



PUBLIC UTILITY DISTRICT NO. 1
OF JEFFERSON
COUNTY
October 8, 2018
Citizen Advisory Board
Meeting

*Final
Minutes*

A meeting of the Public Utility District No. 1 of Jefferson County (PUD) Citizen Advisory Board (CAB) was held at the Jefferson County Transit Conference Room, 63 Four Corners Road, Port Townsend, Washington, on October 8, 2018. The meeting was convened by Chair Doug Huber at 2:02 p.m. Attending:

CAB Members:

Karen Bennett, Dist. 2
Doug Huber, Dist. 3
Larry Dennison, Dist. 1
Peter Lauritzen, Dist. 1
Russ Michel, Dist. 3
Roger Risley, Dist. 2
Tim Tibbals, District 2

PUD Representatives:

Commissioner Kenneth Collins
Larry Dunbar, General Manager
Don McDaniel, Consultant
Joel Paisner, General Counsel

CALL TO ORDER

Chair Doug Huber called the meeting to order stating there was a quorum and read Agenda Instructions. Voluntary introductions were given by the members of the Citizen Advisory Board and public.

REVIEW OF AGENDA:

MOTION: Russ Michel made a motion to approve the agenda. Karen Bennett seconded that motion. Motion passed unanimously.

Page 1 of 11

APPROVAL OF MINUTES FROM LAST MEETING:

Corrections: Footnote – “Citizen Advisory Bord” should be “Citizen Advisory Board”.

Page 2 – Under GM Report:

Take out “advancement” and put in “Technology is a risk to making an investment in fiber optic facilities”.

Page 2 – third bullet under Public Comments. Period is gone and comprises is changed to compromises.

MOTION: Larry Dennison made a motion to approve the minutes of the Jefferson County Citizen Advisory Board meeting of September 10, 2018, as amended. Russ Michel seconded the motion. Motion carried unanimously.

PUBLIC COMMENT:

Chair Doug Huber reads public comment instructions. Comments:

- Waiting for two months to get minutes is not timely. Would like draft minutes posted to the website earlier. They would be a guide when trying to listen to the audio.
- Appreciation expressed for changing venue of meeting.
- No notice of meeting posted at Operations Center.
- Appreciation expressed for expanded meeting minutes. Comment made that minutes should reflect what happened. July minutes should reflect what was actually done. Request to change minutes.
- Great facility. Is there Wi-Fi?
- Use of phrase “Point of Order”.
- Lack of notice of new venue for meeting posted at Transit Center (new site).

This is a different location from the regularly posted meeting site. There was discussion whether the meeting today should actually take place since the posting of the change in the meeting venue was not placed on the Operations Center. Since the posting did not take place should there be action items on the agenda? Agenda with correct location was on the web. General Counsel Joel Paisner stated that it was his opinion that the posting of the notice was in technical compliance with the Open Public Meetings Act.

MOTION: Roger Risley made a motion to delete action items on the Agenda. Larry Dennison seconded the motion.

After considerable discussion Roger Risley withdrew his motion to delete the action items on the Agenda. Larry Dennison withdrew his second on the motion. There were no objections. Motion was withdrawn.

GOVERNANCE RESOLUTION SUB-COMMITTEE UPDATE AND RECOMMENDATION:

Russ Michel reads a written statement. General Manager Larry Dunbar encouraged moving forward with the Governance resolution. There was further input from CAB members.

Karen Bennett: Karen Bennett gave a brief summary of what the General Manager's role is as liaison.

- The CAB needs clear lines of communication with the staff.
- The CAB wants to build professional trust
- The General Manager can communicate to the Board of Commissioners requests from the CAB on projects they are interested in pursuing.
- Having the voices of the CAB, the GM, the public, and the BOC are important.
- The liaison makes sure the requests from CAB interim and final presentations get on the BOC's agenda.
- More transparency.

Larry Dennison: Larry Dennison gave a brief summary of how the public can be involved in the subcommittees.

- A subcommittee may invite nonvoting members of the public to participate with certain expertise on whatever issues the CAB is dealing with.
- Some concern that definition of expertise can be fairly subjective and limiting.
- Allow nonvoting public committee members with an interest in the subject matter to provide input into our subcommittees.
- Approving any public member would require all of the subcommittee members to approve. What we have recommended is that the wording "relative to expertise" should be dropped as a limitation to public participation in subcommittee work.

Public Comment:

Page 3 of 11

- Law requires there should be two members of the CAB at any subcommittee.
- CAB is obligated to operate in accordance of the law. If the law requires the CAB to have two then whether you state it or not you are required to have two. Just because you don't state it doesn't mean you are not in compliance.
- This could become an issue that the operating guidelines address.
- No more than three CAB members may be on a subcommittee.
- CAB will have more of an opportunity to be more in the main stream of helping make recommendations on central issues that are coming before the BOC.
- CAB will maintain a certain level of independence with options.
- CAB will have the opportunity to influence the agendas and make sure that there is dialogue about topics that the CAB would like to see discussed.
- Clarification on if a commissioner attends a subcommittee. Is that a billable item?
Response: commissioners are allowed to claim per diem up to a certain maximum number of PUD meetings a year. It is anticipated that commissioners do participate in various meetings already.
- Question: Does this preclude members of the CAB from having direct contact with the BOC? Does this say that they must go through the GM? Response: It does not.
- Concerned about GM carrying a request from the CAB to the BOC. The way people express things is equal to the strength of passion they have about it. How does the request get presented?
- Incumbent on the CAB members to make sure they are participating and giving their passionate responses and stating why they have a disagreement or different opinion.
- When a subcommittee brings a topic before CAB, a written report is done and presented to the BOC. The likelihood that it would be misrepresented would be limited because it is written.
- Every single CAB meeting has a commissioner present.
- The CAB's intent was not to have the liaison be the decision maker about what is brought to the BOC. Is that written down or stated somewhere?
- The BOC has the absolute authority to work or not work on something.
- Having preapproval from the BOC makes sense.
- Does the resolution or the policy state that the operating procedures shall be resolved?
The operating guidelines will state this.
- Have other PUD in other counties CAB operating procedures been looked at?
- The Municipal Research and Services Center of Washington has a CAB document. In that document are excerpts from the CAB and they are primarily municipal.

MOTION: Russ Michel made a motion that the CAB approve Resolution 2018-15 updating and clarifying the role of the CAB and that the resolution be forwarded to the Board of Commissioners to be on the agenda at their next regularly scheduled meeting. Larry Dennison seconded the motion.

Page 4 of 11

Discussion:

Amendment to Motion: Karen Bennett makes a motion to add an (f) in Section 7 of the Governance resolution as follows: Follow the CAB operating guidelines. Russ Michel seconded that motion. Motion carried unanimously.

Comment: Any time the CAB does an interim report there will be an opportunity for the public to comment on it before it gets discussed among the CAB members and a vote is taken. That way there should be no surprises between the public, the CAB, attending staff and attending commissioners. That is why it is included in 2(f).

Question: If there is a meeting of a subcommittee and there are nonvoting members of the public at that meeting participating does that have to be noted as a special meeting since the public is there?

Comment: Members of the ad hoc committee have been approved. To have additional non-voting members of a subcommittee doesn't qualify as a public meeting unless it becomes open to the public and public testimony from people who were not committee members has occurred.

Comment: Not in agreement on the GM being the liaison. There was a misrepresentation in the past on the Community Solar Project. The chances for being misrepresented are multiple and when you lose your right to speak for yourself you lose your voice and when you lose your voice it doesn't matter whether you have control of the agenda or not – you have no voice. The CAB is making a transition from being an independent board to a captured board. It is a danger to the CAB's independence and the CAB's ability to scrutinize what's happening with the BOC and the PUD in general.

Comment: Most of the CAB's projects were done by requests from the commissioners. The CAB worked with the commissioners in that way. But we now we have a different system. This new format reflects the fact that we have a GM who is very involved and wants to be part of and comes to our meetings. I don't see – I support this.

MOTION WITH THE AMENDMENT: Russ Michel makes a motion to approve CAB Resolution 2018-015 updating and clarifying the role of the CAB and that the amended resolution be forwarded to the BOC to be on the agenda at the next regularly scheduled meeting. Larry Dennison seconds the motion. Motion passes with majority vote of six. One vote not in favor.

GENERAL MANAGER REPORT:

Acceptance of CERB Grant (Action Item): General Manager Larry Dunbar asked that the CERB Grant be moved up on the Agenda because of the time constraint. There were no objections from the CAB members to go directly to the CERB Grant.

General Manager Larry Dunbar submits a brief summary report on the CERB Broadband Planning Grant Award. Staff is seeking a favorable recommendation from the CAB to the BOC to authorize the GM to execute the Initial Offer of Financial Aid and a Capital Agreement from CERB. The grant itself is \$50,000 and the PUD has a match of \$17,000. The \$17,000 could be either to help pay for the consultant's fees or it could be for any type of staffing expense that it has to support the grant.

Public Comment:

Member on subcommittee expressed appreciation to be included in the subcommittee. The subcommittee has been working very hard and working well with the General Manager to start the process. I think that process will work great and looking forward to continue and recommend that this board the process which has been proposed by the General Manager.

Comment: What type of engineer? Answer: Telecommunications.

Comment: Might want to state the CAB Broadband Subcommittee will be involved.

Comment: What is the timeline of possibly getting a consultant and his/her report?

Response: The last time the staff met, they thought they might be able to bring the consultant to the CAB by the end of the calendar year. If the staff were able to do that then perhaps the next six months would be strategic planning.

MOTION: Doug Huber makes a motion that the CAB recommend to the Board of Commissioners to authorize the General Manager to execute the Initial Offer of Financial Aid and a Capital Agreement from CERB. Russ Michel seconded that motion. Motion carried unanimously.

CAB Member Liability Insurance: (Verbal Update): General Manager Larry Dunbar gave a brief report. Conclusion was that CAB will be covered for liability insurance.

Water Shortage Resource Plan (Verbal Update): The staff has proposed the scope of work and negotiated with HDR Consultants. The GM will bring this item to the CAB next month.

Street Lighting Rate (Verbal Update): At the last CAB meeting the CAB recommended Board

approval of a rate that included a formula, and at the last BOC meeting it was discovered that there was an error in that formula. That needs to be corrected. It doesn't change the intent or the quality but the formula itself needs to be corrected. That will go back to the BOC next week. In the spirit of transparency, the GM wanted to let the CAB know that staff has made another mistake and they are correcting it.

Intro – Broadband Line Extension Policy (Verbal Update): Last night the staff shared an introduction to all of the issues surrounding a Broadband Line Extension Policy. That was a follow up to the prior month's NoaNet workshop that was presented where everyone that was present learned about what NoaNet is doing with some of its other member utilities. At the Broadband subcommittee level, the GM mentioned that maybe the CAB might want to actually include this in the sum of scope of work with their engineering consultant to help the staff with this issue. This is an issue that is going to take quite a bit of consideration and time. There is no urgency to move forward. It has a lot of financial ramifications depending on what the BOC ultimately decides to do regarding broadband.

Public Comment: Regarding the water shortage resource plan, does shortage refer to supplies or shortage of taps or both?

Response: No. Some of the PUD's systems are producing water to their capacity continuously during the August month of the year without any redundancy or any capability if any of the pumps failed. Many utilities have incorporated a water shortage plan. In other words, how do we engage those customers in trying to conserve or temporarily have the authority to actually shut off some people that are not behaving appropriately in all situations? The GM made the commitment that the PUD will at least invest in an emergency preparedness type of activity in each of our water systems so that in the event of a catastrophic event if the PUD can produce water.

Comment: Do we have any interlocal agreements with the water supply to the Mill so that in case of emergency that water could become available?

Response: General Manager Larry Dunbar said he would look into that.

CAB RECOMMENDATIONS FOR MEETING CHANGES RESULTING FROM PARLIAMENTARY PROCEDURE WORKSHOP:

General Manager Larry Dunbar gave a summary of several meeting changes that were discussed at the Parliamentary Procedure Workshop. Staff is seeking direction from the CAB on which changes, if any, should be implemented at future Board of Commissioner and Citizen Advisory Board meetings.

Public Comment:

- What is the business of the CAB? It is the business of the CAB to listen to the public. The word “citizen” is in the name Citizen Advisory Board. This should not be overlooked. Other members of the public agreed with this comment.
- Any emphasis on making things more formalized and less conversational should be looked at very carefully.
- All of the recommendations should be discussed but should be memorialized and formalized in the operating procedures for the CAB.
- There was a question on clarifying Item 3 and Item 6 allowing public comment and that there were inconsistencies in them. General Manager Larry Dunbar explained that some of the changes were mutually exclusive. You do one and not the other.
- Time limits. You don't know how long something is going to take. To put a cap on it is limiting the valuable input that you could get from that and additionally their valuable staff time is being used here to come to these meetings. Perhaps Mr. Dunbar doesn't need to be at every meeting or throughout the meeting perhaps you should ask to be scheduled first and give your manager's report and take questions and so forth and then you could ride back down the road and go back to the work that you are saying is being neglected if that is how you feel about it.
- When you consider these, there are a couple of factors you might want to keep in mind. The BOC meets twice a month. You meet once a month. You meet during a time of day when a lot of the public can't make those meetings. Those are a couple of things I heard thrown out there that the BOC does and have to be considered their doing. You might keep that in mind. That should be a consideration when you start to evaluate as to how you want to really apply this stuff. You may have to change the meeting times.
- This seems to be saying that the procedures should be the same for the CAB meetings and the BOC meetings. It is not clear to me that that should be the case. It seems to me they should be separate.
- The CAB should have similar procedures as the BOC. That's not a problem. There may be nuances that are different. For the most part meeting minutes should be the same. Does that include not setting a time limit? The other commissioners do. The time limits they have public comment of 15 minutes. What we try to do is – and it is not on this – but we try to go down and say are we going to spend 3 hours or 2 hours on this?
- That was what I was referring to – the overall time limits. Will we be leaving it as the same as the other board with no total time limit? You said you wanted to keep it the same as the other Board – that was the question.
- As much as possible. What we don't want to do is have a three-hour meeting.
- The business of this meeting is mostly discussion. You rarely actually do anything such as final votes or actions. You might have a vote once every meeting or two that have to be approved. Other than that if you did action only minutes they would be pretty empty. I think the value of the minutes allows somebody to skim quickly and see what the actual work that was done. Listening and discussing. I would very carefully consider going to

Page 8 of 11

action only minutes. I don't think that would serve your work very well. I don't think it would represent the work that this committee actually does.

- There are a lot of people in this community who are hard of hearing and even if they have time to look something up they can't listen to something on the computer. There are people who don't have any hearing at all and consequently they cannot listen. In order for them to participate and not to further have to talk to Cammy with something where she would have to correct out something akin to a deposition to give to someone that is hard of hearing, I suggest that you keep the minutes in the format that you are doing them now where they are inclusive and bypass that expense.
- Anybody on the CAB work full time? Anybody on the CAB work part time?
- There are a number of us that are involved in other volunteer organizations and some of that takes a lot of time like trips to Seattle to keep abreast of some of the things that are going on nationally. That takes time too.
- I am just wondering how somebody like myself who works 9 to 10 hours a day generally can find the time to participate during the day.

Comment: The CAB should not be tasking Cammy with having two different types of meeting notes.

Comment: Is there a possibility of tagging the agenda time of topic started discussion, time of topic ended discussion and tag that to the online recording somehow so if somebody from the public wanted to just listen about a particular piece of it you don't have to sit through and go through the entire audio recording which is painful.

Comment: This should be referred to the Governance subcommittee.

Comment: One of my concerns in opposing the GM as our liaison is that his time is very expensive and it probably is not the best use of his time herding CAB and one of my concerns is voting no was that we are going to wind up having to limit our meetings to two hours and that always comes to the expense of public comment and I would really like to see us keep our meetings to 2 ½ hours. That seems to work best for us.

Comment: The Governance subcommittee will look at their collective personal schedules and figure out if they have time to do something by the mid November.

General Manager Larry Dunbar stated that staff will not bring this issue to the BOC.

Next Steps or Additional Board Actions:

- Norm Norton submitted his letter of resignation – there is an open spot. The BOC is in the process of getting a replacement.
- Next CAB meeting is scheduled for November 19, 2019. No objection to moving

meeting to the 19th but only if it is on the website and it gets published in writing on the door and it is put into a written agenda.

- Operating guidelines.
- Broadband Report.
- CERB.
- Water Shortage Resource Plan.
- Chair Rotation.
- Review of July minutes.
- Honoring outgoing CAB members.
- Request that the reports that are generated by the CAB over the years be put on the web page. This will be on the agenda after the first of the year.

July 9, 2018, meeting minutes of the CAB: It was concluded that the July 2018 meeting minutes would be revised to include a discussion regarding CAB emails which was not reflected in the final minutes of the July 9, 2018 meeting. The Recording Secretary was authorized to change the minutes and submit them to the CAB for approval.

Public Comment: (topics)

- July 9, 2018, CAB minutes. Lengthy discussion.

MOTION: Motion was made by Larry Dennison to adjourn the October 8, 2018, meeting of the Jefferson County PUD Citizen Advisory Board. This motion was seconded by Roger Risley. Motion carried unanimously.

Signing of Documents: The signing of minutes took place during the meeting in a public meeting forum.

ADJOURNMENT:

Meeting was adjourned at 4:40 p.m.

Minutes prepared by: Cammy Brown, PUD Recorder

CAB meeting audio file available on website www.jeffpud.org

Approved:

Doug Huber
Doug Huber, Chair

15 March 2019
Date

Larry Dennison, Vice Chair

Date

Page 10 of 11

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