



MEETING MINUTES OF THE
BOARD OF DIRECTORS
VIA HYBRID
NOVEMBER 15, 2023

1. CALL TO ORDER

At 3:31 p.m. Chair Sweet called the meeting to order. Board Members confirmed that they received the meeting materials and could hear the speakers clearly.

2. ROLL CALL

Board Members Present: City of Bellevue (Barksdale), City of Issaquah (Joe), City of Kirkland (Sweet), City of Redmond (Birney), Sammamish Plateau Water & Sewer District (Warren), and Skyway Water and Sewer District (Ault)

Board Member Absent: City of Tukwila (Ekberg)

Board Alternate Present: City of Redmond (Anderson)

3. PUBLIC COMMENT

None.

4. EXECUTIVE SESSION

None.

5. APPROVAL OF AGENDA

Motion by Mr. Ault and second by Mr. Warren to approve the meeting agenda as presented. Motion carried unanimously (6-0).

6. CHIEF EXECUTIVE OFFICER'S REPORT

Board Members welcomed Ray Hoffman back to Cascade's CEO role. Mr. Hoffman reviewed the Chief Executive Officer's Report that was included in the Board Packet.

Mr. Hoffman made Board Members aware of a potential water quality issue. Recently, Sammamish Plateau Water & Sewer District had a positive test for a PFAS (per- and polyfluoroalkyl substances) compound that was a result of systematic testing. The compound (PPF Acid) is not regulated nor has a compliance threshold been identified. The proper entities were notified of the preliminary finding. Mr. Hoffman said that the water will be retested at the same sampling station to be certain that there weren't items that could have caused a positive test (e.g., use of Teflon tape at joint compounds). Tests will also be taken further upstream at the BIP (Bellevue Issaquah Pipeline). Mr. Hoffman clarified that this is only associated with the BIP, not any other member lines.

Mr. Barksdale suggested that the Board error on the side of caution with the information. Mr. Hoffman said that the contaminant needs to be confirmed and the source needs to be identified. Staff are closely monitoring the situation and will keep Board Members informed of any new developments.

7. CONSENT ITEMS

- A. Board Meeting Minutes for October 25, 2023.
- B. Motion to authorize the Chief Executive Officer to execute a three-year contract (plus a two-year extension option) with GeoEngineers Inc. to provide dam engineering, geotechnical, hydrology, and related permitting services in an amount not to exceed \$570,000.

Motion by Ms. Birney and second by Mr. Warren to approve Consent Action Items A-B as presented. Motion carried unanimously (6-0).

8. OTHER ACTION ITEMS

- A. Motion to adopt Resolution No. 2023-14 authorizing the Chief Executive Officer, in consultation with legal counsel, to take all action necessary to opt out of proposed settlements in litigation related to PFAS.

T.C. Richmond, Cascade General Counsel, said that PFAS (Per- and polyfluoroalkyl substances) are human-made chemicals that don't break down easily. PFAS chemicals can be found in numerous substances like cleaning products, waxes, paints, food packaging, and fire-fighting foams. EPA has proposed to designate PFAS as hazardous substance in 2024 and to regulate PFAS in drinking water MCLs.

Lawsuits were brought against PFAS/AFFF manufacturers in 2018. Proposed settlements were reached among water-providers and 3M and Dupont in June 2023. Water providers may choose to opt-out of the settlements by December 4, 2023 (Dupont) and December 11, 2023 (3M).

In deciding to opt out, each water provider must weigh the likelihood of monetary recovery under the settlement against giving up future claims against 3M and Dupont and other defendants. In Cascade's case, monetary recovery would be very limited due to the lack of baseline testing and/or non-detection of PFAS.

Cascade staff's recommendation, in consultation with legal counsel, is to opt out of the settlements. Given the very early stage of Cascade testing and discovery of PFAS, the loss of potential future claims greatly outweighs the current potential settlement amount.

Motion by Ms. Birney and second by Mr. Joe to adopt Resolution No. 2023-14 authorizing the Chief Executive Officer, in consultation with legal counsel, to take all action necessary to opt out of proposed settlements in litigation related to PFAS. Motion carried unanimously (6-0).

- B. Motion to authorize the Chief Executive Officer to renew contracts for engineering, vendor, and consulting services totaling \$2,116,062 and in accordance with the adopted 2023 - 2024 Cascade budget.

Chris Paulucci, Finance and Administration Manager, discussed the vendor table that was included in the Board Packet that shows vendors and consultants that Cascade is contracting for services during 2023 whose current contracts expire on Dec. 31, 2023, and for that staff recommends renewal for 2024. The listed vendors and consultants provide services for legal, conservation, milfoil treatment, community relations, information technology support, USGS joint funding agreements, and legislative outreach initiatives. All the contractors listed have been evaluated positively in 2023.

Prior year expenditures for each vendor, along with other detailed information, was included in the Board Packet.

Motion by Ms. Birney and second by Mr. Warren authorize the Chief Executive Officer to renew contracts for engineering, vendor, and consulting services totaling \$2,116,062 and in accordance with the adopted 2023 - 2024 Cascade budget. Motion carried unanimously (6-0).

9. STAFF PRESENTATIONS

No report.

10. COMMITTEE REPORTS

- A. Executive Committee – No meeting held.
- B. Finance & Management Committee – Meeting held November 14, 2023. Meeting recap included in the Board Packet.
- C. Public Affairs Committee – No meeting held.
- D. Resource & Management Committee – Meeting held November 2, 2023. Meeting recap included in the Board Packet.

11. NEW BUSINESS

None.

12. NEXT REGULAR MEETING

Motion by Ms. Birney and second by Mr. Joe to cancel the next regular Board meeting scheduled on December 20, 2023, at 3:30 p.m. Motion carried unanimously (6-0).

Board Members and staff thanked Allan Ekberg and Jeremy Barksdale for their contributions to the Board. Chair Sweet read Resolutions for both Mr. Ekberg and Mr. Barksdale.

13. ADJOURN

The meeting was adjourned at 4:15 p.m.

APPROVED BY:



Penny Sweet, Chair



Angela Birney, Vice-Chair