Pursuant to Governor Jay Inslee’s Proclamation 20-28.15, Public Utility District No. 1 of Skagit County Board of Commissioner meetings will be held virtually through ZOOM Cloud Meetings.

Join our meeting: https://skagitpud.zoom.us/j/89602193796?pwd=UWRLVS92cGY0MHo2aTJhaUxhVytLdz09
Meeting ID: 896 0219 3796
Passcode: 360768
Or dial: 1-253-215-8782

Please turn your audio and video off during the meeting. Use the "Raise Hand" feature if you would like to speak during Audience Comments.

If you have a question or comment for the Board, please submit it by 5 p.m. the Monday prior to the meeting by calling (360) 848-4460 or send an email to pud@skagitpud.org

CONSENT AGENDA
1. Approval of Agenda 2/23/21
2. Approval of Minutes: 2/9/21 Regular Meeting & 2/16/21 Work Session
3. Ratification of Voucher 2/16/21
4. Voucher Approval 2/23/21
5. Project Acceptance:
   Pump Drive Apartments (Burlington)

4th QUARTER 2020 FINANCIALS

AUDIENCE COMMENTS

OLD BUSINESS
6. Manager’s Report
7. Legislative Update

NEW BUSINESS

INFORMATION
8. Judy Reservoir Data Report
9. Recent News Articles

COMMISSIONER COMMENTS

ADJOURNMENT
MINUTES OF THE REGULAR MEETING OF THE COMMISSION
PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY, WASHINGTON

February 9, 2021

The meeting was held virtually due to the COVID-19 pandemic.

Commissioners Appearing Remotely: Joe Lindquist, President; Germaine Kornegay, Vice President; and Andrew Miller, Secretary.

Staff Appearing Remotely: George Sidhu, Luis Gonzalez, Kathy White, Mark Handzlik, Alistair Boudreaux, Brian Henshaw, Sam Shipp, Mike Fox, Kevin Tate, Bill Trueman, Chris Shaff, Jay Sedivy, Mark Semrau, Mike Demers, Michelle Peters, Ryan Anderson, Damon Schwetz, Skagit PUD Attorney Peter Gilbert, and Catherine Price.

Other Parties Appearing Remotely: Others may have appeared but were not identified.

Commissioner Lindquist called the meeting to order at 4:30 p.m.

CONSENT AGENDA
Commissioner Miller moved to approve the Consent Agenda for February 9, 2021 which was seconded by Commissioner Kornegay and unanimously approved.

1. Approval of Agenda 2/9/21
2. Approval of Minutes: 1/26/21 Regular Meeting & 2/2/21 Work Session
3. Ratification of Voucher 2/2/21
4. Voucher Approval 2/9/21 – No. 2966
   Accounts Payable voucher No. 20222 – 20284 ($352,564.48) Electronic Funds Transfer ($6,476.01), and Payroll Electronic Funds Transfers and checks No. ($0.00).
5. HRA Construction Services Contract
6. CAT 309 Excavator – NC Machinery Contract
7. International Two-Ton Service Truck – Motor Trucks International and OSW Equipment & Repair Contracts

AUDIENCE COMMENTS
None.

OLD BUSINESS
7. Manager’s Report:
   General Manager George Sidhu provided an update on the following:
   • Review of past and final upcoming Work Session/New Commissioner Orientation which is scheduled for February 16th.
   • Human Resources: Currently interviewing for a maintenance worker to fill a position vacated by internal promotion.
   • Finance/Customer Service: Outstanding late fees and penalties waived have decreased slightly over the last two-month period, now at approximately $94,000 since March 2020, with a consistent average of $2,200 per week for the past year. Accounts receivable balances have increased significantly. The previous 30-days has an outstanding balance of almost $400,000, compared to $47,000 in 2020. We continue to monitor and look for funding to assist with some outstanding balances.
   • Engineering: Judy Reservoir to Mount Vernon Transmission Line Phase 2 project opened bids on January 29th. The five bids received were over the Engineer’s Estimate, the apparent low bidder is Scarsella Brothers. Staff is working to align the CIP funding strategy, anticipating recommendation to the board in March.
   • COVID Proclamations: All proclamations are still in place; staff will continue with the current work status.

8. Campus Update:
Capital Projects Manager Shipp presented existing and new site plans, floor plans for each of the three levels, rendering and ariels of two exterior options, along with the proposed schedule. Proposed schedule included design completion in December 2021, followed by bidding and construction, anticipating moving into the new building in the Fall of 2023. Commissioner questions and comments followed.
NEW BUSINESS
None.

INFORMATION
10. Judy Reservoir Data Report

COMMISSIONER COMMENTS
None.

ADJOURNMENT
With no further business to come before the Board, the meeting was adjourned at 4:51 p.m.

ATTEST

______________________________  ______________________________
Andrew Miller, Secretary       Germaine Kornegay, Vice President

Joe Lindquist, President
MINUTES OF THE COMMISSIONER ORIENTATION WORK SESSION OF THE
COMMISSION PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY, WASHINGTON

February 16, 2021

The meeting was held virtually due to the COVID-19 pandemic.

Commissioners Appearing Remotely: Joe Lindquist, President; Germaine Kornegay, Vice President; and Andrew Miller, Secretary.

Staff Appearing Remotely: George Sidhu, Mark Handzlik, Kathy White, Luis Gonzalez, Alistair Boudreaux, Jay Sedivy, Mike Fox, Ryan Anderson, Sam Shipp, Bill Trueman, Chris Shaff, Cort Wilson, Kevin Tate, Mike Benton, Mark Semrau, Brian Henshaw, Mike Demers, and Deana Dean. Others may have appeared but were not identified.

Other Parties Appearing Remotely: Others may have appeared but were not identified.

Commissioner Lindquist called the meeting to order at 4:00 p.m.

NEW COMMISSIONER ORIENTATION
General Manager George Sidhu welcomed the Commissioners to the third orientation work session.

Human Resources:
Human Resources Manager Kathy White provided, by PowerPoint presentation, an overview of the HR Department. Topics included staffing, compensation, employee evaluations, employee relations, labor relations and bargaining, benefits administration, employee development, policy and procedure development, compliance and risk management, and event planning. Commissioner questions and comments followed.

Engineering:
Engineering Manager Mark Handzlik spoke briefly about the engineering department and then introduced Engineering Supervisor Bill Trueman who provided an overview of the Engineering Department by PowerPoint presentation. Topics included guiding documents; work covered; the engineering department organization chart; program groups; the development team; engineering customer service; water system improvements by developers; and cross connections. GIS/Asset Program Lead Cort Wilson continued the presentation with an overview of the GIS/Asset Management division, team members and their roles, what is asset management, what is GIS, what is Cityworks; completed projects; current and future projects; and objective planning. Bill continued the presentation with an overview of environmental coordination and contracting. Mark then provided an overview of the capital group including water treatment plant, reservoirs, and planning; planning work products; current projects at the water treatment plant; pipe replacement and special project; capital project objectives; current capital projects; the construction team; construction objectives; and the current construction project – Judy Reservoir to Mount Vernon Transmission Line. Commissioner questions and comments followed.

ADJOURNMENT
With no further business to come before the Board, the meeting was adjourned at 5:40 p.m.

__________________________________________
Joe Lindquist, President

ATTEST

__________________________________________
Andrew Miller, Secretary

__________________________________________
Germaine Kornegay, Vice President
We, the undersigned Board of Commissioners of Public Utility District No. 1 of Skagit County, Washington, do hereby certify that the merchandise and/or services hereinafter specified have been received and are hereby approved for payment in the amount of $554,859.95 this 16th day of February, 2021.

The total is comprised of the following:

Accounts Payable voucher No. from 20285 through 20324 in the amount of $176,597.41, Electronic Funds Transfer in the amount of $189,377.52. Payroll Electronic Funds Transfers and checks No. 033162 through 033244 in the amount of $188,885.02.

Attest:

[Signature]
Manager

[Signature]
Vice - President

[Signature]
Secretary

Date: 02/16/2021

<table>
<thead>
<tr>
<th>Voucher</th>
<th>Claimant</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
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<td>ALL PHASE ELECTRIC SUPPLY CO</td>
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<tr>
<td>20286</td>
<td>BADGER METER INC</td>
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<tr>
<td>20288</td>
<td>CDW GOVERNMENT INC</td>
<td>3,771.65</td>
</tr>
<tr>
<td>20289</td>
<td>CHMELIK SITKIN &amp; DAVIS PS</td>
<td>220.00</td>
</tr>
<tr>
<td>20290</td>
<td>CINTAS</td>
<td>649.82</td>
</tr>
<tr>
<td>20291</td>
<td>CITY OF MOUNT VERNON</td>
<td>1,369.31</td>
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<td>20292</td>
<td>COMCAST</td>
<td>109.92</td>
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<td>20293</td>
<td>DELL MARKETING L.P.</td>
<td>4,001.80</td>
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<tr>
<td>20294</td>
<td>DLT SOLUTIONS LLC</td>
<td>5,508.52</td>
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<tr>
<td>20295</td>
<td>ELECTRONIC FEDERAL TAX PAYMENT</td>
<td>67,801.98</td>
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<tr>
<td>20296</td>
<td>EMPOWER RETIREMENT</td>
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<td>GCR TIRES AND SERVICE</td>
<td>36.96</td>
</tr>
<tr>
<td>20299</td>
<td>HDR ENGINEERING INC</td>
<td>6,225.04</td>
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<td>20300</td>
<td>IWORKWISE</td>
<td>109.20</td>
</tr>
<tr>
<td>20301</td>
<td>MATERIALS TESTING &amp; CONSULTING</td>
<td>785.00</td>
</tr>
<tr>
<td>20302</td>
<td>MCMASTER-CARR SUPPLY CO</td>
<td>322.96</td>
</tr>
<tr>
<td>20303</td>
<td>MOTOR TRUCKS INC</td>
<td>485.76</td>
</tr>
<tr>
<td>20304</td>
<td>NADINE BURRINGTON FOIST</td>
<td>201.80</td>
</tr>
<tr>
<td>20305</td>
<td>NC MACHINERY CO</td>
<td>289.21</td>
</tr>
<tr>
<td>20306</td>
<td>NORTH HILL RESOURCES INC</td>
<td>42.50</td>
</tr>
<tr>
<td>20307</td>
<td>OLDCASTLE PRECAST INC</td>
<td>5,578.48</td>
</tr>
<tr>
<td>20308</td>
<td>PACIFIC POWER BATTERIES</td>
<td>94.36</td>
</tr>
<tr>
<td>20309</td>
<td>PRAXAIR DISTRIBUTION INC</td>
<td>1,745.68</td>
</tr>
<tr>
<td>20310</td>
<td>PUGET SOUND ENERGY</td>
<td>31,899.55</td>
</tr>
</tbody>
</table>
As of FEBRUARY 16, 2021

We, the undersigned Board of Commissioners of Public Utility District No. 1 of Skagit County, Washington, do hereby certify that the merchandise and /or services hereinafter specified have been received and are hereby approved for payment in the amount of $554,859.95 this 16th day of February, 2021.

The total is comprised of the following:

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Attest:

Manager

Auditor

Date: 02/16/2021

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<td>Brookhouse Professional</td>
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<td>Claimant</td>
<td>Amount</td>
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<td>20312</td>
<td>SIGMA-ALDRICH INC.</td>
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<td>SKAGIT FARMERS SUPPLY</td>
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<td>20314</td>
<td>THE DRIFTMIER ARCHITECTS P S</td>
<td>27,362.33</td>
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<tr>
<td>20315</td>
<td>U S BANK CORPORATE PAYMENT SYS</td>
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<tr>
<td>20316</td>
<td>UNITED STATES POSTMASTER</td>
<td>194.00</td>
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<tr>
<td>20317</td>
<td>USA BLUEBOOK</td>
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<tr>
<td>20318</td>
<td>- EDI WA STATE DEPT OF RETIREMENT</td>
<td>114,019.25</td>
</tr>
<tr>
<td>20319</td>
<td>- EDI WA STATE SUPPORT REGISTRY</td>
<td>722.41</td>
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<tr>
<td>20320</td>
<td>- EDI WA STATE TREASURER</td>
<td>5,036.18</td>
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<tr>
<td>20321</td>
<td>WASHINGTON PUD ASSOCIATION</td>
<td>4,900.00</td>
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<tr>
<td>20322</td>
<td>WAVE BUSINESS</td>
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<td>20323</td>
<td>- EDI ZIPLY FIBER</td>
<td>487.70</td>
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<tr>
<td>20324</td>
<td>Zoom Video Communications Inc</td>
<td>325.94</td>
</tr>
</tbody>
</table>

365,974.93
February 23, 2021

Board of Commissioners
Public Utility District No. 1 of Skagit County
1415 Freeway Drive
Mount Vernon, WA  98273-1436

RE:  Project Acceptance

Name of Project:  Pump Drive Apartments, Burlington
Reference:     C.O. # 5087     Project # 3818
Location:     Burlington
Developer:     Sage Burlington 1 LLC
Contractor:     Fisher Construction Group Inc

Commissioners:

The District has approved the plans and specifications and has inspected the installation of the new water plant within the above project. The Engineering Department has received satisfactory pressure and bacteriological test results. All documentation for this project has been completed.

I recommend that the Commission accept this project.

Respectfully submitted,

Mark C. Handzlik, P.E.
Engineering Manager

dd
Attachment: Map

cc:   George Sidhu, P.E., General Manager
      Michael E. Demers, Engineering Technician
While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features. The relative positioning of map features to one another results from combining different map sources without field verification.

The PUD #1 of Skagit County disclaims any warranty of merchantability or warranty of fitness of this map for any particular purpose, either expressed or implied. No representation or warranty is made concerning the accuracy, currency, completeness or quality of data depicted on this map. Any use of this map assumes all responsibility for use thereof, and further agrees to hold the PUD #1 of Skagit County harmless from any damage, loss, or liability arising from the use of this map.
Financial Summary
December 31, 2020
Economy *(February 9th.)*

- Unemployment: 6.3%  
  Target: 4.4%
- GDP 4.0% Q4 est.  
  Target: 1.75% LT
- Core PCE: 1.5%  
  Target: 2.0 avg.

*Real GDP: Percent change from preceding quarter, Q4 '20*

---

U.S. Bureau of Economic Analysis

2/16/2021 Owned By The People We Serve!
Treasury Yield Curve

Treasury Yield Curve

- Current
- Feb. 2020
- Feb. 2019

GuruFocus.com
Investments Returns
District Funds - $23 M

- General Revenue, $15,035,019, 65%
- System Development, $6,455,501, 28%
- Debt Service, $1,487,997, 7%
## September Forecast

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Forecast</th>
<th>Budget</th>
<th>Shortfall</th>
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<tbody>
<tr>
<td>Residential &amp; Multi-family</td>
<td>$18,613,687</td>
<td>$18,549,550</td>
<td>$64,137</td>
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<td>Commercial, Gov't &amp; Ag.</td>
<td>5,750,989</td>
<td>6,853,272</td>
<td>(1,102,283)</td>
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<tr>
<td>Resale</td>
<td>138,892</td>
<td>115,000</td>
<td>23,892</td>
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<tr>
<td>Irrigation</td>
<td>653,909</td>
<td>825,000</td>
<td>(171,091)</td>
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<tr>
<td><strong>Water Sales</strong></td>
<td><strong>$25,157,477</strong></td>
<td><strong>$26,342,822</strong></td>
<td><strong>$(1,185,345)</strong></td>
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</table>
## YTD Revenues

<table>
<thead>
<tr>
<th>Revenues</th>
<th>YTD 2019</th>
<th>YTD 2020</th>
<th>Percent Change</th>
<th>Revised Budget</th>
<th>Budget to Actual %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential &amp; Multi-family</td>
<td>$17,135,578</td>
<td>$18,836,692</td>
<td>10%</td>
<td>$18,549,550</td>
<td>102%</td>
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<tr>
<td>Commercial, Gov't &amp; Ag.</td>
<td>6,124,021</td>
<td>5,890,477</td>
<td>-4%</td>
<td>6,853,272</td>
<td>86%</td>
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<tr>
<td>Resale</td>
<td>136,663</td>
<td>142,729</td>
<td>4%</td>
<td>115,000</td>
<td>124%</td>
</tr>
<tr>
<td>Irrigation</td>
<td>820,387</td>
<td>651,704</td>
<td>-21%</td>
<td>825,000</td>
<td>79%</td>
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<tr>
<td>Water Sales</td>
<td>$24,216,648</td>
<td>$25,521,603</td>
<td>5%</td>
<td>$26,342,822</td>
<td>97%</td>
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</table>
Capital Contributions $2.9 M

![Bar chart showing capital contributions by category and year, with 'Donat. Plant' showing the highest contribution in 2018, and 'SDF' also showing significant contributions in 2018.](chart.png)
New Services - 221

- SRVC's
- ERU's

<table>
<thead>
<tr>
<th>Year</th>
<th>SRVC's</th>
<th>ERU's</th>
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<tbody>
<tr>
<td>2016</td>
<td></td>
<td></td>
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<tr>
<td>2017</td>
<td></td>
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<tr>
<td>2018</td>
<td></td>
<td></td>
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<tr>
<td>2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2020</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Meters – 27,088

- Residential, 22,659 (84%)
- Comm, Gov't & Ag., 2,225 (8%)
- Multi, 1,275 (5%)
- Other, 929 (3%)
- Fire, 437 (2%)
- Deduct, 171
- Irrig, 139
- Hydrant, 72
- Statement, 11
- Manifold, 69
- Master, 28
## Expense Summary

<table>
<thead>
<tr>
<th>Operating Expenses</th>
<th>YTD 2019</th>
<th>YTD 2020</th>
<th>Percent Change</th>
<th>Revised Budget</th>
<th>Budget to Actual %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary/Wages/Benefits</td>
<td>$9,370,368</td>
<td>$9,545,467</td>
<td>2%</td>
<td>$10,537,349</td>
<td>91%</td>
</tr>
<tr>
<td>WTP - Water, Power, Chemicals</td>
<td>1,153,385</td>
<td>1,094,564</td>
<td>-5%</td>
<td>1,326,645</td>
<td>83%</td>
</tr>
<tr>
<td>Repairs &amp; Maintenance &amp; Fleet</td>
<td>1,095,307</td>
<td>1,175,781</td>
<td>7%</td>
<td>1,407,942</td>
<td>84%</td>
</tr>
<tr>
<td>Technology/SCADA/Support</td>
<td>400,042</td>
<td>594,812</td>
<td>49%</td>
<td>664,013</td>
<td>90%</td>
</tr>
<tr>
<td>Professional Services</td>
<td>485,654</td>
<td>427,882</td>
<td>-12%</td>
<td>562,953</td>
<td>76%</td>
</tr>
<tr>
<td>Goods &amp; Services</td>
<td>1,428,005</td>
<td>1,395,633</td>
<td>-2%</td>
<td>1,648,442</td>
<td>85%</td>
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<tr>
<td>Utility &amp; Other Taxes</td>
<td>1,264,797</td>
<td>1,290,593</td>
<td>2%</td>
<td>1,347,120</td>
<td>96%</td>
</tr>
<tr>
<td>Construction in Progress</td>
<td>(855,219)</td>
<td>(532,869)</td>
<td>-38%</td>
<td>(1,430,000)</td>
<td>37%</td>
</tr>
<tr>
<td><strong>Total Operating Expenses</strong></td>
<td>$14,342,338</td>
<td>$14,991,863</td>
<td>5%</td>
<td>$16,064,464</td>
<td>93%</td>
</tr>
</tbody>
</table>
## Department Expenses

<table>
<thead>
<tr>
<th>Department</th>
<th>2019</th>
<th>2020</th>
<th>Y-O-Y</th>
<th>Budget</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Resources</td>
<td>206,448</td>
<td>198,127</td>
<td>-4%</td>
<td>255,448</td>
<td>78%</td>
</tr>
<tr>
<td>Commissioners</td>
<td>237,050</td>
<td>186,608</td>
<td>-21%</td>
<td>230,419</td>
<td>81%</td>
</tr>
<tr>
<td>Administration</td>
<td>1,171,376</td>
<td>1,122,185</td>
<td>-4%</td>
<td>1,231,830</td>
<td>91%</td>
</tr>
<tr>
<td>Safety Program</td>
<td>177,952</td>
<td>171,613</td>
<td>-4%</td>
<td>181,564</td>
<td>95%</td>
</tr>
<tr>
<td>Const. Maintenance</td>
<td>1,590,285</td>
<td>1,604,149</td>
<td>1%</td>
<td>2,163,997</td>
<td>74%</td>
</tr>
<tr>
<td>Water Treatment Plant</td>
<td>2,270,110</td>
<td>2,166,670</td>
<td>-5%</td>
<td>2,581,956</td>
<td>84%</td>
</tr>
<tr>
<td>Distribution</td>
<td>1,162,762</td>
<td>1,303,462</td>
<td>12%</td>
<td>1,627,735</td>
<td>80%</td>
</tr>
<tr>
<td>Lab &amp; Water Quality</td>
<td>303,477</td>
<td>321,422</td>
<td>6%</td>
<td>362,378</td>
<td>89%</td>
</tr>
<tr>
<td>Operations &amp; Facilities</td>
<td>764,019</td>
<td>878,778</td>
<td>15%</td>
<td>556,751</td>
<td>158%</td>
</tr>
<tr>
<td>Information Technology</td>
<td>1,087,888</td>
<td>1,218,693</td>
<td>12%</td>
<td>1,476,438</td>
<td>83%</td>
</tr>
<tr>
<td>Finance &amp; Stores</td>
<td>866,364</td>
<td>941,427</td>
<td>9%</td>
<td>874,376</td>
<td>108%</td>
</tr>
<tr>
<td>Meter Crew</td>
<td>543,321</td>
<td>725,457</td>
<td>34%</td>
<td>607,350</td>
<td>119%</td>
</tr>
<tr>
<td>Cust. Service &amp; Billing</td>
<td>851,148</td>
<td>840,895</td>
<td>-1%</td>
<td>1,040,278</td>
<td>81%</td>
</tr>
<tr>
<td>Community Relations</td>
<td>235,433</td>
<td>203,137</td>
<td>-14%</td>
<td>275,506</td>
<td>74%</td>
</tr>
<tr>
<td>Engineering</td>
<td>2,159,023</td>
<td>2,149,834</td>
<td>0%</td>
<td>1,855,368</td>
<td>116%</td>
</tr>
</tbody>
</table>
## Cash Flow Summary

<table>
<thead>
<tr>
<th></th>
<th>2019 YTD</th>
<th>2020 YTD</th>
<th>Y-O-Y</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td>$26,814,072</td>
<td>$27,900,423</td>
<td>4%</td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td>14,342,338</td>
<td>14,991,863</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Capital Expenses</strong></td>
<td>8,094,274</td>
<td>5,962,172</td>
<td>-26%</td>
</tr>
<tr>
<td><strong>Debt Service</strong></td>
<td>3,334,930</td>
<td>3,139,746</td>
<td>-6%</td>
</tr>
<tr>
<td><strong>Income / (Loss)</strong></td>
<td>$1,042,530</td>
<td>$3,806,642</td>
<td></td>
</tr>
</tbody>
</table>

2/16/2021

Owned By The People We Serve!
Waive Interest = $96,956
A/R Aging > 90 Days
Financial Summary
December 31, 2020
Agenda Item #7

HB 1329 - 2021-22
Concerning public meeting accessibility and participation.
Sponsors: Wicks, Pollet, Taylor, Ryu, Wyile, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley, Peterson

Bill Status-at-a-Glance
See Bill History for complete details on the bill
As of Thursday, February 18, 2021 08:16 AM

Current Version:
Substitute - SHB 1329
Current Status:
HRules R

Where is it in the process?

Introduced       In Committee       On Floor Calendar       Passed Chamber
In the House:  ○       ○       ○
In the Senate:  ○       ○       ○
After Passage:  ○       ○       ○

Go to documents...
Go to videos...

Bill History

2021 REGULAR SESSION

Jan 20  First reading, referred to Local Government.  (View Original Bill)
Jan 26  Public hearing in the House Committee on Local Government at 10:00 AM.  (Committee Materials)
Jan 29  Executive session scheduled, but no action was taken in the House Committee on Local Government at 8:00 AM.  (Committee Materials)
Feb 12  Executive session scheduled, but no action was taken in the House Committee on Local Government at 8:00 AM.  (Committee Materials)
Feb 15  Executive action taken in the House Committee on Local Government at 9:30 PM.  (Committee Materials)

L6 - Majority: 1st substitute bill be substituted, do pass.  (View 1st Substitute)  (Majority Report)
Minority: without recommendation.  (Minority Report)
Referred to Rules 2 Review.
AN ACT Relating to public meeting accessibility and participation; amending RCW 42.30.010, 42.30.030, 42.30.110, and 42.30.900; adding new sections to chapter 42.30 RCW; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The legislature finds people participating in their government, especially through public comment, is an essential part of developing public policy. The legislature further finds that there are numerous developing technologies that can be used to facilitate public comment, especially for those with disabilities, underserved communities, and those who face time or distance challenges when traveling to public meetings. Therefore, the legislature intends to encourage public agencies to make use of remote access tools as fully as practicable to encourage public engagement and better serve their communities.

Sec. 2. RCW 42.30.010 and 1971 ex.s. c 250 s 1 are each amended to read as follows:

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions
thereof exist to aid in the conduct of the people's business. It is
the intent of this chapter that their actions be taken openly and
that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the
agencies which serve them. The people, in delegating authority, do
not give their public servants the right to decide what is good for
the people to know and what is not good for them to know. The people
insist on remaining informed and informing the people's public
servants of their views so that they may retain control over the
instruments they have created. For these reasons, even when not
required by law, public agencies are encouraged to incorporate and
accept public comment during their decision-making process.

Sec. 3. RCW 42.30.030 and 1971 ex.s. c 250 s 3 are each amended
to read as follows:
(1) All meetings of the governing body of a public agency shall
be open and public and all persons shall be permitted to attend any
meeting of the governing body of a public agency, except as otherwise
provided in this chapter.
(2) Public agencies are encouraged to provide for the increased
ability of the public to observe and participate in the meetings of
governing bodies through real-time telephonic, electronic, internet,
or other readily available means of remote access that do not require
an additional cost to access the meeting.

NEW SECTION. Sec. 4. A new section is added to chapter 42.30
RCW to read as follows:
(1) Public agencies are encouraged to make an audio or video
recording of, or to provide an online streaming option for, all
regular meetings of its governing body, and to make recordings of
these meetings available online for a minimum of six months.
(2) This section does not alter a local government's
recordkeeping requirements under chapter 42.56 RCW.

Sec. 5. RCW 42.30.110 and 2019 c 162 s 2 are each amended to
read as follows:
(1) Nothing contained in this chapter may be construed to prevent
a governing body from holding an executive session during a regular
or special meeting:
(a)(i) To consider matters affecting national security;

p. 2 SHB 1329
(ii) To consider, if in compliance with any required data security breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and
final action appointing a candidate to elective office shall be in a
meeting open to the public;

   (i) To discuss with legal counsel representing the agency matters
relating to agency enforcement actions, or to discuss with legal
counsel representing the agency litigation or potential litigation to
which the agency, the governing body, or a member acting in an
official capacity is, or is likely to become, a party, when public
knowledge regarding the discussion is likely to result in an adverse
legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold
an executive session solely because an attorney representing the
agency is present. For purposes of this subsection (1)(i), "potential
litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)
concerning:

   (i) Litigation that has been specifically threatened to which the
agency, the governing body, or a member acting in an official
capacity is, or is likely to become, a party;

   (ii) Litigation that the agency reasonably believes may be
commenced by or against the agency, the governing body, or a member
acting in an official capacity; or

   (iii) Litigation or legal risks of a proposed action or current
practice that the agency has identified when public discussion of the
litigation or legal risks is likely to result in an adverse legal or
financial consequence to the agency;

   (j) To consider, in the case of the state library commission or
its advisory bodies, western library network prices, products,
equipment, and services, when such discussion would be likely to
adversely affect the network's ability to conduct business in a
competitive economic climate. However, final action on these matters
shall be taken in a meeting open to the public;

   (k) To consider, in the case of the state investment board,
financial and commercial information when the information relates to
the investment of public trust or retirement funds and when public
knowledge regarding the discussion would result in loss to such funds
or in private loss to the providers of this information;

   (l) To consider proprietary or confidential nonpublished
information related to the development, acquisition, or
implementation of state purchased health care services as provided in
RCW 41.05.026;
(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(o) To consider information regarding staff privileges or quality improvement committees under RCW 70.41.205.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer. The announced purpose of excluding the public must be entered into the minutes of the meeting required by RCW 42.30.035.

NEW SECTION. Sec. 6. A new section is added to chapter 42.30 RCW to read as follows:

(1) Except in an emergency situation, the governing body of a public agency shall provide an opportunity at or before every regular meeting for public comment. The public comment required under this section may be taken orally at a public meeting, or by providing an opportunity for written testimony to be submitted before or at the meeting. If the governing body accepts written testimony, this testimony must be distributed to the governing body. The governing body may set a reasonable deadline for the submission of written testimony before the meeting.

(2) Upon the request of any individual who will have difficulty attending a meeting of the governing body of a public agency by reason of disability, limited mobility, or for any other reason that makes physical attendance at a meeting difficult, the governing body shall, when feasible, provide an opportunity for that individual to provide oral comment at the meeting remotely if oral comment from other members of the public will be accepted at the meeting.

(3) Nothing in this section prevents a governing body from allowing public comment on items not on the meeting agenda.
Nothing in this section diminishes the authority of governing bodies to deal with interruptions under RCW 42.30.050, limits the ability of the governing body to put limitations on the time available for public comment or on how public comment is accepted, or requires a governing body to accept public comment that renders orderly conduct of the meeting unfeasible.

Sec. 7. RCW 42.30.900 and 1971 ex.s. c 250 s 16 are each amended to read as follows:

This chapter may be known and cited as the ("Open Public Meetings Act of 1971") Washington state open public meetings act or OPMA.

NEW SECTION. Sec. 8. This act may be known and cited as the Heather "Newsbrooke" Brooke, Ph.D. act.

--- END ---
February 17 Elevation: 462.29 (ft)
February 10 Elevation: 461.54 (ft)
Change in Elevation: (0.75)
Spillway Elevation: 465.10
Stream Inflow YTD: 327.89 MG
Skagit River YTD: 0.00 MG
The Skagit Public Utility District has its offices on Freeway Drive in Mount Vernon.

Brandon Stone / Skagit Valley Herald

The Skagit Public Utility District has received bids on a $35.5 million infrastructure project that will offer resiliency and redundancy to the county's primary water system.

Engineering Manager Mike Handzlik said the utility plans to install 5.3 miles of pipe connecting Judy Reservoir — the PUD's treatment facility and primary water source — to its system in Mount Vernon, replacing an aging piece of its system with a wider, newer transmission line.

Handzlik said the district's Board of Commissioners is expected to vote on accepting this bid, from Scarsella Brothers Inc. of Kent, at its March 9 meeting.

The existing line running south from Judy Reservoir is more than 50 years old, and has seen three breaks in the past two years, which to Handzlik means it's past time for replacement.

While the PUD can still serve its customers in the event of a break by using another transmission line, he said the age of the system overall means there are concerns about reliability.

“If you can't rely on either one of these systems, your redundancy is lost,” Handzlik said.

The first phase of this project, which was completed in 2007, consisted of installing new pipe in Mount Vernon along the Kulshan Trail, he said. Since then, the PUD had been waiting until it was financially feasible to replace this latest section of the line.
Handzlik said about $11.5 million of the cost is covered by low-interest state loans, with the balance to be paid for with bonds. Utility bill revenue isn't expected to be used for this project.

He said pipe needs to be custom made for a project such as this, so construction likely won't start until mid-summer if the bid is accepted. If construction starts mid-summer, completion is expected in April 2023.

A portion of the new line will be installed under the east fork of Nookachamps Creek, using a new drilling technique, Handzlik said. Rather than burying the pipe, crews will drill horizontally underground and run the pipe through the hole.

He said this process saves money and is more environmentally friendly because crews don't need to disturb wetlands.

— Reporter Brandon Stone: bstone@skagitpublishing.com, 360-416-2112, Twitter: @Brandon_SVH

Brandon Stone