



LAKE WHATCOM WATER AND SEWER DISTRICT
1220 LAKEWAY DRIVE
BELLINGHAM, WASHINGTON 98229

SPECIAL MEETING
OF THE BOARD OF COMMISSIONERS

AGENDA

December 23, 2013


8:00 a.m. – Special Session

1. CALL TO ORDER
2. PUBLIC COMMENT OPPORTUNITY
At this time, members of the public may address the Commission. Please state your name prior to making comments.
3. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA
4. CONSENT AGENDA
5. SPECIFIC ITEMS OF BUSINESS:
 - A. Master Fees and Charges Schedule Update – Resolution #798
 - B. Administrative Code Update – Resolution #799
 - C. Disposal of Surplus Items
 - D. Whatcom Water District's Caucus Procedural Agreement
 - E. Interim Legal Counsel Service Agreements
6. OTHER BUSINESS
7. MANAGER'S REPORT
8. PUBLIC COMMENT OPPORTUNITY
9. Contract Negotiations/Potential Litigation (Executive Session per RCW 42.30.110(i) – 30 Minutes)
10. ADJOURNMENT



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	December 16, 2013		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL 		
MEETING AGENDA DATE:	December 23, 2013		
AGENDA ITEM NUMBER:	5.A.		
SUBJECT:	Master Fees and Charges Schedule Update		
LIST DOCUMENTS PROVIDED ⇒	1. Resolution #798		
NUMBER OF PAGES	2.		
INCLUDING AGENDA BILL:	3.		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL/ OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

In conjunction with updating the Administrative Code, staff has also updated the Master Fees and Charges Schedule by adding a section entitled "Violations of Administrative Code" shown on page 8 of the schedule. A duplicate billing fee has also been added. Other fees and charges have been amended as follows:

1. Increase Equipment Rental and Labor Rates.
2. Change Wilson Engineering Consultation to Current hourly rate + 10%.
3. Delete outdated Information Reproduction Fees including meeting minutes, meeting packets (now available on the District's web site) and video tapes.

FISCAL IMPACT

Not applicable at this time.

RECOMMENDED BOARD ACTION

To review, discuss and adopt Resolution #798.

PROPOSED MOTION

To adopt Resolution #798 as presented

LAKE WHATCOM WATER AND SEWER DISTRICT

RESOLUTION No 798

A Resolution of the Board of Commissioners
Updating the Master Fees and Charges with Schedule #21
Effective January 1, 2014

WHEREAS, the District needs to periodically adjust its fees and/or charges to better reflect the actual cost of services rendered,

WHEREAS, the District desires to update the Master Fees and Charges Schedule as follows:

1. Increase Equipment Rental and Labor Rates to reflect current costs.
2. Update Wilson Engineering Consultation to Current hourly rate + 10%.
3. Deletion of obsolete Information Reproduction Fees; meeting minutes, meeting packets and video tapes.
4. Add duplicate billing fee.
5. Add Section #48 Violations of Administrative Code.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The District adopts the fees and charges as set forth in Schedule #21, attached hereto and incorporated herein by this reference as if fully set forth.
2. This schedule replaces schedule #20

ADOPTED by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington, at a Regular Meeting thereof, on the 23rd of December 2013.

Leslie Mc Roberts, Commissioner

Deborah Lambert, Commissioner

Todd Citron, Commissioner

Laura Weide, Commissioner

John W. Millar, Commissioner

Approved as to form, District legal counsel

MASTER FEES AND CHARGES
SCHEDULE #21
Effective December 23, 2013 (Resolution 798)

Item	Administrative Fees	Fee/Charge	Reference
1.	Equipment Rental, Hourly		
	Air Compressor–Ingersol/Rand 185 CFM Diesel	\$20.00	Resolution 798
	Backhoe – John Deere 580D	\$45.00	Resolution 798
	Boom Truck – 6,000 Pound	\$30.00	Resolution 798
	Combination Vacuum/Flush Truck	\$100.00	Resolution 798
	Sewer Camera Van	\$75.00	Resolution 798
	Dump Truck – 2-Yard	\$25.00	Resolution 798
	Dump Truck – 5-Yard	\$45.00	Resolution 798
	Equipment Trailer – 14,000 Pound	\$15.00	Resolution 798
	Flush Truck	\$65.00	Resolution 798
	Portable Engine Pump – 600 gpm @130-Feet	\$40.00	Resolution 798
	Portable Generator – 75 kw	\$45.00	Resolution 798
	Portable Generator – 250 kw	\$85.00	Resolution 798
	Tanker Truck – 3,000 Gallon	\$75.00	Resolution 798
	Tool Truck	\$20.00	Resolution 798
2.	Information Reproduction		
	Digital Recording - Board Meeting	\$35.00	Resolution 680
	Tape, video	\$50.00	Resolution 680
	Minutes, Board meeting, annual subscription	\$35.00	Resolution 680
	Minutes, Board meeting, individual meeting	No charge	Resolution 680
	Packet, Board meeting, annual subscription	\$180.00	Resolution 680
	Packet, Board meeting, individual meeting	\$15.00	Resolution 680
	Document – standard size – less than 10 pages Standard size is 8.5 x 11 or 8.5 x 14 or 11 x 17	No charge	Resolution 680
	Document – standard size –more than 10 pages	.15 per page	Resolution 717
	Document – non-standard size – deposit	\$50.00	Resolution 680
	Document – non standard size – reproduction	Cost	Resolution 680
3.	Labor, Hourly		
	Accounting Clerk	\$34.00	Direct Labor Costs
	Accounts Payable/Payroll	\$38.00	
	Accounts Receivable	\$38.00	
	Administrative Assistant	\$46.00	
	Construction Engineer	\$53.00	
	District Engineer	\$71.00	
	Engineering Technician	\$42.00	
	Finance Manager	\$62.00	
	General Manager	\$80.00	
	Maintenance Electrician	\$53.00	
	Maintenance Supervisor	\$57.00	
	Maintenance Worker	\$42.00	
	Utility Systems Support Specialist	\$42.00	
	Water Treatment Plant Operator	\$46.00	
	Wilson Engineering Consultation	Current hourly rate + 10%	Resolution 798
4.	Document Recording Fees		
	Document Recording	\$105.00	Resolution 753
	Lien Record/Release	\$150.00	Resolution 756

MASTER FEES AND CHARGES
SCHEDULE #21
Effective December 23, 2013 (Resolution 798)

	Transfer, real estate closing	\$100.00	Resolution 704
	Segregation of assessment	\$100.00	Resolution 680
	Assessment transfer	\$250.00	Resolution 680
5.	Payment return item	\$40.00	Resolution 744
6.	Web/Phone Pay Convenience Fee		Board Meeting 5/27/09 + Resolution 753
	E-check Transaction	\$1.00 each	
	Credit or Debit Card Transaction	\$2.00 each	
7.	Duplicate Bill Fee-Per Billing Period	\$1.00 each	Resolution 798

Item	Billing – SEWER SERVICE		Fee/Charge	Reference
	Regular Customer Charge Per Billing Cycle - Sewer			
8.	Effective January 1, 2009			
	Billing Cycle Charge		\$109.32	Resolution 747
	Account Charge	\$6.39		
	Volume Charge per dwelling unit	\$102.93		
9.	Effective January 1, 2010			
	Billing Cycle Charge		\$120.25	Resolution 747
	Account Charge	\$7.03		
	Volume Charge per dwelling unit	\$113.22		
10.	Effective January 1, 2011			
	Billing Cycle Charge		\$125.66	Resolution 747
	Account Charge	\$7.35		
	Volume Charge per dwelling unit	\$118.31		
11.	Effective January 1, 2012			
	Billing Cycle Charge		\$131.31	Resolution 747
	Account Charge	\$7.68		
	Volume Charge per dwelling unit	\$123.63		
12.	Effective January 1, 2013			
	Billing Cycle Charge		\$137.22	Resolution 747
	Account Charge	\$8.03		
	Volume Charge per dwelling unit	\$129.19		
13.	Effective January 1, 2014			
	Billing Cycle Charge		\$141.34	Resolution 774
	Account Charge	\$8.27		
	Volume Charge per dwelling unit	\$133.07		
14.	Effective January 1, 2015			
	Billing Cycle Charge		\$145.58	Resolution 774
	Account Charge	\$8.52		
	Volume Charge per dwelling unit	\$137.06		
15.	Late Fee Refundable if late due to District staff error or circumstances beyond customer's control (General Manager's approval required)		10% of past due utility services balance	RCW 57.08.081(3)
16.	Bulk sewage disposal		\$100.00 + 0.0018/gallon	Latest actual bill from COB

MASTER FEES AND CHARGES
SCHEDULE #21
Effective December 23, 2013 (Resolution 798)

Item	Billing – WATER SALES	Fee/Charge	Reference
	<i>Regular Customer Charge Per billing cycle – up to 600 cubic feet of water</i>		
17.	5/8 x 3/4 Inch Meter		
	Effective January 1, 2011	\$38.65	Resolution 747
	Effective January 1, 2012	\$42.13	Resolution 747
	Effective January 1, 2013	\$45.92	Resolution 747
	Effective January 1, 2014	\$50.05	Resolution 774
	Effective January 1, 2015	\$52.55	Resolution 774
18.	1 Inch Meter		
	Effective January 1, 2011	\$48.52	Resolution 747
	Effective January 1, 2012	\$52.89	Resolution 747
	Effective January 1, 2013	\$57.65	Resolution 747
	Effective January 1, 2014	\$62.84	Resolution 774
	Effective January 1, 2015	\$65.98	Resolution 774
19.	1½ Inch Meter		
	Effective January 1, 2011	\$66.64	Resolution 747
	Effective January 1, 2012	\$72.64	Resolution 747
	Effective January 1, 2013	\$79.18	Resolution 747
	Effective January 1, 2014	\$86.31	Resolution 774
	Effective January 1, 2015	\$90.63	Resolution 774
20.	2 Inch Meter		
	Effective January 1, 2011	\$84.77	Resolution 747
	Effective January 1, 2012	\$92.40	Resolution 747
	Effective January 1, 2013	\$100.72	Resolution 747
	Effective January 1, 2014	\$109.78	Resolution 774
	Effective January 1, 2015	\$115.27	Resolution 774
21.	3 Inch Meter		
	Effective January 1, 2011	\$163.74	Resolution 747
	Effective January 1, 2012	\$178.48	Resolution 747
	Effective January 1, 2013	\$194.54	Resolution 747
	Effective January 1, 2014	\$212.05	Resolution 774
	Effective January 1, 2015	\$222.65	Resolution 774
22.	4 Inch Meter		
	Effective January 1, 2011	\$225.46	Resolution 747
	Effective January 1, 2012	\$245.75	Resolution 747
	Effective January 1, 2013	\$267.87	Resolution 747
	Effective January 1, 2014	\$291.98	Resolution 774
	Effective January 1, 2015	\$306.58	Resolution 774
23.	Usage Over 600 Cubic Feet		
	Effective January 1, 2011	\$0.0488/cf	Resolution 747
	Effective January 1, 2012	\$0.0532/cf	Resolution 747
	Effective January 1, 2013	\$0.0580/cf	Resolution 747
	Effective January 1, 2014	\$0.0632/cf	Resolution 774
	Effective January 1, 2015	\$0.0664/cf	Resolution 774
24.	Late Fee – One removal per account per year with General Manager's approval.	10% of past due utility services balance	Resolution 766 RCW 57.08.081(3)

MASTER FEES AND CHARGES
SCHEDULE #21
Effective December 23, 2013 (Resolution 798)

Item	Miscellaneous Water Charges	Fee/Charge	Reference
25.	Water Interruption - Voluntary		
	Close/lock curb stop valve <u>With</u> billing suspension		Resolution 661
	During normal business hours	\$150.00	
	Outside normal business hours	\$175.00	
	Unlock/reopen curb stop valve <u>With</u> billing suspension		Resolution 661
	During normal business hours	No charge	
	Outside normal business hours	\$150.00	
26.	Close/lock curb stop valve <u>Without</u> billing suspension	\$50.00	Resolution 661
	Unlock/reopen curb stop valve <u>Without</u> billing suspension		Resolution 661
	During normal business hours	No charge	
	Outside normal business hours	\$150.00	
27.	Water interruption - Involuntary		
	Delinquent Account		Resolution 661
	Close/lock curb stop valve	\$50.00	
	Unlock/reopen curb stop valve		
	During normal business hours	No charge	
	Outside normal business hours	\$150.00	
28.	Water interruption - Other		
	Failure to comply with emergency order	Same as above	Resolution 661
	Failure to eliminate cross connection	Same as above	
	Failure to repair leak	Same as above	
	Request of agency/higher authority	No charge	
	Visible leak in vacant building	No charge	
	Disaster or calamity	No charge	
29.	Unauthorized Lock Removal Fee When customer cuts or removes lock from meter without District authorization.	\$150.00	Resolution 726
	Damaged Meter If meter damaged by the customer	Material and labor to repair meter + \$150.00	Resolution 726
30.	Clear obstructed water meter after request to customer to remove is refused	\$50.00	Board meeting 11/10/99
31.	Hydrant meter, fire hose, fittings		
	Equipment rental – single continuous use	\$35.00	Board meeting 11/10/99
	Bulk water purchase with hydrant meter	\$0.0357/cf	Resolution 696

MASTER FEES AND CHARGES
SCHEDULE #21
Effective December 23, 2013 (Resolution 798)

Item	Developer Extension Agreements	Fee/Charge	Reference
32.	Initial Fees		
	Application – Good for 60 days	\$300.00	Resolution 680
	Conformance Deposit	\$1,000.00	Resolution 680
	General Administration	\$750.00	Resolution 680
33.	Final Design Review		
	District Engineer	Cost + 2%	Resolution 680
34.	Design Review and Inspection*		
	Initial Deposit	\$5,000.00	Resolution 680
	Supplemental Deposit	\$2,000.00	Resolution 680
35.	Contract noncompliance	Cost + 2%	Board Meeting 5/14/97
36.	Latecomers Reimbursement Agreements, Reimbursement processing	\$185.00 per connection	Board Meeting 6/10/09 + Resolution 753
37.	Special Agreements	Cost + 2%	Board Meeting 5/14/97
38.	Third Party Claims	Cost + 2%	
39.	Time Extension		
	Before expiration date	\$250.00	
	After expiration date	\$750.00	

*The name of this fee was changed from Facilities Inspection to Design Review and Inspection deposit. Reference April 11, 2007 Minutes

MASTER FEES AND CHARGES
SCHEDULE #21
Effective December 23, 2013 (Resolution 798)

Item	Permitting			Fee/Charge		Reference
40.	Water Permit					
Water General Facilities & Installation	Meter Size	Continuous Flow Rating (GPM)	Meter Capacity Ratio	Permit Fee	Installation	Resolution 747 Effective 1/1/2009
	5/8 x 3/4	15	1	\$4,110.00	\$700.00	
	1"	30	2	\$8,220.00		
	1.5"	75	5	\$20,550.00		
	2"	120	8	\$32,880.00	\$4,200.00	
	3" Compound	330	22	\$90,420.00		
	4" Compound	440	29.33	\$120,546.30		
41.	Permit administration and processing				\$40.00	Board Meeting 1/30/03
	Initial Water Inspection				\$25.00	Resolution 667
	Subsequent Water Inspection				\$75.00	Board Meeting 8/16/96
42.	Water Permit – Special Charges					
	Agate Heights Water Latecomer's Fee – Class A				\$9,860.38	Giesbrecht
	Agate Heights Water Latecomer's Fee – Class B				\$2,129.12	Evergreen View Vent
	Agate Heights Water Latecomer's Fee – 10" Well				\$227.12	NS Well Users Group
	Columbus Street Water Latecomer's Fee				\$528.50	Pennington
	North Shore and Eagleridge/COB Reimbursement				\$300.00	6/10/88 Agreement
43.	Sewer Permit					
Sewer General Facilities	Meter Size	Meter Capacity Ratio		Permit Fee	Installation	Resolution 747 Effective 1/1/2009
	5/8 x 3/4	1		\$5,201.00	To be done by Owner's Bonded Side Sewer Contractor	
	1"	2		\$10,402.00		
	1.5"	5		\$26,005.00		
	2"	8		\$41,608.00		
	3" Compound	22		\$114,422.00		
	4" Compound	29.33		\$152,545.33		
44.	Service Installation – If District installed stub exists				\$755.00	
	Permit Processing				\$40.00	
	Initial Sewer Inspection				\$75.00	
	Subsequent Sewer Inspection				\$100.00	
45.	Sewer Permit – Special Charges					
	Agate Heights Sewer Latecomer's Fee				\$1,077.46	Sunny Cove Ct Sew Ext
	Sewer Collection Special Benefit Fee				\$6,000.00	Board Meeting 8/29/03
	ULID #18 Latecomers Fee – see table, next page				See table	Resolution 672
46.	Other Sewer Charges					
	Grinder Pump Installation – Customer own/maintain				\$150.00	Resolution 645
	Review waiver of claim agreements for customer owned side sewers with less than 2% slope				\$50.00	Resolution 645
	Unauthorized Connection to Sewer					
	Investigation, testing, inspection				\$500.00	Resolution 645
	Repair and correction				Cost + 2%	Resolution 645
	Disconnect monitoring/enforcement after 90 days				\$25.00/day	Board Meeting 8/29/03
	Voluntary sewer service interruption					
	Permit to install two-way clean out				Permit processing & inspection fee	
	Suspend billing – insert plug into side sewer				\$250.00	Resolution 709
	Resume billing/remove plug /business hours				No charge	
	Resume billing/remove plug/after business hrs				\$150.00	

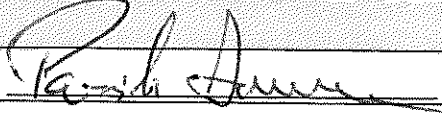
MASTER FEES AND CHARGES
SCHEDULE #21
Effective December 23, 2013 (Resolution 798)

47. ULID #18 LATECOMER FEE				
Year	Equivalent to Assessment	Latecomer Penalty	Total	Reference
2003	\$2,792.78	\$265.31	\$3,058.09	Resolution 672
2004	\$2,792.78	\$530.63	\$3,323.41	
2005	\$2,792.78	\$795.94	\$3,588.72	
2006	\$2,792.78	\$1,061.26	\$3,854.04	
2007	\$2,792.78	\$1,326.57	\$4,119.35	
2008	\$2,792.78	\$1,591.88	\$4,384.66	
2009	\$2,792.78	\$1,857.20	\$4,649.98	
2010	\$2,792.78	\$2,122.51	\$4,915.29	
2011	\$2,792.78	\$2,387.83	\$5,180.61	
2012	\$2,792.78	\$2,653.14	\$5,445.92	
2013	\$2,792.78	\$2,918.46	\$5,711.24	
2014	\$2,792.78	\$3,183.77	\$5,976.55	
2015	\$2,792.78	\$3,449.08	\$6,241.86	
2016	\$2,792.78	\$3,714.40	\$6,507.18	
2017	\$2,792.78	\$3,979.71	\$6,772.49	
2018	\$2,792.78	\$4,245.03	\$7,037.81	
2019	\$2,792.78	\$4,510.34	\$7,303.12	
2020	\$2,792.78	\$4,775.65	\$7,568.43	
2021	\$2,792.78	\$5,040.97	\$7,833.75	
2022	\$2,792.78	\$5,306.28	\$8,099.06	
NOTE: As described in Resolution 672, ULID #18 Latecomer Charges were created to put parcels not assessed on the same footing as those that were assessed for the ULID. Assessed parcels could, and many did, prepay their assessments. To provide the same opportunity for non-assesd parcels, prepayment of ULID 18 Latecomer Charges will also be accepted. Therefore, paid in full ULID Latecomer Charges satisfy the ULID Latecomer Charges permanently.				
48. VIOLATIONS of Administrative Code				Resolution No. 798
Labor	Staff hourly rates – See page 2			
Equipment use	Hourly rate – See page 2			
Materials	Cost of materials used			
Attorney's Fees and Expenses	Reimburse District's Costs			
Administrative Fee	10% of total expenses			
Any person who violates any provision of the Administrative Code shall be liable to the District for any expense, loss, damage, cost of inspection or cost of correction incurred by the District by reason of such violation, including any expenses and attorney fees incurred by the District in collecting from such person of such loss, damage, expense, cost of inspection or cost of correction, plus an administrative fee equal to 10% of the total expenses. (Administrative Code Section 3.3.1 Liability to District)				



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	December 16, 2013		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL 		
MEETING AGENDA DATE:	December 23, 2013		
AGENDA ITEM NUMBER:	5.B.		
SUBJECT:	Administrative Code Update		
LIST DOCUMENTS PROVIDED ➡	1. Resolution #799		
NUMBER OF PAGES	2.		
INCLUDING AGENDA BILL:	3.		
TYPE OF ACTION REQUESTED	RESOLUTION <input checked="" type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL/ OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

At the December 11, 2013 Meeting, the Board was given copies of the Administrative Code with the proposed changes marked. Legal counsel subsequently wrote Resolution #799 with the updates listed by section. See Resolution 799, attached

NOTE: While updating the Code, it was discovered that Section 6 - State Environmental Protection Act (SEPA) of the Administrative Code is outdated. Rather than taking the extensive time to update this complex section now, staff proposes to go ahead with the changes that are ready for consideration. Legal counsel will prepare a new SEPA resolution to replace the outdated one in the near future.

FISCAL IMPACT

Not applicable at this time.

RECOMMENDED BOARD ACTION

To adopt Resolution 799 updating the Administrative Code as presented or to make further amendments.

PROPOSED MOTION

To adopt Resolution 799 updating the Administrative Code as presented.

LAKE WHATCOM WATER AND SEWER DISTRICT

RESOLUTION No 799

A Resolution of the Board of Commissioners amending its Administrative Code concerning fees, charges and administrative penalties for violations, adopting a dispute resolution provision, amending provisions for contractor suspension, expanding use of the small works roster for public works projects, and adopting an updated master fees and charges schedule

WHEREAS, the District adopted a revised administrative code by Resolution No. 786 in December, 2011;

WHEREAS, the District now wishes to adopt changes to its connection charges, permit fees, water leak adjustment policy, repeat violation penalty, various other fees or charges, eliminate provisions for administrative appeals and adopt a dispute resolution policy instead, and expand use of the small works roster as permitted by state law,

NOW, THEREFORE, BE IT RESOLVED THAT the following amendments to the Administrative Code should be adopted:

1. Definition of Connection Charge

Section 3.1.11, defining "Connection Charge," is hereby amended to read as follows:

"The current total monetary charge for general facilities charges, ULID or latecomer fees, as well as an administrative charge (permit fee), that developers or other property owners pay to the District for system capacity. The Connection Charge is applicable for the calendar year issued. Thereafter shall be subject to such additional or higher fees as may thereafter be due, if such additional or higher fees are adopted by the District and the water and/or sewer connection(s) have not been inspected and accepted by the District."

2. Definition of Permit Fee

Section 3.1.39, defining "Permit Fee", is hereby amended to read as follows:

"The permit administration and processing fee. The permit fee is a component of the Connection Charge."

3. Liability to District

Section 3.3.1, "Liability to District" is hereby amended to read as follows:

"Any person who violates any provision of this Code shall be liable to the District for any expense, loss, damage, cost of inspection or cost of correction incurred by the District by reason of such violation, including any expenses and attorney fees

incurred by the District in collecting from such person of such loss, damage, expense, cost of inspection or cost of correction, plus an administrative fee equal to 10% of the total expenses. For more information, see the Master Fees and Charges Schedule."

4. Repeat Violation Penalty

Section 3.3.4, "Repeat Violation Penalty", is hereby amended to read as follows:

"A person who repeats a violation shall be subject to a penalty as set forth in the Master Fees and Charges Schedule.

"A person who fails to correct a violation within the time limit provided in the Notice of Violation, shall be subject to a penalty as set forth in the Master Fees and Charges Schedule, from the date of the time limit provided in the Notice of Violation.

"Each day that a violation of this Code continues may be deemed a separate violation."

5. Permit Fees

Section 3.5.1, "Permit Fees", is hereby amended to read as follows:

"At the time the Water and/or Sewer Permit is applied for, the applicant shall pay to the District, or its designated representative, the Permit Fee in accordance with the District's current Master Fees and Charges Schedule. The Permit Fee is a component of the connection charge. Water and/or Sewer Permits are not transferable, nor are the fees or charges paid for them refundable."

6. Connection Charges

Section 3.5.2, "Connection Charges", is hereby amended to read as follows:

"Property owners seeking to connect serviceable properties to the District's water and/or sewer system will be charged a connection fee so that they will bear an equitable share of the cost of the existing system and the cost of facilities planned for construction within the next ten years. Connection charges shall be in accordance with the District's current Master Fees and Charges Schedule and shall be collected prior to the issuance of a permit for the connection. The connection charge is applicable for the calendar year issued. Thereafter shall be subject to such additional or higher fees as may thereafter be due, if such additional or higher fees are adopted by the District and the water and/or sewer connection(s) have not been inspected and accepted by the District."

7. Water Leak Adjustments

Section 3.7.7, "Water Leak Adjustments", is hereby amended to add a sentence following the first sentence of the second paragraph, to now read as follows, in its entirety:

"The District will adjust high customer water bills resulting from in-ground service line breaks between the water meter and the entry point of service into the

building. The leak adjustment request must be made in writing by the property owner and include evidence the leak is now repaired either by enclosing a paid invoice or a receipt for repair parts. If there are no invoices or receipts available, a written assertion that the leak is now repaired is acceptable.

"Water consumption figures from the same billing period in the previous year are used to calculate the leak adjustment. If less than one year's usage history exists, the current base rate allowance will be used as a non-leak quantity basis. The District will credit qualifying leak adjustment dollar amounts to the current or next customer bill. There is no cap to limit the customer's costs.

"Water leak adjustments are limited to one adjustment per account per year. The leak adjustment applies to one billing cycle only. When a leak occurs the overage may show up on more than one consecutive billing cycle. The District will adjust the higher usage billing cycle to assure that the customer receives the highest possible adjustment. This adjustment will be made at the request of the property owner. Late charges on the leak amount will be waived if the customer adheres to a prearranged payment schedule."

8. Administrative Appeals and Dispute Resolution

Section 3.7.4 of the Administrative Code, providing for an appeal to the Board of Commissioners is hereby deleted and the sections following are renumbered. An additional section 3.9 is hereby added to the Administrative Code, titled "Dispute Resolution", to read as follows:

"3.9.1 Appearance Before Commission

"Any Customer or other person who believes that he/she has been wrongfully treated by a decision of the District may have that decision reviewed by the District's Board of Commissioners.

"3.9.2 Binding Decision

"The decision of the Commissioners shall be a final decision of the District.

"3.9.3 Appearance Request

"A request for an appearance before the Commission must be made a minimum of eight (8) business days prior to the desired Commission meeting by the Customer or by someone with legal authority to act on the Customer's behalf. Each appearance request should include a description of both the decision to be reviewed and the relief requested. The District may require that the request be in writing. The Customer's request must be directed to the Board of Commissioners, or General Manager at the District's office located at 1220 Lakeway Drive, Bellingham, Washington 98229.

"3.9.4 Appearance Date

"The General Manager will set the date for the appearance within ten (10) business days after the hearing request is received by the General Manager.

Unless otherwise indicated, the hearing will be held at the District's Lakeway Drive office.

"3.9.5 District's Action Stayed Pending Receipt of the Requested for Appearance

"If a Customer:

"(a) contacts the District within eight (8) business days after receiving notification, whether written or oral, of a decision of the District; and (b) informs the District that he/she intends to request an appearance before the Commission to review that decision; the District will stay the action which would have been taken unless to do so would cause substantial disproportionate harm to the District or its customers. The stay will remain in effect for six (6) business days or until receipt of a formal request for an appearance, whichever is earlier. Upon receipt of a formal request for an appearance the District will stay the action through the appearance absent substantial disproportionate harm.

"3.9.6 Performance Pending Hearing

"All obligations which are not the subject of the dispute to be decided by the Commission shall be performed by the District and/or the Customer. This shall include, in the case of a dispute over amounts to be paid, the payment of all non-disputed amounts.

"3.9.7 Failure to Appear

"If a customer fails to appear before the Commission within thirty (30) minutes after the time set for the appearance, the Customer will be in default and the Commission shall decide the disputed matter in favor of the District. If the Customer fails to appear, the Customer's request for another appearance will not be granted unless the failure to appear was caused by an emergency or because of the occurrence of an unforeseeable circumstance or event, which shall be determined by the General Manager. In such case, the subsequent appearance must be held within ten (10) business days of the original hearing.

"3.9.8 Continuance

"Any request for a continuance shall be made to the General Manager, which shall grant such continuance only in the case of an emergency or because of the occurrence of an unforeseeable circumstance or event.

"3.9.9 Representation

"A Customer may represent himself/herself or may be represented by an attorney. If the Customer is to be represented by an attorney, the Customer must inform the District of that fact at the time the request of an appearance is delivered to the District, or if the services of an attorney are procured later, then as soon as such representation is arranged.

"3.9.10 Evidence

"The Commission may consider evidence which will assist the Commission in reaching a decision. Information that is irrelevant and unduly repetitious may be excluded. Documentary evidence may be received in the form of copies of excerpts. Each party shall have the right to ask questions of persons who make statements at the appearance.

"3.9.11 Legal Authority

"The Commission shall apply as the first source of law District Resolutions Code and Regulations. If District authority fails to adequately address the situation, the Commission shall resolve the issue(s) based upon the legal authority and reasoning available, including that found in the state and federal constitutions, statutes, and court decisions.

"3.9.12 Review of District Action

"If the dispute involves a question of whether the Customer is indebted to the District, the District must establish the Customer's obligation by a preponderance of the evidence. If the dispute involves a question of whether a District decision is inconsistent with the regulation of the District, the Customer must establish by clear cogent and convincing evidence that the decision is not supported by the facts and circumstances."

9. Meter Failure

Section 4.3.5, "Meter Failure", is hereby amended to read as follows:

"In the event of a meter failing to register properly, the user shall be charged an estimate of the consumption from whatever may be considered the most reliable data or method available to the District utilizing the average rate of consumption for the previous twelve (12) months."

10. Water Service Tampering, Diversion or Unauthorized Connections

Section 4.4.5, "Water Service Tampering, Diversion or Unauthorized Connections", is hereby amended to read as follows:

"Any person knowingly and maliciously damaging or tampering with District meters and other equipment, reconnecting a previously disconnected meter for the purpose of restoring utility service or tampering with any District equipment with the intent of defrauding or illegally diverting utility service shall be subject to prosecution in accordance with Chapter 9A.56 RCW (Theft and Robbery). In addition, in the event of unauthorized connection the District may collect from the customer the charge for estimated unmetered water, the cost of facility repairs and replacement including the time and expense of District personnel, administrative costs, attorney's fees, and other costs authorized or awarded. All unauthorized water service connections will be disconnected immediately upon discovery."

11. Failure to Connect to the Public Sewer

Section 5.1.4, "Failure to Connect to the Public Sewer", is hereby amended to add a paragraph concerning the sewer service charge, and read in its entirety as follows:

"Owners of on-site sewage disposal systems (OSSDS) which fail to connect to the public sewer system as required by Title 5.1.3 within 60 months after sewer becomes or became available for hook up as determined by District and within 12 months after date of mailing or personal service of notice that sewer is available are subject to all of the following:

1. Sewer Service Charge. Charges for sewer service will commence on the Required Connection Date. Unpaid balance is subject to the District's established late fee and penalty policies. Sewer services rates are set forth in the current Master Fees and Charges Schedule.

2. Permit Fees. General Facilities, Permit Processing, Inspection, Latecomer, and any other applicable sewer permit fees are due on the Required Connection Date. Unpaid balance is subject to an annual interest rate of 10% per year, compounded monthly.

a. Grace Period. Accrued interest will be waived if sewer permit fees are fully paid within 6-months from the Required Connection Date.

b. Monthly Installment Plan. Owners may elect to pay permit fees in 36 equal monthly installments. Monthly installments shall include principal and interest, with an annual percentage rate of 10% computed on the declining principal balances. Prepayment is permitted with interest prorated.

i. Low Income Status. Property owners that can prove that they have qualified for the senior citizen and disabled person property tax exemption under WAC 458-16A are eligible for the 36 month installment plan for Permit Fees, with no interest."

12. Tank Trucks and Dump Stations

Section 5.1.13, "Tank Trucks and Dump Stations" is hereby amended to add a sentence at the end addressing screening equipment, to read in its entirety as follows:

"The District shall not accept, in any of its sewer facilities, sewage dumped from third party tank trucks. Persons in violation of this ban shall be charged a penalty for each occurrence in accordance with the most current Master Fees and Charges Schedule.

"A dump station for boat or recreational vehicle facilities, at any location within the District, shall be considered a separate and additional commercial unit and shall be equipped with suitable screening devices so as to prevent undesirable material, such as metal, from entering the sewer system. The owner of a dump station found without suitable screening equipment shall be fined per the current Master Fees and Charges Schedule."

13. Charges for Unauthorized Connections

Section 5.5.3, "Charges for Unauthorized Connections", is hereby amended to add a reference at the beginning to the Master Fees and Charges Schedule, and read as follows:

"The District shall charge the owner of any property having an unauthorized connection the fee set forth in the District's current Master Fees and Charges Schedule. Such charge is for the District's investigation, testing, and inspection of an unauthorized connection. In addition to the testing and inspection charge, the property owner will reimburse the District for its actual reasonable costs, plus the District's normal overhead rate, for construction and/or repair determined by the District to be necessary or proper to protect, correct or repair the District's facilities as a result of the unauthorized connection."

14. Additional Monetary Penalty After 90 Days

Section 5.5.4, "Additional Monetary Penalty After 90 Days," is hereby amended to refer to the Master Fees and Charges Schedule, and read as follows:

"Failure to remove an unauthorized connection within 90 days of notice as provided herein shall result in an additional monitoring and enforcement charge as outlined in the District's Master Fees and Charges Schedule. The District shall certify all charges in this Title as liens against the property pursuant to RCW 57.08.005."

15. Expansion of Use of Small Works Roster

Section 8.2.2, "Contracts Under \$200,000.00", is hereby amended in the subject line to read \$300,000.00, and in the text to correct the statutory reference to use of the small works roster for public works projects, to read as follows:

"Contracts Under \$300,000.00.

"As an alternative to (8.2.1), the District may use the small works roster as described in RCW 39.04.155(1)."

16. Amendments to be Incorporated into Administrative Code

The "Lake Whatcom Water and Sewer District Administrative Code ("LWWSDAC" or "Code") shall be and hereby is amended to incorporate the foregoing changes.

17. Severability

If any provision or provisions of this resolution shall be held to be invalid, such decision shall not affect the validity of the remaining portions of this resolution.

18. Resolution Conflicts

This resolution supersedes any conflicting resolution to the extent of such conflict.

Adopted by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington at a Regular Meeting thereof on the 23th day of December, 2013.

Leslie Mc Roberts, President

Deborah Lambert, Secretary

Todd Citron, Commissioner

Laura Weide, Commissioner

John W. Millar, Commissioner

Approved as to form:

Brian L. Hansen, Attorney for District



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	December 18, 2013		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL <i>Patrick Sorensen</i>		
MEETING AGENDA DATE:	December 23, 2013		
AGENDA ITEM NUMBER:	5.C.		
SUBJECT:	Disposal of Surplus Items		
LIST DOCUMENTS PROVIDED ⇒ NUMBER OF PAGES INCLUDING AGENDA BILL: _____	1. List of Items dated December 2013		
	2.		
	3.		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL/ OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Attached is a list of miscellaneous surplus items that the District no longer needs.

FISCAL IMPACT

None

RECOMMENDED BOARD ACTION

To declare the listed items as surplus and authorize staff to dispose of them.

PROPOSED MOTION

To declare the presented list of items dated December 2013 as surplus and authorize the General Manager to dispose of the property in a manner consistent with state law.

District surplus list (December 2013)

17" HP, ACER, CTL LCD monitors (non-functional)

Gateway 15" LCD monitor (non-func)

Office phone (non-func)

(2) 56k MultiModem (non-func)

(6) Fiber Optic Ethernet converters (non-func)

Dell Optiplex 745 Windows XP desktop PC

Gateway Windows XP desktop PC

Generic Windows XP desktop PC

Dell PS2 keyboard

Microsoft PS2 mouse

Dell USB mouse

3com LAN Modem

USRobotics 56k USB modem

(2) CPU fans

SimpleTech 150GB portable HDD

(3) Motorola Desktop VHF radios

Radix handheld water meter reading equipment

MultiTech modem storage rack

WatchGuard T1AEB hardware firewall


Box of misc PC cables (VGA, USB, power)

Dell window xp pc



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	December 18, 2013		
TO BOARD OF COMMISSIONERS			
FROM:	MANAGER APPROVAL 		
MEETING AGENDA DATE:	December 23, 2013		
AGENDA ITEM NUMBER:	5, D		
SUBJECT:	Whatcom Water District's Caucus Procedural Agreement Discussion		
LIST DOCUMENTS PROVIDED ⇒ NUMBER OF PAGES INCLUDING AGENDA BILL:	1. Draft Whatcom District Caucus Procedural Agreement		
	2.		
	3.		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL/ OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Commissioner McRoberts has requested that the attached draft document prepared by the Water Caucus be included on the agenda for discussion by the Board.

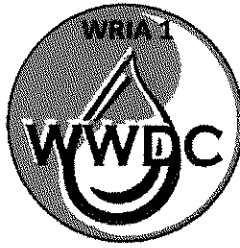
FISCAL IMPACT

Not applicable for this meeting.

RECOMMENDED BOARD ACTION

There is no recommended action.

PROPOSED MOTION



**WRIA 1 WHATCOM WATER DISTRICT CAUCUS
PROCEDURAL AGREEMENT
(12/13/132)**

INTRODUCTION

This Agreement describes the procedures and understandings governing WRIA 1 Water District Caucus (WWDC) meetings and decisions.

PARTICIPANTS

Participants shall include district commissioners and/or their designated representatives from all water districts in Whatcom County. Individuals may be participating in activities or businesses that overlap the interests of the WWDC. In these instances, the individual must declare that he/she has a possible conflict of interest before voting on an issue in which a possible conflict exists. The group shall decide, by vote, that an individual may or may not participate even though some level of conflict may exist. In such instances, the individual having the purported conflict of interest will not be included in the vote for the purpose of making this decision. WWDC shall provide written notice to any district whose representative has been determined to have a conflict and/or who has been excluded from participation in the Caucus.

DECISION-MAKING APPROACH

The WWDC uses a consensus approach to decision-making, in which participants seek to attain unanimous agreement. If unanimous agreement is not reached, decisions will require a majority vote of water districts in attendance. Each water district shall have one vote. Minority views shall be conveyed in writing to the Planning Unit provided the member or members holding such views provide them in writing to the Water Districts Caucus representative to the Planning Unit. Decisions will be made by those districts present at Caucus meetings. No quorum is required. Polling of the WWDC members is also deemed a legitimate means of holding a vote when necessitated by the issue.

MEETING PROTOCOL

Meetings will be closed to persons not representing members of WWDC, provided that non-members may be invited to present information to the Caucus and/or participate in Caucus discussions with the consent and prior approval of the Caucus.

The group will select a chairperson responsible for proposing an agenda and meeting time and place for each Caucus meeting and for conducting the meetings.

No district may attend a Caucus meeting with a quorum of its commissioners present.

The following Caucus decisions require actions of the participants' boards of commissioners: (1) watershed plan approvals as specified in RCW 90.82.130; (2) recommendations to modify minimum instream flow rules per RCW 90.82.080; (3) petitioning the Department of Ecology to conduct a general adjudication per RCW 90.03.105.

OTHER

The WWDC retains the right to change any to the terms of this process and procedural agreement at any time.



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	December 18, 2013		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL <i>Patrick Sorensen</i>		
MEETING AGENDA DATE:	December 23, 2013		
AGENDA ITEM NUMBER:	5.E.		
SUBJECT:	Interim Legal Counsel Service Agreements		
LIST DOCUMENTS PROVIDED ⇒ NUMBER OF PAGES INCLUDING AGENDA BILL:	1. Agreement with Brian Hansen		
	2. Agreement with Tom Fryer and Sara Hall		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL/ OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

District Legal Counsel Brian Hansen is planning to retire in July of 2014. The offices of Resick, Hansen, Fryer, Hall and Heintz will be closing on December 31, 2013. As discussed previously, staff will solicit proposals/qualifications for new legal counsel in the early spring of 2014.

However, in the mean time we need access to our existing legal counsel into the new-year. I am proposing to enter into a letter of engagement with Brian Hansen in order to cover our need for general legal counsel until he formally retires in July/August and until we can identify and secure new legal services. Such a letter of engagement and terms is attached.

In addition, we will also need access to specific counsel for labor and human resource issues occasionally. Finally, we will need someone to cover for Brian when he is not available. In February, Brian will be in Hawaii for most of the month. Both Sara Hall and Tom Fryer have worked with Brian and the District previously. Sara is experienced with labor and human resource issues and has assisted me on a number of issues. Tom has served as a back-up to Brian previously. As of January 1, 2014 they will be working out of the law offices of Grochmal and Fryer, P.C.

FISCAL IMPACT

Under our existing arrangement both Sara and Tom have a billable rate of \$190.00 per hour. As proposed, that will not change. The paralegal rate is proposed to be \$100.00 per hour. Under this agreement most of this limited work will be billed under Sara for labor/personnel issues.

Brian presently charges \$190.00 per hour and \$95.00 per hour for paralegal services. These rates under the existing agreement will not change

RECOMMENDED BOARD ACTION

To authorize the General Manager to enter into agreements with Brian Hansen P.S. and the law offices of Grochmal and Fryer, P.C.

PROPOSED MOTION

To enter into said agreements with Brian Hansen P.S. and Grochmal and Fryer, P.C.

THE LAW OFFICES OF
BRIAN L. HANSEN, P.S.

300 N. Commercial Street
Bellingham, WA 98225

Brian L. Hansen

Phone: (360) 733-0212

Facsimile: (360) 738-2341

Email: bhansen@barronsmithlaw.com

December 12, 2013

Patrick Sorensen, General Manager
Lake Whatcom Water and Sewer District
1220 Lakeway Drive
Bellingham, WA 98229

RE: Change of Firms and Engagement Letter

Dear Patrick:

Thank you for bearing with me as I close my existing firm and move to of counsel status at Barron Smith Daugert at the above address, and continue to provide the District with legal services as its general counsel. My plan is to have you continue to employ me as your attorney until the District goes through a public selection process for new general counsel. I plan to fully retire from the practice of law at the end of July, 2014. Although I will be of counsel to my new firm, my current plan is to provide legal services to the District through my pre-existing professional services corporation, Brian L. Hansen, P.S., which has been a partner of Resick Hansen Fryer Hall & Heinz, PLLC, and predecessor firms at my existing location.

This letter is intended as a written agreement to formalize this arrangement.

Engagement Terms.

Our client-attorney relationship has been existing since 1994, and is generally consistent with the enclosed copy of the "Standard Terms of Engagement for Legal Services," which I have adapted from my existing firm's brochure of the same name. This enclosed brochure describes in greater detail the basis on which I provide legal services to my clients. The "Standard Terms of Engagement" comprises my engagement agreement. Therefore, I ask that you review it carefully and contact us promptly if you have any questions about our relationship.

Legal Fees.

Fees for services are based on a variety of factors including, for example, time and effort involved, the experience of those doing the work, the complexity of the matter, and the amount involved. Of these and other considerations, the time devoted and the experience of those providing the services will be given the most weight. For 2014, which I anticipate to be the final year of my representation of the District, my hourly rate will continue to be \$190.00 (as opposed to my normal hourly rate of \$250.00), our billing interval will continue to be twice a month, with payment due within 30 days of billing. Any paralegal services will be billed out at \$95 per hour (as opposed to my normal paralegal rate of \$125.00).

December 12, 2013

Although I generally bill hourly for my work, certain forms and most routine pleadings are billed on a flat rate, based upon historical costs and the work which was previously involved in preparation of the form or pleading.

You would continue to be responsible for all costs and disbursements in this representation, including such things as photocopying, long distance telephone calls, and, if necessary, investigation services.

If you have any questions or concerns regarding any of these arrangements, please give me a call. If not, simply indicate your agreement by signing a copy of this letter and returning it to me in the envelope provided. An additional copy is enclosed for your records.

I look forward to continuing to serve the District as its legal counsel.

Sincerely,

BRIAN L. HANSEN, P.S.


Brian L. Hansen

BLH/csd
Enclosure

Acceptance/Acknowledgement

LAKE WHATCOM WATER & SEWER DISTRICT

By: Patrick Sorensen, General Manager

Dated: _____

LAKE WHATCOM WATER AND SEWER DISTRICT
ATTORNEY EMPLOYMENT AGREEMENT

The LAKE WHATCOM WATER AND SEWER DISTRICT (LWWSD) hereby employs Thomas H. Fryer and Sarah E. Hall of the Law Offices of Grochmal & Fryer, P.C., (Attorneys) to act as their Attorneys under the following terms and conditions:

1. The Attorneys shall advise the LWWSD in all legal matters pertaining to the business of LWWSD and shall prepare, or, at the direction of LWWSD's General Manager or The Board of Commissioners, approve all resolutions as to form; attend the Board of Commissioners meetings, including Special Meetings, if needed, and advise and represent the LWWSD on personnel matters, including but not limited to, issues pertaining to the Contract with the Washington State Council of County and City Employees, AFSCME, Council 2 Local 114WD, Washington State Employment Security and Washington State Labor and Industries.

2. When, from the deliberation of the Board of Commissioners, it appears to the Attorneys necessary or appropriate to advise the Board of Commissioners concerning legal ramifications of its contemplated policies or actions, the Attorneys shall fully so advise the Board of Commissioners, whether or not such opinions are requested.

3. The Attorneys shall be paid One Hundred and Ninety Dollars (\$190.00) per hour. Paralegal work will be paid One Hundred Dollars (\$100.00) per hour.

4. Where there are specialty legal problems, such as approval of bond issues, or capital projects, the Attorneys may, with consent of LWWSD's General Manager or the Board of Commissioners, employ special counsel and the LWWSD shall pay from its funds such amounts as may be agreed too as fees.

It is understood that the Attorneys shall be an independent contractor. No agent, servant, employee or representative of the Attorneys shall be deemed to be an employee, agent, servant or representative of the LWWSD for any purpose.

5. INSURANCE. The Attorneys agree to carry for the duration of this contract,

professional and/or malpractice insurance in the amount of \$1000,0000.00.

6. INDEMNIFICATION. The Attorneys shall protect, appear, defend, save harmless and indemnify the LWWSD from and against all claims, suits, actions and costs arising from negligent actions or omissions of those of the Attorneys' agents or employees in the performance of the contract.

7. NON-DISCRIMINATION IN PROVIDING SERVICES. The Attorneys shall not, on the grounds of race, color, sex, religion, national origin, creed, marital status, age, sexual orientation, or the presence of any sensory, mental, or physical handicap:

- (a) Deny any individual any services or benefits provided under the contract;
- (b) Subject any individual to segregation or separate treatment in any manner related to his or her receipt of any services or other benefits provided under the contract;
- (c) Deny any individual an opportunity to participate in any program or services provided by the contract.

8. TERMINATION. In the event that a majority of the members of the Board of Commissioners determine that the work of the Attorneys are unsatisfactory, the LWWSD may pursue such remedies as are legally available, including, but not limited to, the suspension or termination of the contract in the manner specified herein.

- (a) Suspension or termination for cause: If the Attorneys fail or neglect to fully comply with the provisions of the contract, the LWWSD may suspend or terminate the contract pending corrective acts or investigation. Such suspension or termination shall be effective immediately upon notification to the Attorneys.
- (b) In the event of termination, the LWWSD shall only be liable for payments within the terms of the agreement for services properly rendered prior to the effective date of termination.

9. ANNUAL CONTRACT REVIEW: The contract shall be reviewed upon an annual basis by the Board of Commissioners. The quality of performance, cost of services

and such other matters as the Board of Commissioners deem appropriate shall be subject to review.

THIS CONTRACT SHALL BE IN EFFECT for one (1) year, from January 1, 2014 through December 31, 2014.

DATED this _____ day of December, 2013

**LAKE WHATCOM WATER
& SEWER DISTRICT**

PATRICK SORENSON
General Manager

CONTRACTOR:

**LAW OFFICES OF GROCHMAL &
FRYER, P.C.**



THOMAS H. FRYER



SARAH E. HALL



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	December 20, 2013		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL <i>Patrick Sorensen</i>		
MEETING AGENDA DATE:	December 23, 2013		
AGENDA ITEM NUMBER:	7		
SUBJECT:	Manager's Report		
LIST DOCUMENTS PROVIDED ⇨ NUMBER OF PAGES INCLUDING AGENDA BILL: _____	1. Manager's Report		
	2.		
	3.		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL/ OTHER <input checked="" type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Updated information from the General Manager in advance of the Board meeting.

FISCAL IMPACT

None

RECOMMENDED BOARD ACTION

None required.

PROPOSED MOTION

None

General Manager Comments

December 23, 2013

Board Meeting

Important Upcoming Dates:

- **Meetings Associated with the Lake Whatcom Management Program:**
 - **Policy Group Meeting:** The next meeting will be held on **February 3, 2014 at 9:30 a.m.** in the Garden Room at the County's Civic Center (Public Works) Building. An agenda for this meeting has not been developed yet. Remember, all Policy Group Meetings are publicly noticed by the District.
 - **Management Meeting:** The next meeting with the Mayor and County Executive is not scheduled yet.
- **Next Regular Board Meeting:** The next regular meeting is scheduled for Wednesday, **January 8, 2014 at 6:30 p.m.** Board officers are elected at this meeting.
- **Next Employee Staff Meeting:** Scheduled for **Thursday, January 9, 2014 at 8:00 a.m.** in the Board Room. Commissioner Lambert would be scheduled next to attend this coming meeting. Scheduling is rotated by alphabetical order each month.
- **Washington Association of Sewer & Water Districts (WASWD) Section III Meeting:** The next Section III meeting will be held at Bob's Burger & Brew in Tulalip at 6:15 p.m. on **Tuesday, January 14, 2014.** All WASWD Section III Meetings are publicly noticed by the District.
- **Whatcom Water District's Caucus Meeting:** A date has not been set yet. When I learn of the meeting date I will make the Board aware ASAP. All Water Caucus meetings are publicly noticed.
- **WRIA 1 Planning Unit Meeting:** The date for the next or 4th Planning Unit meeting has been set for **January 29, 2014 at 6:00 p.m.** in the County's Garden Room. These meetings are publicly noticed in the event that a quorum of the Board is present.

Other:

- **Annual Employee Appreciation/Awards Dinner:** This date is coming around again. The location is not yet set, but the date will be Friday, January 31, 2014 at 6:00 p.m. We should have a location in the very near future.
- **Annual WASWD Commissioners Workshop:** This year the workshop will be held on Saturday, January 25, 2014 in Lynnwood. It is an 8:00 a.m. to 3:00 p.m. event at the Embassy Suites Hotel. If interested a copy of the agenda and registration was recently emailed out to you.