreement referenced above.

2. The balance of the Preliminary/Certificate fees not yet paid as required by District resolution will be due no later than when the District General Manager approves by signature the design for construction of the water and/or sewer facilities associated with this Developer Extension Agreement, and;

3. If there is no construction of any water and/or sewer facilities for the project, the balance of the Preliminary/Certificate fees not yet paid as required by District resolution will be due before the installation of water meters or side sewers and/or before the District’s final Acceptance of the Developer Extension Agreement, whichever is sooner.
ADOPTED by the Board of Commissioners of Sammamish Plateau Water and Sewer District, King County, Washington, at a regular open public meeting held on the 9th day of January, 2023.

**Individual Commissioner's Vote on this Resolution:**

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EXHIBIT A

REAL PROPERTY DEPICTION
BOHAN NE 2ND SHORT PLAT
TAX PARCEL 3325069113
Active Agenda
Active Agenda
Item A

Annual Election of Board Officers
Active Agenda
Item B

Sno-King Water District Coalition
Membership Discussion
INTRODUCTION:

In 2022, the Board considered whether to continue membership in the Sno-King Water District Coalition (Sno-King). Per the Board’s motion on April 4, 2022, any invoice beyond the 2022 dues required Board approval. The District has received an invoice for the 2023 dues, details shown below.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Sno-King Water District Coalition Member</td>
<td>$2,900.00</td>
</tr>
<tr>
<td>(Contribution equals $20,300 divided by 7 members)</td>
<td></td>
</tr>
</tbody>
</table>

OPTIONS:

1. Approve payment and continuation of membership for 2023.

2. Not approve payment and begin withdrawal process from Sno-King set forth in the Interlocal agreement.
Active Agenda
Item C

Commissioner Compensation Policy
Discussion
INTRODUCTION:
At a December 2022 meeting, a question was posed whether meeting preparation could be compensable. Legal counsel advised that this activity was compensable under state law, but is a matter of Board policy to which the current policy does not address. See Archer’s memorandum for full legal analysis.

Staff has prepared a summary below of the District’s current policies associated with Commissioner Compensation as a refresher for the Board. To read the full policy, the applicable Code section is linked below.

POLICY:
[Code Sec. 2.00.040. – [Commissioner] Compensation and benefits; insurance]

SUMMARY:
- Compensation Rate established by State law: $128/day = 96 compensable meetings max/year
- Eligible Expenses for Reimbursement: mileage and other direct expenses
- Definition of District Business:
  - Mandatory business: Board meetings
  - Pre-assigned or pre-authorized District business: Commissioner Assignments (reviewed annually and as needed)
  - Non-assigned District business: not mandatory District business or pre-assigned – authorization needed by Board or President prior to attendance or engagement in District business
    - 1 meeting or activity approved per month
  - Other District business that does not require prior approval:
    - Orientation: new commissioner orientation meetings with staff, and the 90-day required PRA/OPMA/Records Management training. (Not specified in policy but prior legal guidance stated it’s eligible and has become practice)
    - Training & Conferences that does not exceed annual budget $2,500 each
- Other policies regarding claims for Commissioner Compensation:
  - Claim forms cannot be submitted until after business or transaction occurred
  - Claim forms must be submitted within two months
  - The annual December holiday lunch not eligible for compensation
  - Claim forms cannot be processed unless fully executed and with appropriate backup documentation
  - Claims submitted in violation of policies must be repaid by commissioner with interest (1%) until repaid in full
- Board secretary is additionally compensated the same per diem rate ($128) per month for role duties
MEMORANDUM

TO: Sammamish Plateau Water and Sewer District Commissioners

FROM: Charlotte A. Archer, General Counsel

DATE: For Board Meeting of January 9, 2023

RE: Commissioner Compensation Policy Review

Question and Short Answer:

The Board of Commissioner’s has requested a legal analysis as to whether a commissioner is currently, under the District’s existing policies, entitled to compensation for time spent preparing for a regular Board meeting. Although the District’s existing policies do not expressly state that preparation time is compensated, but the Board reserves the right under existing policy to make a determination on a case-by-case basis as to all claims for compensation by a commissioner for time spent in performance of official services or duties. Moving forward the Board could continue to handle requests for compensation for preparation time on a case-by-case basis or could modify existing policy to specifically identify preparation time as a compensable service.

Relevant Legal Authority:

RCW 57.12.010 establishes the parameters for compensation of a member of the board of commissioners of a district:

Each commissioner shall receive ninety dollars for each day or portion thereof spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner shall not exceed eight thousand six hundred forty dollars per year. In addition, the secretary may be paid a reasonable sum for clerical services.

***

[Provided] [t]he dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor.
Consistent with this legislation, the current dollar threshold for Water Sewer District commissioners is $128 per day, with an annual compensation limit of $12,288.

There is limited authority in Washington interpreting the language of RCW 57.12.010. The Washington State Attorney General, opining on a precursor to RCW 57.12.010, commented that district commissioners are entitled to “reimbursement for time spent in their activities or administrative capacities as commissioners.” AGO 49-51.

Legal Analysis of Issue Presented:

Utilizing the tools of statutory interpretation, the phrase “actual attendance at official meetings of the district commission” is unambiguous and limits compensation under this prong to the time spent in actual attendance (physical or remote/hybrid) at meetings of the commission. The plain language of the second phrase, “in performance of other official services or duties on behalf of the district,” acknowledges the discretion of the district (acting through the Board) to determine what efforts by a commissioner are taken “on behalf of the district” (i.e., with the Board’s direction and approval). Provided, however, the powers and duties set out for the district under Title 57 RCW serve as sideboards for the Board’s determination since Title 57 establishes what are “official services and duties” of the district and its commissioners. Thus, a reasonable interpretation of the second phrase authorizes the Board to adopt policy establishing when a commissioner may seek compensation for “performance of other official services or duties on behalf of the district,” provided the policy limits compensation to the performance of official services and duties set out in Title 57 RCW. The Board is also vested with the authority to establish policy that defines “performance of other official services or duties on behalf of the district” to include specific, routine duties that fall within the scope of Title 57 RCW. For example, attendance at state, county or other public hearings, conventions, etc.

To provide illustrative examples, attached hereto are examples of how other districts in Washington define the phrases utilized in RCW 57.12.010.
2.3.8 **Litigation.** The Board has the power to authorize the initiation of litigation or to approve the settlement of a claim. The Board’s power to settle a claim may be limited by an agreement with an insurance company or governmental insurance pool. The Board may delegate its power to initiate or settle litigation to the General Manager subject to certain maximum dollar amounts or other Board direction. No specific Board authorization is required to authorize the attorney for the District to initiate litigation to collect on a delinquent account or foreclose on a real property lien pursuant to RCW 57.08.081, or as such statutes may be modified or superseded.

2.4 **Compensation**

Commissioners are compensated per state law (RCW 57.12.010) and are entitled to statutory compensation for each day or portion thereof spent in actual attendance at Board meetings or in performance of other official services or duties on behalf of the District. The Board shall determine if attendance at meetings other than regular or special meetings of the Board are compensable subject to the statutory maximum. A Commissioner shall be entitled to statutory compensation for attending any of the following meetings:

- Regular or special Board of Commissioners meetings
- Washington Association of Sewer and Water Districts (WASWD) events including fall and spring conferences, Section III meetings, commissioner workshops, and WASWD Board or committees on which a commissioner serves.
- Educational or training seminars or conferences on policies related to water industry or public agencies, approved by the Board during the annual budget process or pre-approved on a case-by-case basis.
- SNO-KING Water District Coalition (the Board shall authorize one Commissioner to attend on behalf of the District).
- Court or Administrative Hearings involving the District or an issue of significant interest to the District as pre-approved by the Board.

2.5 **Travel and Reimbursement**

Commissioner travel and reimbursement shall be in accordance with the District policies for employee reimbursements contained in the District Employee Policy Handbook as well as in the Purchasing Policy Manual pertaining to credit cards, travel, and reimbursements. Travel to and from Board meetings is not considered travel for the purpose of reimbursement.

2.6 **Benefits**
District Administrative Code
B. The Board of Commissioners shall be entitled to participate in the medical, dental and vision insurance plans offered by the District. The District pays 100% of the health insurance premiums for Commissioners and their dependents. Any remaining difference between the annually published per month cost of the PEBB Uniform Classic “full family” rate and the level of coverage selected will be deposited at a 75% rollover rate to individual Commissioner’s HRA/VEBA accounts.

Commissioners who have the option of medical only, or medical, dental and vision health insurance coverage elsewhere may choose to “opt out” of coverage through District plans. If a Commissioner chooses to decline coverage, the District will make an employer contribution equal to the 75% rollover rate for the employee only level of coverage into the Commissioner’s HRA/VEBA account in lieu of coverage through the District’s medical only, or medical, dental and vision insurance programs.

2.04.020  Compensation—Limitations.

The term “...spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district” as used in RCW 57.12.010 is interpreted, for purposes of compensating Commissioners of this District, to include attendance at District meetings, both special and regular; and, on approval in advance by the Board, the following:

A. Meetings, conventions, seminars, programs and similar activities related to the Board-authorized representation matrix;
B. Other conferences or meetings with representatives of other governmental bodies in respect to District business, such as AWWA, etc.;
C. Attendance at state, county or other public hearings;
D. Attendance in court as a witness, or as an observer on a District case;
E. Attendance at meetings of water and similar association either on District business or as a director or officers of such association, including construction consortiums;
F. Attendance, when requested by the manager, at meetings with District contractors, suppliers or purveyors; and
G. Other matters where the Board of Commissioners determines that the matter is District business.

2.04.030  Election of President and Secretary.

Annually, at the first meeting in January, the Board shall elect from its members, a President and Secretary who shall serve until the next annual election unless they resign or are otherwise removed by a majority of the Board.
Reports
Executive Session

To Review the Performance of a Public Employee – RCW 42.30.110(1)(g)