

Board President Ryika Hooshangi called the regular meeting to order at 3:30 p.m. A quorum represented by Commissioners Ryika Hooshangi, Lloyd Warren, Mary Shustov, Tom Harman, and Nav Otal was present. Also present were District staff Jay Krauss, Angel Barton, Kevin Fuhrer, Jay Regenstreif, Shelley Jurgensen, Kyle Wong, Andy Tuchscherer, Tammy Whipple, Janet Upegui, Janet Sailer, Mike Forgey, Dalton Langlois, Jorgan Peadon, John Anderson, Jackson Dove, Alycia Long, TJ Hohn, and Marissa Huntley. Eric Frimodt, District legal counsel, was also present. Due to the COVID-19 pandemic emergency, meetings of the Board of Commissioners are currently being conducted via remote meetings.

### **APPROVAL OF THE AGENDA**

- **Motion:** Commissioner Otal made a motion approving the agenda as presented. Commissioner Warren seconded the motion.  
**The motion carried unanimously.**

### **PUBLIC COMMENTS**

Mary Wictor – 408 208<sup>th</sup> Ave NE, Sammamish, WA

- Summarized the two written public comments she submitted.

Huntley advised two written comments were submitted.

### **CONSENT AGENDA**

<b>Minutes:</b>
January 3, 2022 Regular Meeting
January 31, 2022 Special Meeting

- **Motion:** Commissioner Warren made a motion approving the consent agenda as presented. Commissioner Otal seconded the motion.  
**The motion carried unanimously.**

### **A. ANNUAL OPERATIONS PLAN PRESENTATION**

Tuchscherer presented an overview of the 2022 Operations Plan.

### **B. SE 4TH SPECIAL SEWER LOCAL FACILITY CONNECTION CHARGE**

Krauss advised that staff reviewed the methodology of the local facility connection charge (LFC) and found no reason to reallocate based upon District practices. Krauss further advised that staff is recommending the LFC be adopted as presented, and if the Board wishes to further review the special LFC assigned to the Miller property and Tract A, it could take place after adoption so that the District can allow other potentially affected property owners to provide input and participate in the process.

Regenstreif shared options for the Board moving forward regarding the special sewer LFC.

- **Motion:** Commissioner Warren made a motion to adopt Resolution No. 5081, approving the proposed SE 4th Special Sewer Local Facility Connection Charges. Commissioner Otal seconded the motion. Shustov inquired if voting would preclude the Board from directing staff to look further into the Miller’s property allocation. Frimodt advised that it would not.  
**The motion carried unanimously.**
  
- **Motion:** Commissioner Shustov made a motion to direct staff to look at the allocation of Tract A, which is currently a part of the Miller’s assessment. Commissioner Warren seconded the motion. Warren clarified that this motion is just directing staff to review the allocation, but any changes to the LFC would still require Board approval.  
**The motion carried unanimously.**

**C. EXECUTIVE SESSION: PENDING LITIGATION – RCW 42.30.110(1)(i)**

Commissioner Hooshangi requested an executive session to discuss pending litigation and potential litigation. Commissioner Hooshangi then convened an executive session at 4:43 p.m. on those bases. Before convening the executive session, Commissioner Hooshangi advised that the executive session would conclude at approximately 5:13 p.m. The Commissioners, Krauss, Frimodt, and special legal counsel Ashley Campbell and Andrew Homer then attended the executive session. At 5:13 p.m., Huntley announced, in the remote public meeting, that the executive session was being extended to 5:25 p.m. At 5:14 p.m., special legal counsel Ashley Campbell and Andrew Homer left the executive session, and Jurgensen joined the executive session. At 5:25 p.m., Huntley announced, in the remote public meeting, that the executive session was being extended to 5:30 p.m. The executive session concluded at 5:30 p.m., and the open public meeting reconvened.

Krauss requested Board authorization to execute a separation agreement with Jillian Hostenske.

- **Motion:** Commissioner Warren made a motion to authorize the General Manager to execute a separation agreement with Jillian Hostenske. Commissioner Harman seconded the motion.  
**The motion carried 4-0, with Commissioner Shustov not voting due to her temporary absence from the meeting.**

Commissioner Shustov rejoined the meeting at 5:33 p.m.

**D. EXECUTIVE SESSION: POTENTIAL LITIGATION – RCW 42.30.110(1)(i)**

Combined with Active Agenda Item C.

## **ATTORNEY/MANAGER/COMMISSIONER REPORTS**

### **Attorney**

- Frimodt provided an update regarding the King County Franchise Ordinance litigation. Frimodt advised that the Trial Court entered an order to dismiss the case. The order clarified that the districts' unresolved claims that are not ripe are dismissed without prejudice, meaning that they could be asserted in the future. Frimodt further advised that an all districts meeting was held and he is planning to bring back information at a future Board meeting.

### **Commissioners**

#### ***Commissioner Harman***


- Reported on his attendance at a recent Sno-King Water District Coalition meeting. Harman inquired about the membership dues invoice. However, the Board agreed that further discussion is needed regarding membership at a future Board meeting.
- Reported on his attendance at the recent Washington Association of Sewer and Water Districts (WASWD) Technology Interest Group, Emergency Preparedness, and Membership committee meetings.

#### ***Commissioner Warren***

- Reported on his attendance at a recent Regional Water Quality Committee meeting.
- Advised that there is a WASWD Section IV meeting tonight.
- Advised that he reviewed Metropolitan Water Pollution Abatement Advisory Committee recent meeting materials and offered comments to Shustov, the District's primary representative for the committee.

## **ADJOURN**

As there were no further persons to be heard or business to discuss, the meeting was adjourned at 5:45 p.m.

  
Mary Shustov (Mar 21, 2022 17:04 PDT)

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Mary Shustov, Secretary