

MINUTES
KING COUNTY WATER DISTRICT No. 125

Wednesday November 12, 2008

Commissioner Thornton called the meeting of the King County Water District No. 125 Board of Commissioners to order at 10:00 a.m. at the District Office located at 3460 S 148th ST STE 110, Tukwila, Washington.

Present:

Commissioners: Jerry Thornton, President, Jim Rick, Secretary and John Thompson, Commissioner
Staff: Shane Young, Office Manager, David Brower, Field Foreman
Consultants: John Milne, Attorney, Bob Stanton, Engineer
Guests: Edwin Beck, 2054 S 136th ST, Seatac, WA 98168 ; Jeff Scherrer 14132 37th Ave S, Tukwila, WA 98168

Agenda: The agenda was unanimously approved as amended.

Public Comment: Mr. Beck expressed concern over the new tiered rates approved by the Board. Mr. Beck explained that he has one service connection that feeds two separate living units and that he believes he should be allowed twice the consumption per tier to accommodate both units. Brower reported that he didn't believe there were many other services in the District that feed more than one home. The Board directed staff to find out how many services feed more than one house. Milne advised that a possible solution would be to have the owner install a separate water service for the second living unit. The Board thanked Mr. Beck for bringing the issue to their attention but stated the only solution at this time would be to install a second service connection. Commissioner Rick noted that the District will contact Mr. Beck once the District has done some more research into the situation or find another possible solution.

Mr. Scherrer addressed the Board concerning being overbilled for water service since he purchased the property, the Maple Apartments, in June of 1997. Mr. Scherrer explained that currently Water District 125 is charging him for 24 units when his complex only has 14 units. He believes he has been overcharged for an additional 10 units per billing since 1997. Young noted that the District's records show 24 units for this property dating back prior to 2003. Mr. Scherrer requested that the District look into when they started charging the Maple Apartments for 24 units and if possible how much he has been overbilled.

Milne advised the Board that there is a 3 year statute of limitations on how far back a government entity can refund over charges. Milne stated that government entities that have inadvertently over charged rate payers can not refund overpayments past the 3 year statute of limitation without it being considered gifting public funds.

Mr. Scherrer stated that he might possibly like to have his own legal council review the issue.

Commissioner Rick made a motion to refund Mr. Scherrer for the 3 years of over charges as allowed by law. Commissioner Thompson seconded the motion which carried unanimously. Young noted that he would have the calculation by the next Board meeting and will also adjust the current invoice.

Minutes: Commissioner Thompson made a motion to approve the minutes of the October 22, 2008 board meeting as written. Commissioner Rick seconded the motion which carried unanimously.

Commissioner Thompson made a motion to approve the minutes of the November 10, 2008 board meeting as written. Commissioner Rick seconded the motion which carried unanimously.

Vouchers: Maintenance vouchers numbered 22497-22538 in the amount of \$110,133.65, EFT Vouchers 1604-1610 and 22539-22541 in the amount of \$52,099.22 and payroll vouchers 1601-1604 in the amount of \$5,944.89 were presented for review. Commissioner Thompson made a motion to approve the vouchers; the motion was seconded by Commissioner Rick and was carried unanimously.

Audit Letter: Milne informed the Board that as directed by staff he has completed the annual pending litigation letter to accommodate the state auditor.

Executive Session: Commissioner Rick made a motion to convene an executive session to discuss pending litigation between the District and the City of Tukwila. Commissioner Thompson seconded the motion which carried unanimously. Commissioner Thornton advised that the executive session would be concluded at approximately 11:10 a.m. The Commissioners, Young, Brower, Stanton and Milne attended the executive session at 10:52 a.m. At 11:07 a.m. the executive session was concluded and the open public meeting was reconvened.

District Warranty Period: Brower asked Milne what it would take to extend the District's warranty period for future public works projects. Milne advised the Board to pass a motion and update any plans or applications to include a mandatory two year warranty. Commissioner Rick made a motion that the District implement a 2 year warranty on all developer extensions and public works construction. The motion was seconded by Commissioner Thompson and passed unanimously. Stanton reported that he would update the pages necessary in the District's developer extension applications.

146th ST Main: Stanton reported that a pre-construction meeting is scheduled with Buno Construction for the first week in December.

Milne was excused at 11:23 a.m.

Emergency Response Plan: Brower reported that he has found a completed draft of an emergency response plan from 2005 that was constructed by Pace Engineers. Brower stated that he is currently working on updating and revising the draft but Susan Boyd from Pace isn't expected to be back in the office until December. The Board requested that Brower bring an updated draft to the Board before February 2009.

Audit: Young informed the Board that state auditor, Barbara Rambow, is currently in the office finishing up the 2007 audit. Young reported that the management letter will be sent again this year due to the fact the 2007 financial reports were not prepared by May 31, 2008. Young added that the letter was not upgraded to a finding due to the time frame in which we were audited for 2004-2006 and the fact it won't be an issue for the 2008 financial statements. Young also noted that an exit conference for the 2007 audit should be scheduled sometime in December.

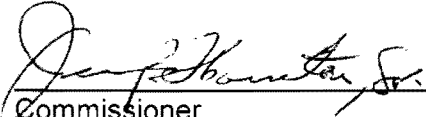
The Board directed Young to have a representative from CPA McAuliffe attend a Board Meeting to meet the Commissioners now that CPA Tom McAuliffe has retired.

Phones: Young informed the Board that after several delays, a contract with AT&T for phone service has been signed by the District. The new phone lines will be installed sometime in December.

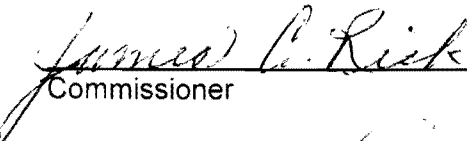
SeaTac Budget: Commissioner Thompson reported on his attendance of the SeaTac Budget workshop. Commissioner Thompson noted that the City of SeaTac may implement as much as 6% utility tax.

Holiday Party: The annual company holiday party will be held on Friday, December 12, 2009 at 6:00 p.m. The party will be hosted by Commissioner Thornton.

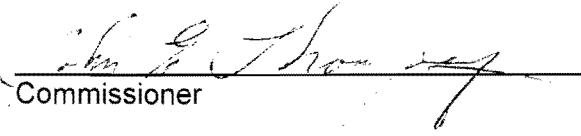
Adjournment: Commissioner Thompson made a motion to adjourn the meeting; the motion was seconded by Commissioner Rick and carried unanimously. The meeting was adjourned at 12:05 p.m.



Commissioner



Commissioner



Commissioner

Meeting Date November 12th, 2008

Sign In Sheet

Name Address Status
(Customer/Vendor)

1. Edwin Bell 2054 50136th St Seattle
85168

2. Jeff Scherrer P.O. Box 1094, Lynnwood, Maple Apts.
1492 37th Ave S.

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____