

Skamania County Public Utility District #1
Regular Meeting of the Board of Commissioners

December 6th, 2010

A regular meeting of the Board of Commissioners was called to order by President Curt Esch at 9:08 a.m. at the PUD office in Carson, WA. The following persons were present: Commissioner Curt Esch; Commissioner Clyde Leach; Commissioner Dennis Gale; Manager, Bob Wittenberg; WO/HR Coordinator, Shonna Taylor; Attorney, Ken Woodrich; Public Members, Betty Daubenspeck, Liz Green, and Diane Green.

MINUTES

Commissioner Esch inquired about the recording of the meeting. He would like the PUD to have a good digital recorder. Attorney Woodrich agreed that if we were going to begin recording the meetings good equipment would be essential. It is the responsibility of the District to maintain the recordings and keep for six years. Attorney Woodrich also explained to the Commission that if a private recording is done by a commissioner, it is public record because a commissioner is an agent for the PUD.

Commissioner Gale feels that recording the meetings causes more problems. He would prefer not to record the meetings.

Manager Wittenberg would like the Board to give him direction, recording the meetings is a Board decision.

Commissioner Esch expressed that he does not believe a commissioner should have to fill out a public request form for information and that as a commissioner, he has special access.

Manager Wittenberg would like everyone requesting records to fill out a public record request.

Attorney Woodrich explained that there is nothing in the RCW's that requires this.

Commissioner Gale feels that the public records request should go through the manager and that written protocol needs to be adopted.

Manager Wittenberg would like to see a governance adopted by the board.

Commissioner Esch stepped down and made a **motion** that the PUD manager supply commissioners with information in a timely manner.

Manager Wittenberg stated some information could be confidential.

Commissioner Leach would like a protocol.

Commissioner Esch further explained that if requests are not completed in a timely manner, the utility and commission could be put in jeopardy. Commissioner Esch would like a protocol presented and **withdrew his motion**.

Commissioner Esch presented an email from the Attorney General's Office regarding protocol for information requested by a commissioner attached as Schedule "A".

Attorney Woodrich explained that there are many versions of written protocol and that this would be an excellent idea. He will do research.

Commissioner Leach made a **motion** to approve the minutes of November 15, 2010. Commissioner Gale **seconded** the motion and the minutes were **approved unanimously**.

Commissioner Gale made a **motion** to approve the minutes of the Special Meeting November 22, 2010. Commissioner Leach **seconded** the motion and the minutes were **approved unanimously**.

OLD BUSINESS

- **PURMS Insurance** – Commissioner Gale is the PUD’s voting representative to PURMS General Board our representative for the PURMS Executive Committee is the PUD Auditor. Commissioner Gale recommended the commission approve Resolution No. 2355 declaring its approval of Resolution No. 11-4-10-6 enacted by the Board for the Public Utility Risk Management Services Self-Insurance Fund at its annual meeting on November 4, 2010 for proposed amendments to PURMS’ Liability and Property Premium Assessment Formulas.

Commissioner Gale made a **motion** to approve the Authorizing Resolution No. 2355. Commissioner Leach **seconded** the motion, and the motion was **approved unanimously**.

Commissioner Gale made a **motion** delegating Manager Wittenberg authority to execute documents on behalf of the District; signature pages for the 2010 Amendments to the Liability and Property Premium Assessment Formulas. Commissioner Leach **seconded** the motion and the motion was **approved unanimously**.

- **Betty Smith Insurance Claim** – The Board discussed the insurance claim.

Commissioner Leach made a motion to pay one half of the total of the lowest estimate in the amount of \$608.50. Commissioner Gale **seconded** the motion and the motion was **approved unanimously**.

NEW BUSINESS

- **Underwood Outage** – Manager Wittenberg discussed a recent damage claim received from a customer, claiming a home security system was damaged from the planned outage on October 2, 2010. The manager explained that the utility was not negligent. Attorney Woodrich explained the public duty doctrine and sovereign immunity.
- **Cost of Whistleblower Investigation** – Manager Wittenberg spoke about the request for overall cost of the investigation. Staff time will be hard to pinpoint, it will have to be estimated. We can get costs from Attorney Woodrich and Traci Miller. Commissioner Gale inquired about insurance coverage on this claim. Manager Wittenberg mentioned that if a governance policy was in place, this could have been avoided. Commissioner Esch agreed.
- **Recorded Meetings and Transcripts** – Commissioner Leach inquired about Robert’s Rule on public comment. Commissioner Gale feels that courtesy should be extended from both the public and staff. Attorney Woodrich reported that the City of Stevenson has someone contracted to take the minutes.

Commissioner Esch would like to know the cost of a good recording machine. Commissioner Leach would like the attorney to get different opinions on recordings from the Attorney General. Attorney Woodrich has to prepare the question and this could take 3 to 4 hours of his time. He will do a

preliminary investigation first by the next meeting to see if there are previous opinions prepared by the Attorney General's Office.

- **NSF Check Fee** – Manager Wittenberg noted that he would like to raise the NSF Check Fee to \$30. Commissioner Esch would consider increasing to \$20. After discussion, Commissioner Leach made a **motion** to raise the NSF Check Fee to \$25. The motion was **seconded** by Commissioner Gale and **approved unanimously**.
- **BPA Substation Design Cost Approval** – Manager Wittenberg explained to the Board that the design cost should be less than \$13,000 to BPA pursuant to their proposed contract. BPA requests that in order to be put on the list, the money will have to be paid in advance. A **motion** was made by Commissioner Gale authorizing prepayment up to and not to exceed \$13,000 to BPA. Commissioner Leach **seconded** the motion and the motion was **approved unanimously**.
- **Residential Exchange Settlement** – Project Manager, Humaira Falkenberg presented an update on the Residential Exchange Settlement. In January or February a formalized Settlement Agreement will be proposed and each utility will have to sign or not sign. Many of the small utilities are waiting for the Alderbrook meeting to be held December 15, 2010 before making a final decision. Humaira Falkenberg encouraged our Board to attend. Terry Mundorf will be doing a presentation.

Break at 12:05 p.m.

Meeting reconvened at 12:10 p.m.

Commissioner Leach made a **motion** to approve Resolution #2353 adjusting vacation benefits for the District Manager. Commissioner Gale would like to do a performance review in executive session, but not at this meeting. Resolution #2353 will be tabled until next meeting for reconsideration.

The Board entered into **Executive Session** at 12:20 p.m. to 1:00 p.m. to discuss the performance of a public employee and potential and threatened litigation.

Executive Session extended to 1:15 p.m.

Executive Session extended to 1:30 p.m.

Executive Session extended to 1:45 p.m.

Executive Session extended to 2:00 p.m.

Meeting reconvened at 2:05 p.m.

Attorney Woodrich was directed to proceed as discussed.

The meeting broke for lunch at 2:10 p.m. until 3:00 p.m.

Meeting reconvened at 3:00 p.m.

INVESTMENTS

No investments.

MANAGER'S REPORT

Manager Wittenberg reported Matthew Hollis received the WPUA Good Samaritan Award. Our crew responded to a motorcycle accident and administered CPR.

The City of Stevenson has a 1995 Chevrolet 4 X 4 with an attached plow, with a set surplus value of \$500 plus tax. Our mechanic, Tim Farrell, has inspected the truck and it is in decent shape. All commissioners agreed on the purchase of this truck.

Manager Wittenberg outlined things to present at the next board meeting, namely, governance and protocol policy, Whistleblower costs, City of Stevenson surplus purchase, budget packet.

Manager Wittenberg provided the Commission with information on the Alderbrook meeting to be held on December 15, 2010.

AUDITOR'S REPORT

None.

ATTORNEY'S REPORT

None.

COMMISSIONER'S REPORT

Commissioner Gale discussed WPAG meeting. Terry Mundorf is putting together meeting with dollar amounts for better understanding. Commissioner Gale would like the Board to take a look at the value of PPC and NRU.

Commissioner Gale inquired about the Application of Small Works Roster.

Commissioner Gale reported that two different customers mentioned the phone did not pick up when they called in after hours due to an outage. One customer lived on Belle Center and the other in Carson.

Staff will check and make sure phones are transferring.

VOUCHER APPROVAL

The following vouchers were approved for payment by a **motion** made by Commissioner Gale.

Voucher	Number	Amount
Electric System	45681-45756	\$ 649,940.02
Carson Water	5695-5706	\$ 8,954.42
Underwood Water	3392-3398	\$ 5000.27

Commissioner Leach **seconded**, and the motion was **carried unanimously**.

Meeting adjourned at 4:00 p.m.

Curt C. Esch, President

Clyde D. Leach, Secretary

The next regular scheduled Board of Commissioner's Meeting will be:
Monday, December 20th, 2010 at 9:00 a.m.