

**Chehalis River Basin Flood Authority  
Special Meeting  
Veterans Memorial Museum  
100 SW Veterans Way  
Chehalis, WA**

**May 19, 2011  
Meeting Notes**

**Board Members Present:** Julie Balmelli-Powe, City of Chehalis; J Vander Stoep, Town of Pe Ell; Ron Averill, Lewis County; Edna Fund, City of Centralia; Jim Cook, City of Aberdeen; Mark Swartout, Thurston County; Vickie Raines, City of Montesano; Mark White, Chehalis Tribe

**Board Members Absent:** Andrea Fowler, Town of Bucoda; Dan Thompson, City of Oakville; Terry Willis, Grays Harbor County

**Others Present:** Please see sign in sheet

**Handouts/Materials Used:**

- Agenda
- Projects List

**1. Call to Order**

Mr. Mark Swartout called the meeting to order at 9:05 a.m. He announced that Commissioner Willis and Ms. Laura Gray had been in an auto accident on their way to the meeting and were waiting for the State Patrol. They hoped to attend the meeting shortly. Mr. Swartout would be representing Commissioner Valenzuela, who was out of state.

**2. Introductions**

Self-Introductions were made by all attending.

Mr. Swartout asked if the Board wanted to proceed with the meeting or wait until Chairman Willis arrived. The group decided to proceed.

**3. Projects Workshop**

Mr. Mackey gave some background on the list of projects. There are currently 81 projects that were taken from the jurisdictions' flood plans, brainstorming sessions, and from forms that were available on which the public could comment on proposed projects.

In 2009 the BAC came up with potential criterion that was taken to the Flood Authority so the projects could be ranked and prioritized. That criterion is on pages 9-8 and 9-9 of the Comprehensive Flood Hazard Management Plan that was sent out in the members' packets. The BAC identified three questions and if each project could answer yes to all three then the project would go forward. The BAC discovered that only a few projects had technical background which made them impossible to rank. At that point the Flood Authority decided to emphasize three things that could get done immediately in the basin: 1) an early warning system; 2) basin-wide studies to gather information for evaluating the projects, which were Eco Systems Restoration study, upstream storage feasibility and the GI; 3) pursue the formation of a flood district because that is where the capital can be raised and where analysis on projects could be done to determine if there is a basin-wide impact, etc.

The Flood Authority has since stated it does not want to form a FCZD but wants to look at projects. ESA supplied the chapters in the plan as an aid. Chapter 6 looks at problem areas in the basin and how to define both structural and non-structural projects and a list of categories to understand the potential issues in the basin.

Commissioner Averill stated there is no problem with the criteria but one thing that is unclear is there are twenty or thirty projects that he would consider as county projects. They are totally within the county and in some cases there are projects that would normally be done by a county entity or under a grant for a county. The Flood Authority initially encouraged those projects to go on the list. Montesano did a protection project around its sewage treatment plant; it should be considered on the project list because it does contribute to flood control.

Another concern that Commissioner Averill had was that the costs of the projects are unknown. From Lewis County's perspective, it has very little wiggle room to fund projects. If a project comes in at over \$100,000 Lewis County will give some considerable thought to cost benefits before committing funds unless there is another funding source. The list cannot be prioritized unless the funding is known. The Flood Authority is a cooperative body with no municipal powers; and, we can only work on those things we agreed to work on together. Funding for many projects is dependent upon federal or state funding. At some time in the future the Flood Authority needs to look at how to decide on the process or raising funds regardless of if there will be matching funds or if it will be all local funding.

Mr. Vander Stoep stated he did not know what some of the items were. Mr. Easton stated the projects list is all the information that was available on most of the projects.

Mr. Johnson stated a lot of these projects came from the local jurisdictions' adopted Flood Hazard Management Plans (FHMP). There were technical meetings regarding the potential comments plus public-offered comments. There is not a great deal of technical or other background associated with these - some of them were suggestions that were put up on a board. The flooding caused by under-sized culverts on Highway 6 is on the list but not a plan to fix them. When the BAC met that was the problem it had - it tried to prioritize projects but a lot of the information was only four-word descriptions of the project.

Commissioner Averill suggested going through some projects. Dan Thompson could explain the Sickman Ford Bridge, for example. Lewis County did a study on Salzer Creek because it was looking at mitigation for a DOT project. The study showed that providing only temporary blockage of the Salzer Creek water would still cause water under I-5 to back up all the way into the Miracle Mile. It would not matter if the water was shut off from Salzer Creek - the Chehalis would back up anyway. That would have been part of the Twin Cities Project.

Mr. Mackey asked if the Salzer Creek backwater control had been analyzed and should it be taken off the list. Commissioner Averill stated it had not been solved yet. Lewis County tried to mitigate for 1/10 of one foot rise and it was not worth the money.

Ms. Fund stated that Centralia is working on the home elevation program and whether there are future funds for that program is unknown.

Mr. Swartout stated Thurston County has finished some projects that could come off of the list, such as home elevations and dike removal. This summer the culverts in Oakville will be finished.

Mr. Mackey stated the spreadsheet can be updated. It can go up on the screen and the Board can decide what kind of criteria or other discussion is needed on each project. Mr. White stated he did not see the benefit. There are problem areas in each jurisdiction that have not been discussed with this group.

Mr. Swartout stated the Board should try to find out which projects have cross-jurisdictional benefits and look at regional projects. The Plan is good but it needs to go to the next step: the more that is identified about a project the higher it is ranked for getting it funded.

Mr. Johnson stated that was discussed at the BAC – whether they are local jurisdiction projects or projects that could be funded; whether they have a regional impact or if they cross boundaries. We should identify projects that can be done locally and make sure there are not impacts downstream. If grants are to be applied for then all the cities, counties and the Tribe must buy in so it is easier to get funding than for a jurisdiction applying independently.

Ms. Powe stated some projects keep coming up, such as the Sickman Ford Bridge. Perhaps each jurisdiction could research its own projects and analyze them and bring information back to the next meeting. She stated Rice Road flooding impacts people who live there but we need to look at things that impact more people. Rice Road will eventually need to be addressed.

Mr. Swartout suggested coming up with a plan to open the flood plain and remove built capital that prevents water from moving out. Sickman Ford Bridge might be opened up but what impacts will that have?

Commissioner Averill agreed. It would be helpful to go through the list to see what is local and what is not. There are several projects that are marked “basin-wide”. Salzer Creek is a Lewis County project, and it will not be included in the Corps project.

Mr. Treichler stated the Salmon and Steelhead Conservation Society has projects that have flood risk management built in. A lot of those are culverts. Depending on how much money the SSCS has and how they are scored determines how they go forward. There are other projects being done out there.

Mr. Johnson stated there are some projects that require capital improvements; others that are environmental that provide mitigation. There are sub-categories that could be broken up as well. As an example, there are retention and detention facilities; things that would be sediment management. Within that category there is woody debris. There are bridges that would help move flow, revetments that are required or dikes that are required. Which do we give priority to and who is going to get the funding? A lot of these will be done locally; others will be done within the county and there are other projects that will benefit the entire group.

Mr. White stated it would not work for this group to go through the list. There are some fairly new people here and they won't know. Commissioner Averill stated the BAC doesn't have any more knowledge than other people in the room.

Ms. Fund stated going through the list will let her know what can come off the list and if there is more information needed on other projects. Mr. White stated we don't know – there are no studies.

Mr. Penberth asked what the projects are and who will pay for them. This committee is fractured. The original concept of the Flood Authority was to form a tri-county FCZD. If that is gone he wanted to hear about that. Going over these projects is a wish list and the bottom line is the taxpayers will pay for them. He asked if the Flood Authority is going to go ahead.

Ms. Powe stated this list should have been gone over before. It doesn't take much to determine which projects should be considered. Each jurisdiction can decide if a project should be taken off or done locally.

Mr. Vander Stoep stated a lot of time has been spent on upper basin retention. Hopefully there are projects that would benefit other jurisdictions in the lower basin. Perhaps some of these projects would qualify after you find out if the projects are to mitigate flooding or reduce flooding and then you can discuss who will pay for them. It would help to have a list of projects that fit those qualifications.

Mr. Mackey stated most of the projects would potentially reduce flooding. We need to determine the criteria.

Mr. Vander Stoep stated some people don't know what these projects are. We need to understand if they have been done or need to be looked at later or taken off the list.

Ms. Raines asked if the generator at the fairgrounds would help with the flooding. In the scope of the basin it does not seem like an issue. Mr. Easton stated Mr. Schillinger added it to the list because the fairgrounds are used as a refuge.

The Board went through the spreadsheet, identifying which projects would be local or regional. The spreadsheet is attached to these meeting notes. The asterisk in the fifth column indicates a new project or a project where the name or location was edited.

Listed below are some discussions or comments on particular projects.

- #3 – Mr. Swartout stated that when a development is built and there is extensive impervious surface, a detention pond is built on site to hold the water. That does have a regional benefit: if you can slow down the water as it runs off, there will be less flooding. Mr. Johnson stated while there is a basin-wide benefit it would be a local project. Mr. Swartout agreed.
- #4 – This will be part of the Twin Cities project. The levee had to be built because the dam takes too long to lower and there is not enough forewarning of a storm.
- #8 – Commissioner Averill stated the Sickman Ford Bridge was built incorrectly by Grays Harbor County and this should be a public works project. Mr. Swartout stated it could have regional impacts and a letter from the Flood Authority in support of this project would be helpful to obtain funding.
- #12 – Commissioner Averill stated Lewis County tried to get the Corps interested in this. The Willapa RR berm was not properly maintained and allowed Adna to flood. The Corps did not want to add it to the Twin Cities project. It was looked at as a 205 project under the Corps which is a possibility but Lewis County would need to come up with considerable local funding, approximately \$5-7 million.
- #16 – Mr. Johnson thought there should be two projects: Bank Stabilization, local and basin-wide, and debris removal after a flood, local and basin-wide.

- #34 – The Corps and FEMA should work on this together. It ties in with sediment management, especially with glacially-fed channels. There may be some state help. Is gravel removal a natural resource issue or is it a fish and flood issue? Mr. Swartout stated Thurston County is doing a pilot project like this to see if it can get through permitting.

Commissioner Averill stated the group identified a number of projects as local projects; however from the standpoint of overall how they fit into flood mitigation in the basin they are still part of what the Flood Authority is looking at for basin-wide solutions even though the responsibility and funding are through local jurisdictions. Mr. Mackey thought that rather than removing them there should be a separate list.

Mr. Vander Stoep stated if it is a local project but would provide basin-wide benefit the Flood Authority could help with grant opportunities which would be of great value to a jurisdiction.

Mr. Mackey stated the work session at the next meeting would be available to hear major reports on the fisheries study, early warning system and the PUD. FCS Group's report was e-mailed to the Flood Authority. When the ongoing projects are discussed at the business meeting the Board needs to decide how to use the last two meetings to get some feedback from contractors.

Commissioner Averill stated the current budget would extend Anchor QEA's contract to the end of December. Mr. Mackey stated their contract goes until the end of June. If the budget passes that will allow for re-appropriation of the \$275,000 and if that happens QEA can modify the model to make it more accurate for predicting impacts on fish. There is no guarantee that the money will come through.

Commissioner Averill asked if that shouldn't be done at a regular meeting and Mr. Mackey stated there could be a block of time to do that.

Mr. Mackey asked if the Board would like a more general report on these major projects. Commissioner Averill stated he would like that and he would like the contractors to make a presentations and take questions from the Flood Authority.

Mr. Vander Stoep asked if Mr. Mackey could give the Board a list of options before the next meeting as well as how much time each item might take and then a decision could be made as to when to discuss them. Mr. Mackey stated that would be part of the ongoing projects report.

Ms. Chris Hempleman asked if the legislative funding comes through what happens to Anchor and the contract and how will that get extended? Mr. Mackey stated whatever entity ends up with the money from the state would have the option of re-contracting or extending the contract and defining what the work will be. The problem is that we don't have a capital budget yet so we don't know if there is money or who will get it.

Mr. Johnson stated the BAC could look at the project, make some characterizations and suggestions as to what could be done. If the hydraulic model does not get done then a lot of the other things cannot get done.

Mr. Mackey stated that is a good idea because between the four projects that the Board wants reports on, there should not be a lot of time taken at the next meeting.

Ms. Powe asked that the projects be kept on separate lists. Mr. Mackey stated the BAC will look at the lists and the other four projects. Commissioner Averill asked to have the finished product a week before the next meeting.

#### **4. Adjourn**

The meeting adjourned at 11:42 a.m.

**Chehalis Basin Flood Authority  
Public Meeting  
Lewis County Courthouse  
351 NW North St.  
Chehalis, WA 98532**

**May 19, 2011  
Meeting Notes**

**Board Members Present:** Mark White, Chehalis Tribe; Ron Averill, Lewis County; Julie Balmelli-Powe, City of Chehalis; Edna Fund, City of Centralia; Vickie Raines, City of Montesano; Andrea Fowler, Town of Bucoda; Jim Cook, City of Aberdeen; J Vander Stoep, Town of Pe Ell; Mark Swartout, Thurston County  
**Board Members Absent:** Terry Willis, Grays Harbor County; Dan Thompson, City of Oakville  
**Others Present:** Please see sign in sheets

**Handouts/Materials Used:**

- Agenda
- Meeting Notes from April 21 meeting
- Ongoing Efforts Update
- Early Warning Update
- Draft Amended Flood Authority Interlocal Agreement
- Chehalis Basin Watershed Cooperative Agreement
- Draft of Chehalis Basin Interlocal Agreement
- E-mail from Commission Averill re: Draft ILA

**1. Call to Order**

Mr. Swartout called the meeting to order at 1:30 p.m. and updated the Flood Authority on the status of Chair Willis and Ms. Gray. They went to the hospital following their car accident and were released. They expected to attend the afternoon session but as the day went on their aches and pains increased and they decided to go home. Mr. Swartout presided over the meeting in Chairman Willis' and Vice Chair Valenzuela's absence.

**2. Introductions**

Self-introductions were made by all attending.

**3. Approval of Agenda**

Mr. Swartout asked if there were any corrections or additions to the agenda. Ms. Raines stated she would like to add two items before Item 4, the approval of the meeting notes. She asked that item number 4 would be a request to remove the current Chair and that item number 5 would be to appoint a new chair. Mr. Cook asked to include Commissioner Valenzuela in the new item 4. There were no objections and the agenda was approved.

**4. Request to remove Chair**

Mr. Swartout stated this was Ms. Raines' motion and asked her if she would proceed. Ms. Raines made a motion to remove Commissioner Willis as Chair of the Flood Authority. Mr. Cook seconded the motion.

Mr. Swartout asked for discussion.

Mr. White asked on what grounds was this motion made. Ms. Raines stated one reason was because Chairman Willis was a member of a competing organization, the Chehalis Watershed Cooperative.

Mr. Cook stated he believed Commissioner Willis over-stepped her authority as the Chair of the Flood Authority to create the new organization, utilizing documents that were created for the Flood Authority and using people who created the documents for the Flood Authority. Mr. Cook stated the Flood Authority was built on trust and that trust has been violated by the actions of the Chair and summarily by Commissioner Valenzuela and the Tribe.

Ms. Fowler asked what the difference was between what they did and what was asked of them to do. Ms. Raines asked Ms. Fowler if she had seen the Chehalis Basin Watershed Cooperative Agreement. Ms. Fowler stated she had and continued to say that each county was asked to provide information about what it would do and bring it to this table and now they are being penalized for it.

Ms. Raines stated the municipalities see it as a joint agreement that was made to supersede the Flood Authority. It did not include all of the counties; it excluded Lewis County and it excluded the municipalities. Ms. Raines did not believe that is what they were asked to do.

Ms. Fund stated the majority of the Flood Authority did not know there would be a watershed agreement put together by Thurston County, Grays Harbor County and the Tribe. It came as a great surprise to everyone; it was not a collaborative [agreement]. We were not asked to form another group. We were asked to look at a new ILA (interlocal agreement). This one had no allowance for the municipalities and it was her understanding that most of the cities were not involved when it came up for discussion at the Grays Harbor County Commissioners' meeting.

Ms. Raines stated the City of Hoquiam passed a resolution last week opposing the Watershed Cooperative Agreement and a resolution was passed by the City of Cosmopolis opposing that agreement and one will be voted on by the City of Aberdeen next Wednesday. Ms. Raines has spoken with a total of 7 mayors in Grays Harbor County and none of them agree with what transpired.

Mr. Cook stated a rule of the Flood Authority from the beginning was to come to consensus or in lieu of that then a super majority would rule. That was not done. Commissioner Willis took the Flood Authority's document and the person who drafted it to customize it for her own purposes. She had neither consensus nor a majority. Mr. Cook believed that in an attempt to placate the Tribe she created her own organization.

Ms. Powe stated there is a very diverse group working on a tough problem that will require a lot of give and take. In order to do that there has to be trust. The last meeting of the Flood Authority was to air problems to rebuild the trust and before that meeting Chairman Willis went behind closed doors and instructed people working with her not to share it with the rest of the Flood Authority. There cannot be trust in a group with a leader like that and without trust there is no moving forward. A new leader needs to be selected.

Mr. Swartout stated in a situation like this it is necessary to review the Rules of Procedure. Mr. Swartout read from page 2, section 3, sub-section c. It reads: "Vacancies of an office caused by resignation, removal or expiration of term of any officer during the term of office shall be filled for the



remainder of the term by a majority vote of the Flood Authority". Under "Decision Making" the Rules of Procedure state the meetings will be conducted under Roberts Rules of Order. The Rules of Procedure do not say anything about the removal of an officer. He read from Roberts Rules of Order which indicated the removal of an officer must be for dereliction of duty through a trial, or through resignation.

Mr. Vander Stoep had written instructions on any issue that Pe Ell wanted him to vote on. He read: "Please convey our wishes to have Terry Willis replaced as Chair". Mr. Vander Stoep also had the rules that Mr. Swartout read from; however he interpreted part of them differently. The By-Laws specifically provide for removal of an officer. He agreed that if the rules do not call for removal then there must be a trial. If the By-Laws state a term for the office or contain other wording explicitly indicating that the officer may be removed, which these do, then the election can be rescinded and a successor elected for the remainder of the term. You have provided in your rules that decisions can be made not by 2/3 majority as Roberts calls for but by 60% majority. Roberts only applies where you do not have a rule and you do have a rule. In this case, this decision can be made now without a trial and can be made by 60% of the voting members present.

Mr. White asked how that can be corrected if some do not agree with it.

Mr. Vander Stoep stated if this is the ruling of the Chair then 60% of the members who are present can challenge the ruling of the chair.

Mr. Swartout suggested a five minute recess, asking if there were comments first.

Mr. Cook stated that according to Roberts Rules there is the Good of the Order. If necessary, Mr. Cook's motion could be put under Good of the Order.

Mr. White clarified that the Board is calling for Chairman Willis' removal because she used a private consultant that this group also uses; that she entered into an Interlocal Agreement with other groups –

Ms. Raines stated Chairman Willis entered into a Watershed Cooperative Agreement, and Ms. Raines stated that is different.

Mr. White conceded to that. It was stated that she held meetings behind closed doors. He does not know when those meetings were held because he had not attended any meetings about this.

Mr. Cook asked how the Tribe's name got on the contract. Mr. White stated Mr. Burnett signed the contract; Mr. White never attended a meeting.

Ms. Raines stated she had been informed by another commissioner that the BOCC had been provided the document on the Friday before they called a special meeting and were told they were not to discuss it. She was also informed that the document was provided to Mr. Mackey on the Monday before the Flood Authority meeting and he was to provide it to the governor's office and not to have it available for the Flood Authority members but have it prepared for discussion at Thursday's meeting. At the meeting in March it was very clear that the trust issues had culminated where people were divided and there was a request to discuss the trust issue. The meeting was done under-handedly; they knew the mayors' feelings on the issue and the agreement was still passed.

Ms. Raines stated Commissioner Willis is now a member of the Watershed Cooperative and the Chair of the Flood Authority. She asked if Mr. White did not see that as competing. Commissioner Willis needs to make a choice between the two. Grays Harbor County should be represented at the Flood Authority but it should not be by her.

Ms. Powe stated when she said "behind closed doors" she was speaking figuratively, not stating a fact. She meant the knowledge of the meeting was attempted to be hidden from other parties who should have been notified.

Mr. Cook stated he believed Commissioner Willis broke the interlocal agreement created by the Flood Authority to create another interlocal agreement.

Ms. Fund stated this new organization is also going after the same money that the Flood Authority is going to request. That is competition; how can one person be in both arenas. Article 19 [of the Watershed Agreement] states that when the agreement is signed all previous partnerships are null and void and this is the one the signee belongs to.

Mr. Cook stated the cities have stated continually that they do not want advisory positions and that is what the language states in the Watershed Agreement. That language could not be approved by a 2/3 majority vote of the Flood Authority so the only alternative was to create another document in which the votes did not have to be considered. Mr. Cook did not have an issue with any commissioner creating an interlocal agreement but the way this was done, behind the backs of the majority of this group, and that it has to be accepted as is. The cities have been in the majority on the Flood Authority Board.

Mr. Swartout read a statement from Commissioner Valenzuela. Commissioner Valenzuela believes Commissioner Willis has done an extremely good job in representing the Flood Authority in the legislature which has resulted in continual funding. During Flood Authority discussions she has remained neutral and she has taken a basin-wide interest in flooding issues. She, along with Commissioner Valenzuela, met with Ms. Dolores Lee to learn about the flooding problems in Pe Ell; she has toured the two potential dam sites, flown over the upper watershed to view land management practices, and she went to the Adna area after the 2007 flood to help her business associates that were impacted. Commissioner Willis has over 30 years of personal experience with flooding issues on her farm. She has established good relationships with the key players in the legislature.

Ms. Fund stated she appreciates what Commissioner Valenzuela stated; all of it is true. That is why this has come as such a great surprise. Ms. Fund thought there was teamwork going on only to find out about this new agreement.

Mr. White stated that he did not hear about any dereliction of duties. He stated Commissioners Willis and Valenzuela are the only ones who have gone out to the Tribe to try to get them back to the table. He understands that the rest of the Board would like to see the Tribe gone. Just because the Tribe is not at the table does not mean it is going away; there are a lot of hurdles to get over.

Ms. Powe stated she has never heard any member of the Flood Authority say they want the Tribe gone. We all know the Tribe is an important player; we want them at the table working with us offering suggestions and ideas. She wanted to correct that statement: We have never wanted the Tribe gone.

Mr. Swartout called a recess at 1:57 p.m., reconvening at 2:05 p.m.

Mr. Swartout thanked everyone for their discussions and opinions. Looking at the information provided by Mr. Vander Stoep, it states: "If the By-Laws state a term for the office" but adds "or until the officer's successor is elected or contains any other wording explicitly indicating that the officer may be removed before the term expires, then the election can be rescinded and the successor then elected for the remainder of the term". None of that wording is included in the Rules of Procedure, B, stating the lengths of the terms. In his opinion, that goes back to Roberts Rules of Order which requires a trial to remove the officers.

Mr. Vander Stoep appealed the ruling of the Chair. Commissioner Averill seconded. Mr. Vander Stoep stated the Flood Authority rules expressly provide for removal, explicitly indicating that the officer may be removed before the term expires. To remove the officer obviously carries with it 'before the term expires'. If you wait until they run their term they are not removed.

Mr. Swartout asked for other discussion.

Mr. White disagreed and asked for a legal review. Ms. Fund asked by whom. Mr. White stated he wanted an independent review.

Ms. Raines called for the question. Mr. Swartout asked for a rolling vote on the appeal motion; that each person states his or her name and how he or she votes.

Chehalis Tribe	No
Lewis County	Yes
City of Chehalis	Yes
City of Montesano	Yes
City of Centralia	Yes
Town of Bucoda	No
City of Aberdeen	Yes
Town of Pe Ell	Yes
Thurston County	No

Mr. Swartout stated the vote carried by a simple majority; the motion on the appeal passed.

Mr. Swartout stated the Board would now vote on the removal of Chairman Willis. He asked if there was any other discussion. Mr. Vander Stoep called for the question. Mr. Swartout asked for a rolling vote on this motion.

Chehalis Tribe	No
Lewis County	Yes
City of Chehalis	Yes
City of Montesano	Yes
City of Centralia	Yes
Town of Bucoda	No
City of Aberdeen	Yes
Town of Pe Ell	Yes
Thurston County	No

## 5. Request to elect a new Chair

Mr. Swartout stated the next item on the agenda is to elect a Chair. Ms. Fund nominated Ms. Raines. Ms. Powe seconded.

Mr. Swartout asked for other nominations. Mr. Cook nominated Commissioner Averill. Commissioner Averill declined the nomination.

Mr. Swartout asked for other nominations. There were none. Mr. Swartout asked for a motion to close the nominations. Commissioner Averill made the motion; Mr. Cook seconded. There was no discussion; the motion passed.

Commissioner Averill made a motion to vote by acclamation. Mr. Cook seconded. There was no discussion. The motion passed.

Mr. White stated he still wanted a legal review; he did not agree with the process. It appeared to him that [Commissioner Willis] was removed because someone's feelings were hurt. He did not see where Commissioner Willis was derelict in her duties or violated any laws that constituted removal. He did not agree with the interpretation of the Roberts Rules of Order and asked for an independent ruling on that.

Commissioner Averill stated what the Flood Authority was asked to do was give recommendations on the Interlocal Agreement to Mr. Mackey by a certain date. Instead of coming back with recommendations, what was brought back was a signed agreement between Thurston County, Grays Harbor County and the Tribe: a signed, final agreement. That is not something that can be looked at by the group when the stipulation within that contract was that the others can join if they like under the conditions stated in the agreement. That is not working collegially with the group. It is an attempt to hijack the work of the group and he concurred with removal for cause.

Ms. Powe commented on dereliction of duty. When someone is directly involved with forming an organization that is competing for the same funds for an organization that the same person is chairing, that is a dereliction of duties.

Chairman Raines stated she understood Mr. White's desire for a legal review and he is welcome to have that done. She asked to continue with the Flood Authority's business.

Mr. White stated competing for funds is not a dereliction of duty. He stated all people do it – he sits on three different boards that compete for funds.

#### **6. Request to remove Vice Chair**

Chairman Raines asked Mr. Cook to postpone his motion to the next meeting or until there is more time for discussion. Mr. Cook stated that was fine with the City of Aberdeen.

#### **7. Approval of Meeting Notes from April 21, 2011**

Chairman Raines asked if everyone had an opportunity to review the meeting notes. Mr. Vander Stoep stated he sent a proposed amendment to Ms. Anderson regarding questions and answers between himself and Mr. Karpack. He asked that the following be included in the meeting notes (page 6):

*Mr. Vander Stoep stated that Mr. Karpack's model estimates that filling the entire area behind the airport levee would increase the peak flow at Grand Mound by 1.2 inches in a 2007 size flood. Mr. Vander Stoep asked him that since his model assumes that the entire 385 acres*

*behind the levee was filled when in fact only 70 acres are filled, is it safe to assume that the actual impact of fill at the airport in the 2007 flood was significantly less than an inch and he said "yes."*

Ms. Raines asked if there was a motion to approve the notes with that addition. Ms. Fund made the motion.

Commissioner Averill stated he also had a correction to page 19. About half-way down the page the Board was asked to vote on the motion and the minutes stated that all were in favor with the exception of Mr. White and Commissioner Valenzuela and that the Chair did not vote. Commissioner Averill stated some make an assumption that the Chair cannot vote. There are some cases where a Chair does not vote except to break a tie. That is not the case with the Flood Authority – every member of the Flood Authority represents his or her own government so they have a vote. If the Chair did not vote, Commissioner Averill assumes she abstained.

Ms. Raines asked for amended motion to include that change. Ms. Fund agreed. Mr. Cook seconded the motion. There was no further discussion and the motion carried.

## **8. Public Comments**

There was no public comment.

## **9. Reports**

### **a. Chair's Report**

Chairman Raines stated if Commissioner Willis had been present she would have been asked to share any report she may have had. Chairman Raines stated she looks at the Flood Authority as moving forward stronger and more committed with one another in finding a basin-wide solution. Although she represents the citizens of Montesano, she lives in Cosmopolis and her reason for wanting to serve on the Flood Authority was to represent the taxpayers of Grays Harbor County. She has a fondness for open government and transparency and she hopes to bring that to the table as Chair. She plans to remain neutral as was pointed out earlier in the meeting and she encouraged participation by all parties involved. She stated she was glad that Mr. White was present today and she appreciates his opinions and has never heard that the Tribe was not welcome or wanted.

### **b. Member Reports**

Ms. Powe stated at the last meeting she made a motion to reimburse Mr. Karpack for his attendance at the meeting. She again made the motion. Ms. Fund seconded.

Chairman Raines asked for discussion. Mr. Cook asked what kind of dollar amount was being considered.

Chairman Raines asked if it could be not to exceed \$250. Mr. Mackey stated Mr. Karpack came from Seattle and he generally charges \$185 per hour, which would be about 6 hours for travel time and meeting time plus mileage.

Ms. Powe stated since Mr. Karpack did not intend to charge the Flood Authority she did not feel it was necessary to pay him his full fee. She asked to change the amount to \$400. Commissioner Averill seconded.

Mr. White asked if Mr. Karpack had provided any documentation supporting his presentation. Commissioner Averill stated Mr. Karpack provided handouts and Chairman Raines stated his comments were in the meeting minutes.

Mr. White asked about an analysis to verify the assertions made by Mr. Karpack. Chairman Raines stated if Mr. White did not get handouts at the meeting that they could be provided to him. Mr. White stated there needs to be some kind of analysis otherwise the information cannot be backed up.

Chairman Raines asked Mr. White if he had an issue with reimbursing Mr. Karpack for his time and mileage up to \$400. Mr. White stated that the group who invited Mr. Karpack should pay his expenses.

Chairman Raines asked for other discussion. Mr. Swartout stated if the Board had asked Mr. Karpack to come down it would have been his duty to let the Board know that he would be billing for his time and mileage. Mr. Swartout did not want to set a precedent that if we invite people to the Flood Authority that this sort of thing would continue. There was no other discussion. The motion carried.

### **c. Correspondence**

Chairman Raines stated she had not been provided with any correspondence. Commissioner Averill stated that normally during the course of the month the Chair often does receive correspondence and since Commissioner Willis was unable to attend he suggested putting off correspondence until the next meeting.

Mr. Mackey agreed. He also pointed out that Mr. Keith Phillips did come to the meeting and had another appointment and asked if Mr. Phillips could be moved up on the agenda.

Commissioner Averill made a motion to amend the agenda to hear Mr. Phillips' report. Ms. Fund seconded. The motion carried.

### **10. Capital Budget Update**

Mr. Phillips acknowledged the struggle that the Flood Authority is going through in planning a path to address flooding throughout the Basin. In his view, the struggle is understandable – there are different interests and needs, geography, history, and more. The struggle is evidence of what the Board cares about and thinks is important. The fact that you are still pushing forward is commendable. The Governor asked Mr. Phillips to express her appreciation for the work you are doing.

Mr. Phillips also wanted to compliment the Board on the early warning system, which is catching attention outside of the Basin. There are other basins interested in whether you have found a solution that they might want to take advantage of.

By now Mr. Phillips hoped he could show the Board the money. Unfortunately he cannot do that. On the federal side things are looking worse rather than better. There is still not a spending plan from the Corps. Everything he is hearing is there may not be additional funding on either the General Investigation basin-wide side or on the Twin Cities levee/Skookumchuck dam. They are already talking about what is going to happen in the next federal fiscal year and this project was never in the president's budget; it has always been a matter of your federal delegation earmarking funds and with the cut in the budget there was no balancing process for securing those funds in the current cycle. He does not know about next year.

Up until today, Mr. Phillips heard there might be some previously appropriated and unspent money for the GI work. However, as of this morning he heard that will be spent and zeroed out. The Federal side does not look very promising.

Part of the reason he was willing to come down is because the State side looks a little better today than it did 48 hours ago. 48 hours ago both the state House and state Senate had agreed with the governor to provide both the carryover funding authority and some new capital budget funds to continue work in the Basin. Because the Senate and House were in disagreement on whether the state should borrow any more money there was a stand-off. While the capital budget is needed and useful it is not required. The legislature does not have to adopt a capital budget; it does have to adopt an operating budget to keep the government functioning.

There might be an agreement on the debt, on the borrowing issue, and if that moves forward there might be an agreement on the capital budget. We hope to see both the carry-over money and the proposed new funding to continue the work in Chehalis.

If we do get state funds, Mr. Phillips is expecting the budget bill to have some language in it as to what the legislature wants to have done. Even if they don't or if it is very general language, the governor has said "accountability" – what are you going to do with the money, who is going to do it and when are you going to get it done. Whether it's described in the budget bill or not the first obligation the state has is to sit down with the Basin governments and collectively decide how the funds are to be used and then move forward on who can use them and what the best way is to get it done. If we can decide what we can do with the resources we have, figure out the what, that will often give a clue as to who can do it. The Flood Authority may be talking about it in terms of projects versus governance. As to the "what" Mr. Phillips thinks that we don't know enough to exclude any of the potentially viable projects at this stage. There is a lot of disagreement about that and he is not sure the Flood Authority can say yet what is right and wrong of the major potential projects that are out there. He made that statement because the fish studies are not finished on the upstream retention. There is the impact side of that and the mitigation side of that and that information you need to have before you have the debate on what you want to do. The Corps has not finished a review of whether improvements to the Skookumchuck Dam can be made or not and what they might cost. If they can't what does the levee project mean to downstream communities? That is information we all need to have.

The state is continuing on fallback measures to protect critical structures: the airport, the freeway, access to the hospital. Those details are being worked on and you need to see them so you can take a look at the costs and the implications and what won't get protected if you have to fall back and are unable to access the bigger projects.

There is work that has started up again on riparian and ecosystems approaches to dealing with floods. They are usually site specific and they are not large scale but they can be helpful in certain parts and they can serve multiple purposes. We are moving again on rural setting solutions around livestock protection, around flood easements with agricultural lands, around smaller scale retention or drainage. There are programs for local and federal governments who are interested that are worth looking at. It also might be timely to take a closer look at the role of bridges downstream on the Chehalis in holding back floodwater and creating iterative flooding over the course as you get further down the river.

Mr. Phillips stated he would not presume to tell the Board what the right answer is. Across the table there are proponents of certain of these as the best and right and only answer. He suggested to the

Board that it is too soon to give up, even though there is a hiatus on the federal money and we only have state money. There are still some things that can get done and need to get done for the benefit of the Basin and it's too early to pick a winner.

Who should do the work? The state is authorized to do work with any basin government: federal, tribal, state. We can do the work ourselves or we can provide it to anyone who is going to do the work. Our preference has been to do it through a basin government group. We prefer that there be one basin level government group to work with so that a lot of the decision-making can rest with that broader body. If that is not possible, and Mr. Phillips hopes it is, then the state is not closed to the notion that if this is the money to do this work then who is best to do this work and the state will end up getting involved with multiple groups doing different parts that the legislature has funded. Mr. Phillips expects the funds will be tied at least generally to work in certain parts of the Basin and by necessity the state will respect the jurisdiction where that project is located. We are not going to fund one group to work in someone else's back yard unless there is support and agreement to do that. He hopes there will not be a group working on retention, a group working on levees and so forth, but by necessity the state will not pick a winner and give all the money to one place. It will also not make decisions that overrun the local jurisdiction and authority where the projects are located.

The state is willing to sponsor this conversation and if we can agree on what the money should be used for, then hopefully that will tell us who is in the best place to do that work.

As for next steps, Mr. Phillips thinks it is important to wait until the state budget settles to see what the guidance is, and if the Flood Authority is in agreement, Mr. Phillips is willing to bring the state team to the Flood Authority and to invite federal and Tribal governments to participate and work with you on the money, the guidance and the project list, and have discussions about what should be funded for the next two years. Those will be put into the appropriate paperwork with the appropriate folks to make sure the work will get done. The state's agreement with the Flood Authority ends at the end of June and he hopes there is money and direction to finish starting July 1.

Mr. Phillips asked for questions.

Commissioner Averill stated he appreciated Mr. Phillips coming to the meeting and describing the situation as it develops in the legislature. He is glad that it looks hopeful at this point. The Flood Authority wants to work with the governor's office in the next steps after there is more certainty about what is in the bill.

Ms. Fund stated she would have copies made of Mr. Phillips' statements so they can be shared with the Centralia City Council and others who would like it.

Mr. Vander Stoep asked Mr. Phillips if it would help the state's efforts to have all the key jurisdictions continue their participation in the Flood Authority. Mr. Phillips stated yes. If there is one place where all the basin governments have agreed to come together and participate, if it's advisory, if it's decision-making, if it represents the Basin as a whole that is easiest for the state. That does require agreement between the Basin governments.

Chairman Raines thanked Mr. Phillips for taking the time to talk to the Flood Authority and it will wait to hear from the state on the capital budget.



**d. State Team Report**

Mr. Donahue stated he had nothing to report.

**e. Corps of Engineers Report**

**i. Twin Cities Project**

Mr. Goss stated in Centralia there are a couple of studies going on: an archaeological contract and a contract for the collection of additional economic data to look at the effects of modifications or no modifications to the Skookumchuck Dam. This would be for Grays Harbor County and Thurston County's economic data for structures and costs. The Corps is also looking at modifications to the Dam's downstream effects and what that does to water levels hydrologically. That will be tied in with the collection of additional economic data.

Wetland impacts of the project are being re-evaluated. Initial assessments were done and in some cases there were no rights of entry. Those rights of entry are being procured to do a little more work. There may be a decrease in some of the impacts to wetlands which may result in decreased mitigation costs for the levees.

Cost data is being collected for realignment of the levee in the Fair Grounds area, the land fill area, the game farm, and the Corps is still looking at a potential Dillenbaugh Creek relocation.

For Chehalis, the Corps is negotiating a contract for hydraulic modeling to get without project data for the GI and as it stands now it is an ecosystem only GI study. There should be a revised proposal on Monday with anticipation of awarding a contract in the next month.

Commissioner Averill stated the paper quoted Mr. Goss saying there is an amount of money left in the GI study; he could not recall the amount. Mr. Goss stated he was talking about what happens next year as far as funding goes. The funding is unknown for next year; it depends on what Congress gives to the Corps. According to the federal dollars for basin-wide it is all work in kind for the local sponsor; the federal dollars – the hydrologic modeling contract – will be approximately \$460,000 and he believed there was \$480,000 and labor money will be used this year. There will probably be little or no carry over money. It is not what we have in place now but what will be carried over. We will most likely be zeroed out at the end of this fiscal year.

Commissioner Averill stated the hydraulic project has money in the current capital budget; he did not know that it was intended to come from the GI study. Mr. Goss stated he talked to the State and the Corps is going to pursue that.

Commissioner Averill stated Senator Patty Murray appropriated somewhere around one million dollars for the GI study in 2009-2010. The 2011 appropriation was never approved but we are still looking at a million dollars and he would like a detail of where that money went because this body has never approved work on the GI study from the standpoint of doing a joint flood mitigation and ecosystem restoration project. If the money has all gone to ecosystem restoration then Commissioner Averill would like to know how that happened without this body ever being advised that that was how the money was being spent.

Mr. Goss stated the Corps had done some work with DOE and USGS in 2009 and he can get dollar values and bring those to the next meeting or via e-mail. This year the Corps did not get funding for the GI since there was carry over so nothing materialized for this year for new funds.

Ms. Fund stated in talking to Congresswoman Jaime Herrera-Butler the question was asked if she had a thought to convey to the Corps what it would be. She stated she is very interested in what is happening with the Corps and the Chehalis Basin and she is watching it very closely and supports what the Flood Authority is doing.

Mr. Goss stated there have been meetings with the Colonel and Congresswoman Herrera-Butler's staff and another meeting is set up for next month with one of her staff on both the Twin Cities Project and the Chehalis GI.

Commissioner Averill understands that the state is working on the Twin Cities project. It obviously has the interest of the Flood Authority since it deals with the very center of the river and the I-5 corridor. He thought the PMP had an executive committee that could look at what the Corps is doing. He knows this is being discussed in the governor's office and John Donahue is involved in those discussions, but other than Mr. Goss coming and giving short reports once a month, the Flood Authority knows very little about what is going on with that project. At least the executive committee cited in that report ought to be sitting down and getting more details.

Mr. Goss stated Mr. Donahue had asked to set up meetings that were more of a technical basis but if the Flood Authority would like to suggest an agenda for meetings they should let him know so he can work on that. Commissioner Averill stated that would be looked at and he would get back to Mr. Goss.

#### **f. Lewis County PUD Report**

Commissioner Averill stated he knew that Mr. Muller had stated he had no report but Commissioner Averill pointed out that on April 14 the final Phase 2B study done by EES was sent to the Flood Authority and the Chair chose not to put it on the agenda for whatever reason. Commissioner Averill believed it should go on the agenda so there is an opportunity for EES to present that study to this body.

Chairman Raines asked if the June 16 meeting would be acceptable. Commissioner Averill stated there are four or five things that are hitting the Board that could possibly take up a couple of days rather than just the regularly scheduled meetings. He suggested setting priorities about what the Board wants to hear. There is also the West study, the fish study and FCS Group's report.

Chairman Raines suggested discussing what the best options are for communicating that information, disseminating it and sending it to the rest of the Board via e-mail.

### **OLD BUSINESS**

#### **9. Ongoing Efforts Update**

Mr. Mackey was asked to think about an agenda for next month's meeting with the various items listed on the ongoing efforts update: the flood entity formation, the upstream storage Phase 2B, the early warning system and the fish study. Mr. Mackey was unable to contact all the people involved in those projects to see how much time their presentation would take and if they would be available on June 16. Mr. Mackey suggested getting together with the Board Advisory Committee (BAC) and the other groups. The BAC normally comes up with a draft agenda and once that is done it can go back to the Flood Authority with which people and times are available. It would help Mr. Mackey to know if there is a priority for these four items in case time becomes an issue. He asked for feedback.

Commissioner Averill suggested near the end of the meeting to talk about which ones are the most important to move forward. Chairman Raines stated the Board would come back to that with the confirmation of the next meeting later in the agenda.

Mr. Mackey stated Commissioner Willis often attended the BAC and Mr. Mackey extended the same invitation to Chairman Raines.

Mr. Mackey went through the items on the ongoing efforts update.

Flood Entity Formation: FCS Group has sent out a draft and that is what their scope of work entailed this month. If possible, they would like to have comments by June 3 which will give them time to incorporate comments and have a final document by June 16. If the comments are numerous and require a lot of changes they may not be able to meet that deadline. Most of the information, including the appendices, was previously provided to the Flood Authority so the main document is what needs to be reviewed and would be a good use of the Flood Authority's time.

Mr. Ghilarducci apologized for the numerous e-mails but that was the only way to send it out without having it returned because of the size. The first e-mail is the narrative written report and that is the one that should be printed; that is the new material and it is about 50 pages. If it would be useful he would send paper copies of the narrative. He did not think it would make sense to copy the entire document.

Upstream Storage Phase 2B: When the agenda is put together we will be looking for a report from the PUD and EES on the upstream storage.

Early Warning System: Mr. Mackey had forwarded an update memo for the packets. The question to give some thought to is: the early warning system has put in ten gauges across various counties and there is a contract with the website that was explained in Mr. Curtis' email that was forwarded to the Board. If there is not a corporate municipality to take on the actual ownership and operations then you will be looking to the counties to decide how you will approach both keeping the contract with the web page as well as the operation and maintenance on the gauges themselves.

Commissioner Averill stated as long as the Flood Authority remains and Lewis County is the fiscal agent we do have the municipal corporation to make contracts. Depending on what the budget looks like when the legislature adjourns and if there is money that can be used for this then the Flood Authority could contract through Lewis County. For the longer term, depending on how we evolve, those types of issues would transfer.

Commissioner Averill stated regarding the gauges, all three counties currently have contracts with USGS for gauges that are on the rivers. Those contracts are operations and maintenance contracts to determine who is responsible for providing maintenance and what percentages are paid, etc. The issue of the \$3,000 is a joint issue. He suggested that the gauges themselves should be parceled out to the counties where they are located and picked up as part of their normal contract.

Mr. Swartout stated one of the rain gauges was installed at the Cedar Creek Correctional Facility and it is on DNR land. Thurston County has been asked by DNR to sign a license to be able to use this piece of property. Mr. Swartout stated he looked at the language on the license and it basically has to do with the logging operation and it has nothing to do with maintaining a gauge. Thurston County's Risk Manager has a problem with the indemnification clause. They sent their request for changes back to

DNR. A problem there is that it is a boiler plate license and for them to change it requires a considerable amount of effort through the Attorney General's office. That discussion is ongoing and Mr. Swartout is unsure how it will turn out.

Mr. Swartout stated before he talks to the storm water staff who maintains the gauges, he needs an idea of how much and how often the gauges need maintaining. The report from West states about 16 hours per year for that work. Mr. Swartout's concern was that while the county will pick that up there is no contract because it is not a USGS gauge. He is unsure how the organization (Flood Authority) will pick up any of the contracts with any of the counties or jurisdictions for the other gauges to ensure they are maintained to certain standards.

Commissioner Averill stated Lewis County approved a contract for the data streaming to the satellites through NOAA's GOES program. To whom do the gauges belong? Are they NOAA's or private gauges? Are they rain gauges? Mr. Swartout stated the one he spoke about is a rain gauge.

Commissioner Averill stated we need details regardless of where the gauges are located. Mr. Swartout stated he would keep the group apprised of the details. He will find out if the storm water manager will be able to use storm water fees to pay for it.

Mr. Mackey continued the Ongoing Update with the Fisheries Study. He sent an update in the packets. Anchor's final report is due by June 30 and they are tentatively planning a technical workshop on June 30 at the Veterans Memorial Museum. Notices will go out on that. That is in addition to West coming to the meeting on June 16 to give a general description of the overall program and what can be expected from that report.

Since the fish study contract ends June 30 Anchor knows that all their modeling needs to be done and provide the final report. In their update they have talked about what they could do if the Flood Authority gets an extension for that fish study. They propose that the Flood Authority gets more refined data and update the SHIRAZ model for fish impact predictability. That could be an extension of their current contract or a new one and that decision needs to be made in the future.

Commissioner Averill stated there is money in the capital budget in both the House and Senate versions that provided for an extension of the fish study through the end of the year. Not having that pass in the legislature is Anchor's worst case scenario. Hopefully it does pass and the update can continue. Commissioner Averill stated a major study like this has been going on since September of 2010 and a sub-committee was originally formed to select the contractor and work with that contractor during the course of the study. Unfortunately that sub-committee has never been called on to meet with Anchor QEA. He believed that before the 16<sup>th</sup> the sub-committee should meet with Anchor and have a discussion of where the study stands. He thought Ms. Fund could arrange to have that meeting at the Timberland Library warehouse in Lacey.

Ms. Powe stated the Anchor QEA update talks about a final download of the tidbit loggers and further stated they would be accompanied by Barry Pickernell. She asked the relationship between Mr. Pickernell and the Flood Authority.

Mr. Mackey stated they have put in the tidbit loggers to monitor the data to build the modeling they are currently doing. They said they can leave those in and they can continue to collect data; that the batteries could last up to five years. Mr. Mackey asked if there was anyone who was willing to learn

how to get the data, collect it and continue to do that. The Chehalis Tribe said they would do that and Mr. Gillingham at Anchor is working with Mr. Pickernell of the Chehalis Tribe to do that.

Commissioner Averill stated if there was no objection with the Flood Authority, that even if the Tribe chooses not to continue with the Flood Authority, and since they were on the initial fish sub-committee that they attend that meeting with QEA if they choose to do so.

Mr. Vander Stoep understood the reason why the governor and the legislature wanted to continue the fish study was because Anchor did not get in the river in the summer of last year. He would not want to see money wasted by Anchor trying to do extra work to prepare a report against what might be an artificial date. He made a motion to direct the facilitator to ask Anchor QEA to proceed as if the study will go forward after June 30 to the end of the year. In the event that the legislature does not provide the money then direct them at that time to present the information they have at the end of June.

Ms. Fund seconded the motion.

Mr. Mackey did not think a motion was needed. Mr. Vander Stoep understood Mr. Mackey to say that Anchor is preparing for the worst and they may be doing work to prepare a final report on June 30. Mr. Vander Stoep thinks that would be a waste of money if the study is able to continue until the end of the year.

Mr. Mackey stated he will tell Anchor to proceed as if they will get the extension and that we will know the budget situation within a couple of weeks. Mr. Vander Stoep stated if in the next week or two we find out they will not get the money then they can present what they have on June 30.

Mr. Mackey stated that other than writing the final report, the actual work that is being done will continue and if there is a specific time they need to get back into the river they will do that.

Mr. Swartout asked Mr. Johnson if the budget does not get passed by the end of June, can QEA bill Lewis County work that is accomplished after June 30. He went back to the motion that was made. If they put off doing the final report will there be time to complete a report on June 30.

Mr. Vander Stoep stated the legislature is to be out in seven days. In seven days we will know if the legislature has completed its work or not. If it has not completed its work and not passed the capital budget and it appears they will not by June 10, then Mr. Vander Stoep's motion comprehends that the facilitator can contact Anchor and tell them to wrap up their work and prepare a final report.

Mr. Johnson stated the contract with Anchor ends on June 30 but there is a clause that says it can be extended by mutual agreement. If it wraps up, the contract is over on June 30. If the money is forthcoming and the group continues and Lewis County stays as the fiscal agent then Lewis County would write a supplement to the agreement to extend the time period.

Ms. Powe stated the expenditure review shows \$550,000 in unencumbered funds. Since the funding the state is giving to extend the term is \$275,000, would it be covered? Mr. Johnson stated there are actually only \$402,000 unencumbered funds. His understanding is that the money left over would roll over into the current budget.

Commissioner Averill stated what is unencumbered would roll over into the next budget.

Mr. Johnson stated if we have not encumbered it by June 30 it is gone. Ms. Powe asked if the state budget falls through, could we not encumber that money by June 30.

Mr. Johnson stated it would have to be encumbered by the Flood Authority by the expiration of the current budget money.

Chairman Raines asked for the vote on Mr. Vander Stoep's motion. The motion carried.

#### **11. Discussion of Interlocal Agreements**

Mr. Mackey stated he had pointed out to the previous Chair that there were four agreements that could be discussed: the current Flood Authority contract, under which the Flood Authority is currently operating; the amended contract proposed by Commissioner Averill; the Cooperative Watershed Agreement; and the ILA drafted by FCS.

Ms. Powe stated in the essence of time she thought it would be futile to discuss the Cooperative agreement since we voted that we would not recognize it.

Mr. Cook stated he had not read all of Commissioner Averill's proposal and asked if he could give a brief summary.

Commissioner Averill stated his changes were relatively simple. The old Interlocal had items removed that have been overcome by events: it had either already been done or circumstances changed to the extent that they no longer applied.

Two other changes were made to it. One had to do with voting. There had been expressions that we tend to belabor issues trying to reach consensus and that a way to move business along more quickly would be to vote by a 60% majority. That was added.

Another issue is that when the Flood Authority was originally formed it was limited to 11 jurisdictions with a stipulation that after two years that would be reconsidered. The old ILA requires a majority vote to allow other members to come in. We have seen that some cities in Grays Harbor County may be interested in joining the Flood Authority so that ruling was changed so that new members could be added by a 60% vote.

Chairman Raines asked if there were other issues to discuss on any of the documents.

Commissioner Averill suggested postponing any discussion because of the time. The Flood Authority could take time to review these. Commissioner Averill did receive some comments from Mr. White; some of which he agreed with. He did not think the Flood Authority was at a point where it was ready to form a municipal corporation, which is the model that FCS has provided. There are some counties that are having trouble forming their own Flood Control Zone Districts, much less talking about a basin-wide District. Trying to adopt a model that creates such a body when there does not appear to be a realistic expectation that members of that body will be able to come up with money is probably premature. We need to step down and talk about that. He personally thinks we should continue as we are or modify the current agreement. We have time to talk about the future. We have some funding that comes with this budget to allow us to continue to operate until we create a body. We need to recognize that in one year, or two years at the most, we will have to have an organization that either has

the ability to access money or has agreements that counties and cities will contribute to that body to do projects. We have to talk about how we get to that step.

Chairman Raines agreed. She stated one of the things that was talked about at the last meeting was developing a list of projects, examining those projects, and then figuring out what vehicle best drives them.

Mr. Vander Stoep read other written instructions from the town of Pe Ell. It stated that Pe Ell accepted the ILA drafted by Commissioner Averill. Mr. Vander Stoep made a motion that no further money be spent in the coming month on preparing or modifying the Chehalis River Basin Flood Control Interlocal Agreement that is dated March 23. Ms. Fund seconded the motion. Mr. Vander Stoep was not suggesting comments could not be made on the document; just that no more money be spent on it.

There was no other discussion. The motion carried.

## **NEW BUSINESS**

### **12. Expenditure Review**

Mr. Johnson summarized the expenditures from July 1, 2009 through May 15, 2011. For Governance the total spent during the period of 4/15/11 to 5/15/11 was \$35,525.89 which means there is a little over \$98,000 left out of the funding from the state. For Studies we expended \$90,502.86 with the remaining balance of \$754,414. The unencumbered amount is \$304,360 that could potentially be encumbered prior to June 30.

Total unencumbered funds is \$402,993.97.

Ms. Fund asked how much money might be spent by not going forward with any further work on FCS's Interlocal Agreement. Mr. Ghilarducci stated he is closing out the month on May 20 and he would have an exact remaining budget at that time. FCS is under budget and he believes there will be around \$80,000 or \$90,000 left in the budget. Some of that would be used to finalize the report which would still leave a substantial amount.

### **13. Confirm Next Meeting and Board-Requested Topics**

Chairman Raines stated the next meeting is June 16. If there is no objection, she had previously asked Mr. White if that meeting could be held at the Chehalis Tribe Community Center or the Lucky Eagle Casino. The location will be confirmed at a later time.

Chairman Raines stated in listening to Mr. Phillips' recommendations and being accountable and how money should be spent and by whom, as well as a broader body, she thinks there is a huge amount of work to get done meeting only once a month. She would like to develop some sub-committees, specifically a sub-committee that would cover upper basin projects, one that would cover lower-basin projects and another that would work on government relations, public outreach and education, and an executive committee that could review the interlocal agreements. She hoped the committees could meet and bring recommendations back to the whole Board. If anyone has a desire to sit on any of those committees she asked them to email her. She asked that everyone be respectful of each other and work together to try to get something accomplished basin-wide.

That will be one topic for next meeting as well as a discussion on the interlocal agreements at the morning work session.

Chairman Raines asked for other items.

Mr. Vander Stoep stated he was puzzled by the Facilitator's suggestion that the BAC would meet to prepare an agenda and invite the Chair. He believes it should be the other way around. He made a motion that the Chair have authority to set a time for the BAC consistent with the Chair's schedule. Ms. Fund seconded. There was no discussion. The motion carried.

Ms. Powe asked if the meeting is at the Chehalis Tribe's Community Center or Casino, would that be one longer meeting or if both the business meeting and work session would be there.

Chairman Raines thought both meetings would be there. It is more centrally located for all the members. A question was raised at a meeting in Grays Harbor County about why the meetings were always held in Lewis County. She thought moving the meetings around should be considered. She would also like to have a work shop in an afternoon with an evening business meeting so people who work during the day have an opportunity to attend. That can be discussed further at another time.

Commissioner Averill stated it was never the intent that all the meetings be held in Lewis County. The morning meetings at the Veterans Museum do cost some money; there is no cost for the meetings at the Historic Courthouse, and Lewis County does provide the note taker for the meetings. We have been open to that and we will have to see if the new budget will continue to allow that. The budget has allowed for travel expenses for members of the Board and for the BAC.

Chairman Raines stated the comment she spoke of came from a citizen of Grays Harbor County, not from a Flood Authority member. She did say that the Grays Harbor County Commission meetings are held during the day and there is talk about people wanting to attend.

Commissioner Averill stated with regard to the agenda for the next meeting, he suggested doing both the EES/PUD study and the West study if those two groups are available. There will probably be more time to look at the fish study and Commissioner Averill suggested that in lieu of that coming before the whole body that at least the sub-committee meet with Anchor QEA in June to get an update. He asked that the members look through FCS's report and if they want more discussion with Mr. Ghilarducci that it can be put that on the agenda.

One last item that may need some kind of agreement in June: ESA Adolfsen has been providing the administrative support for the last three years and their contract expires in June. Mr. Mackey is retiring and Mr. Easton is moving to the Seattle ESA office. Commissioner Averill would very much like for Lewis County to be able to provide the administrative support that has been provided by ESA but it cannot. He is sure the other counties cannot do that, either. We need to discuss where we will be going in the next year to get administrative support. It could be that staff could be paid from money that is coming out of the new budget or we let another contract.

Ms. Powe stated she was in favor of changing the location of the meeting and asked that there is some good PR done so the public is aware of the change.



Chairman Raines stated her suggestion was just for the June 16 meeting. At that meeting there can be another discussion about perhaps meeting once a quarter elsewhere, and she agreed that people do need to be made aware of any change.

**14. Adjourn**

There was no further business and the meeting adjourned at 3:37 p.m.