



## **Minutes**

### 2020 Board President Presiding:

President Rathbun called the meeting to order at 9:00 a.m. and Mr. Freeman called roll. Due to the COVID-19 office closure, participants were present remotely via the Zoom platform.

#### **Directors:**

Gene Huffman, 2021 President  
Kirk Rathbun, 2020 President and  
2021 Vice President  
David McKenzie, 2020 Vice President  
Arland Ward  
Dean Dennis

#### **Staff Present:**

Charles Freeman, District Manager  
Kipp Drummond, Comptroller/Treasurer  
Jason McShane, Engineering/Operations Manager  
Seth Defoe, Land and Water Resources Manager  
Lynda Rosenbaum, Real Property Manager  
Melissa Olheiser, Accounting Supervisor  
Ben Woodard, Assistant Engineering/Ops Manager  
Lori Gibson, Executive Assistant to Engineering  
Matt Berglund, Public Relations Coordinator  
Doris Rakowski, Executive Assistant

#### **Other Persons Present:**

John Crotty, Western Legal  
One member of the public

**APPROVAL OF AGENDA:** Mr. Freeman asked to add action on a licensing agreement between KID and the Clearwater Home Owners Association, and an executive session to discuss risk of a proposed action with District Counsel.

**Director Huffman moved to approve the amended agenda. Director Ward seconded the motion. All present voted in favor and the motion carried.**

President Rathbun gave control of the meeting to Board Secretary Freeman.

### Board Secretary Presiding:

**Oath of Office:** Mr. Freeman administered the oath of office to re-elected Director McKenzie and appointed director Dennis. Written oaths of office would be signed by Directors Dennis and McKenzie, then notarized.

**Election of Board President and Vice President:** Mr. Freeman called for Board President nominations. Director Rathbun nominated Director Huffman for President, and Director Dennis seconded the nomination. Hearing no other nominations or discussion, Mr. Freeman called for a vote. Director Huffman was elected unanimously as Board President.

Mr. Freeman called for Vice President nominations. Director McKenzie nominated Director Rathbun for Vice President, and President Huffman seconded the nomination. Hearing no other nominations or discussion, Mr. Freeman called for a vote. Director Rathbun was elected unanimously as Board Vice President.

Mr. Freeman gave control of the meeting to President Huffman.

### 2021 Board President Presiding:

**CONSENT AGENDA: Director McKenzie moved to approve the consent agenda. Vice President Rathbun seconded the motion. All present voted in favor. The motion carried.**

Items on the consent agenda were:

1. Minutes, KID Board Meeting and Canvassing of Election, December 14, 2020
2. Minutes, KID Board Special Meeting, December 17, 2020
3. Final Plat – Country Acres
4. Short Plat Application – Connor Construction
5. Vouchers/Warrant Approval

**Accounts Payable:**

Numbers:

81573	through	81573	\$	142.50
81574	through	81662	\$	400,841.93
81663	through	81663	\$	1,201.13
81664	through	81664	\$	7,072.16
81665	through	81669	\$	88,952.88
81670	through	81735	\$	547,391.04
Bank Drafts	FSA		\$	-
Bank Drafts	General		\$	-
Bank Drafts	AP		\$	96,016.31
<b>Total Accounts Payable</b>			<b>\$</b>	<b>1,141,617.95</b>

**Payroll:**

Numbers:

0	through	0	\$	-
Direct Deposit		12/21/2020	\$	143,396.01
<b>Total Payroll</b>			<b>\$</b>	<b>143,396.01</b>

**Voided Checks:**

None			\$	-
<b>Total VOID</b>			<b>\$</b>	<b>-</b>
<b>Total Disbursements</b>			<b>\$</b>	<b>1,285,013.96</b>

**PUBLIC COMMENTS:** None

**PRESENTATIONS:** None

**PUBLIC HEARING:** None

**BOARD REPORTS:** None

**ACTION ITEMS:**

**Review of Policy 1.1 Conflict of Interest–Board Members/District Officers:** Mr. Freeman said the Board and District Officers were required to review the Conflict of Interest policy and complete their disclosure forms annually. He briefly reviewed the policy and said the form would be sent to directors and board officers.

**Confirmation of Bylaws:** Mr. Freeman briefly reviewed the KID Bylaws. He recommended adding TRIDEC (Tri-City Development Council) to the list of organizations in Article 5.

**Director Dennis moved to confirm the KID Bylaws. Director Ward seconded the motion. The motion carried unanimously.**

**Confirmation and Appointment of District Officers and Board Secretary:** Mr. Freeman recommended retention of the previously appointed District Officers:

Board Secretary:	Charles Freeman
Assistant Secretary:	Jason McShane
Treasurer:	Kipp Drummond
Auditing Officer:	Melissa Olheiser
Assistant Auditing Officer:	Kipp Drummond
Claims Agent:	Dana Hernandez
Public Records Officer:	Doris Rakowski
Legal Firms:	Foster Pepper PLLC (water rights, supply and municipal issues) Western Legal PLLC (federal issues and other issues)

**Vice President Rathbun moved to retain the Board Secretary, legal firms, and all District Officers previously appointed. Director Ward seconded the motion. The motion carried unanimously.**

**Clearwater Creek Pedestrian Pathway License Agreement:** Mr. McShane presented the Clearwater Creek subdivision proposal to construct a pedestrian pathway within a portion of the Amon Wasteway easement. He said the draft multi-use license agreement was modeled after the Salt River project, and was similar to KID's agreement with City of Kennewick for a pathway near Edison Street. He recommended approval of the draft License Agreement, which would have no budget impact for the District.

**Director McKenzie moved to approve Charles Freeman to execute the draft attached License Agreement with the Clearwater Creek Homeowners Association conditioned upon Hayden Homes transferring ownership of the Tract of land contiguous with the 400-foot wide easement adjacent to the subdivision to KID. Director Ward seconded the motion. The motion carried unanimously.**

#### **RESOLUTIONS:**

**Resolution 2021-01, Rates, Charges and Assessments for 2021:** Mr. Freeman presented the resolution required to set charges and assessment rates to cover operating and maintenance expenses, appropriate reserves, and capital needs of the District. He spoke about the development of the rates, charges, and assessments during the budgeting process, and the availability of the 2021 Assessment Roll for public inspection since its November 3, 2020 presentation, and the board of equalization on December 1, 2020. He reported no member of the public presented comments, questions or concerns to the board of equalization.

There being no changes necessitated by the board of equalization, he asked that the Board adopt the 2021 Assessment Roll by approving Resolution 2021-01.

**Director McKenzie moved to adopt Resolution 2021-01 setting the Rates, Charges and Assessments Roll – Tiers and Tolls, Surcharges applicable to certain locations or services, USBR debt payments, and excess water rates for 2021. Director Ward seconded the motion. The motion carried unanimously.**

**STAFF REPORTS:**

**Finance Manager:** Mr. Drummond reported regarding completion of the annual audit and preparation for mailing the assessments.

**Engineering/Operations Manager:** Mr. McShane reported regarding winter operations activities, including canal lining. He listed several upcoming meetings.

**Land & Water Resources Manager:** Mr. Defoe displayed and discussed web pages including:

- noaa.gov – El Nino status, Precipitation and Temperature graphs for the water year and the calendar year, and Three-Month Outlook maps
- usbr.gov - Yakima River Five Reservoir Diagram and Water Year Graph

Mr. Defoe reported that there would be a River Operations meeting next week, and gave a brief report regarding title transfer activities. Discussion followed.

**District Manager:** Mr. Freeman reported on laborer and instrumentation technician hiring efforts.

President Huffman asked Director Dennis to serve on the Finance Committee until appointments were made at the next meeting.

**WORKSHOP:** None

**EXECUTIVE SESSION:** On behalf of the presiding officer, Mr. Freeman announced that the Board would go into executive session to discuss with legal counsel representing the district 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, pursuant to RCW 42.30.110 (1)(i)(iii), for approximately 30 minutes, ending at 10:15 a.m. unless extended. No action was expected following executive session.

Members of the public were moved to the Zoom waiting room.

**OPEN SESSION:** At 10:15 a.m., members of the public were re-admitted and the meeting resumed in open session.

President Huffman thanked the Board for selecting him to serve as President.

Director Dennis said he appreciate being appointed to serve on the board and that he looked forward to working with Director Ward and the other Directors.

**Director Dennis moved to adjourn at 10:18 a.m. Director Ward seconded the motion. All present voted in favor and the motion carried.**

Attest:

Witness:

  
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 Gene Huffman, Board President  
 Minutes Approved January 19, 2021

  
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 Charles Freeman, Board Secretary

Prepared by Doris Rakowski