

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

May 16th, 2011

A regular meeting of the Board of Commissioners was called to order by President Dennis Gale at 9:00 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; Project Manager, Humaira Falkenberg; Attorney, Ken Woodrich; Senior Accounting Clerk, Lisa Allen; Public Members, Betty Daubenspeck, Sherry Esch, Liz Green, Diane Green, Susan Krug, Mary Ann Duncan-Cole and Karl Russell.

Commissioner Gale opened the Public Hearing/Meeting regarding the Water Use Efficiency Goals for the Carson Water System.

PUBLIC COMMENT

- Mary Ann Duncan-Cole commented that she and Karl Russell were in attendance from the City of Stevenson and they are looking forward to working together with the PUD on the WUE Goals.

Manager Wittenberg introduced the WUE Goals with background about House Bill #1338 commonly referred to as the Municipal Water Law and how it relates to WUE Goal setting.

Project Manager Falkenberg presented a slide presentation on the WUE Goals for Carson Water System. Discussion of the WUE Goals was held by Commission with input and comment from public.

Commissioner Gale closed the Public Hearing/Meeting regarding the Water Use Efficiency Goals for the Carson Water System at 10:08 a.m.

Break at 10:08 a.m.

Meeting reconvened at 10:15 a.m.

PUBLIC COMMENT

- Sherry Esch had public comment regarding the amount of spam emails included in her public records request, she then provided the Commission with Administrative salary increases and expressed concerned about possible conflict of interest with an outside Attorney for a second opinion.

Commissioner Gale noted that the Board will address some concerns today and some in the future.

- Betty Daubenspeck had public comment, it is her opinion that the Board should remove at will employee, Manager Wittenberg.

MINUTES

- Commissioner Esch made a **motion** to approve the May 2nd, 2011 meeting minutes. Commissioner Leach **seconded** the motion and the minutes were **approved unanimously**.

ATTORNEY REPORT

- Manager Wittenberg requested to enter Executive Session.

The Commission went into Executive Session at 10:10 am to discuss potential litigation for 15 minutes.

Executive Session was extended for 15 minutes.

Executive Session was extended for 15 minutes.

Executive Session was extended for 10 minutes.

The regular meeting reconvened at 11:25 a.m.

Commission directed Manager Wittenberg to proceed as instructed.

OLD BUSINESS

- **Public Records Request Policy** – The Commission discussed the draft Public Records Request Policy. Commissioner Leach moved that the **motion** to accept the staff's version of a Public Records Request Policy with changes be back on the table. Commissioner Leach made a **motion** to amend the latest draft copy and accept with changes; Commissioner Gale stepped down and **seconded** motion. Commissioner Gale withdrew his **second**, Commissioner Leach withdrew his **motion**.

Commissioner Leach made a **motion** to approve Resolution # 2372 and accept the draft Public Records Request Policy as corrected and adding that it is an attachment of Resolution #2372. Commissioner Gale stepped down and **seconded** motion. The **motion was approved by 2 to 1 vote**, Commissioner Esch opposing stating he would prefer the WA State Records Act Model Rule.

Break for lunch at Noon.

Meeting reconvened at 1:02 p.m.

Commissioner Gale noted that the Commission will address healthcare for the Attorney and non union salaries, and then will get back to other agenda items.

- **Health Care for Attorney** – Manager Wittenberg noted he had received an OK from the State Auditor's Office on the updated Employment Agreement Proposal.

Meeting was paused to change the batteries in the recorder.

Meeting reconvened at 1:06 p.m.

- **Health Care for Attorney** – The Commission discussed the Employment Agreement Proposal. Commission would like a Labor Attorney's opinion before proceeding. Commissioner Leach made a **motion** for Manager Wittenberg to seek a Labor Attorney and to call off Attorney Tad Connors due to potential gray areas concerning conflict of interest, Commissioner Gale **seconded**. The **motion was approved by 2 to 1 vote**, Commissioner Esch opposing due to conflict of interest.

NEW BUSINESS

- **Non Union Personnel Salary Increases** – Commission discussed non union personnel salary increases. Commission noted the budget approved 4% for these positions. Manager Wittenberg indicated he used his discretion in the rate of dispersal of budgeted funds due to the work load caused by the Auditor position being vacant and that the budget will not be exceeded.

Break at 2:20 p.m.

Reconvened at 2:25 p.m.

The Commission went into Executive Session at 2:25 p.m. to discuss the performance of a public employee for 35 minutes.

Executive Session was extended for 15 minutes.

The regular meeting reconvened at 3:15 p.m.

- Commissioner Esch read Resolution #2374 to remove District Manager Wittenberg effective June 6th, 2011 to be voted on at the next Commissioner Meeting on June 6th, 2011.
- Commissioner Gale made a **motion** to put Manager Wittenberg on paid administrative leave until the June 6th, 2011 meeting, Commissioner Esch **seconded**. Discussion was held. Voted was called and **motion died**, Commissioner Esch approved, Commissioners Gale and Leach disapproved. Commissioner Gale noted that in recognition of WPAG & WECC issues that he chose to vote no on the paid administrative leave for the manager.
- **Governance Policy** – The Commission will work on this at the next meeting.

NEW BUSINESS

- **Resolution #2369 – Transferring Funds Privilege Tax** – Commissioner Esch made a **motion** to pass Resolution# 2369 authorizing the transfer of funds from the Privilege Tax Fund to the General Fund, Commissioner Leach **seconded** and the **motion was carried unanimously**.
- **Resolution #2370 – Appointing District Auditor** – Commissioner Leach made a **motion** to pass Resolution#2370 appointing Jasen McEathron the District Auditor, Commissioner Esch **seconded** and the **motion was carried unanimously**.
- **Resolution #2371 – Carson Water Use Efficiency Goals** – No action taken.

MANAGER’S REPORT:

- **Re-designate PUD Representative to PRB** – Determined to be a mute point, no action taken.
- **April 2011 Outage Report**

COMMISSIONER’S REPORT:

- Nothing to report.

VOUCHER APPROVAL

Vouchers were approved for payment by a **motion** made by Commissioner Esch.

| Voucher | Number | Amount |
|-----------------|---------------|---------------|
| Electric System | 46320-46376 | \$ 267,747.42 |
| Carson Water | 5774-5784 | \$ 30,331.96 |
| Underwood Water | 3432-3437 | \$ 18,973.53 |

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

The Commission went into Executive Session at 4:06p.m. to discuss the performance of a public employee, for 5 minutes.

Executive Session was extended for 20 minutes.

The regular meeting reconvened at 4:35 p.m.

Meeting adjourned at 4:35 p.m.

Dennis Gale, President

Curt Esch, Secretary

The next regular scheduled Board of Commissioner's Meeting will be:
Monday, June 6th, 2011 at 9:00 a.m.