



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

REGULAR MEETING  
OF THE BOARD OF COMMISSIONERS

AGENDA

*March 26, 2014*

8:00 a.m. – Regular 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. Draft Sewer Comprehensive Plan
  - B. Sudden Valley Water Treatment Plant Generator Project – Final Completion
  - C. Legal Counsel Recruitment Update
6. OTHER BUSINESS
7. MANAGER'S REPORT
8. PUBLIC COMMENT OPPORTUNITY
9. Executive Session Per RCW 42.30.110(1)(ii) – Potential Litigation – 30 Minutes
10. ADJOURNMENT



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	March 19, 2014		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL <i>Patrick Sorensen</i>		
MEETING AGENDA DATE:	March 26, 2014		
AGENDA ITEM NUMBER:	5.A.		
SUBJECT:	Draft Sewer Comprehensive Plan		
LIST DOCUMENTS PROVIDED ⇒ NUMBER OF PAGES INCLUDING AGENDA BILL: _____	1.		
	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**

Over the last several meetings, the Board has been discussing and providing their input on the Draft Sewer Comprehensive Plan. Melanie will be providing the Board with the edited pages of the Plan for their review.

**FISCAL IMPACT**

None at this time.

**RECOMMENDED BOARD ACTION**

Review and discuss the edited/amended pages.

**PROPOSED MOTION**

None at this time.



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	March 19, 2014		
TO BOARD OF COMMISSIONERS			
FROM: Bill Hunter	MANAGER APPROVAL <u>B.H.</u>		
MEETING AGENDA DATE:	March 26, 2014		
AGENDA ITEM NUMBER:	5.B.		
SUBJECT:	Sudden Valley Water Treatment Plant Generator Project – Final Completion		
LIST DOCUMENTS PROVIDED ⇒ NUMBER OF PAGES INCLUDING AGENDA BILL: _____	1. RH2 letter dated March 17, 2014		
	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**

Legacy Telecommunications has completed all contract requirements and punch list items. Staff recommends accepting the Sudden Valley Water Treatment Plant Generator Replacement Project as complete.

**FISCAL IMPACT**

The 2014 Annual Budget includes a line item for the construction contract with Legacy Telecommunication. The budgeted amount is \$190,901.41. Actual expenses are summarized as follows:

Original Construction Contract	\$181,278.00
Change Orders #1 thru #3	\$1,368.00
<u>Less Unused Force Account Bid Item A.16</u>	<u>(\$5,000.00)</u>
Subtotal	\$177,646.00
<u>8.5% Sales Tax</u>	<u>\$15,099.91</u>
<b>Grand Total</b>	<b>\$192,745.91</b>

**RECOMMENDED BOARD ACTION**

Accept the project as complete.

**PROPOSED MOTION**

Accept the Sudden Valley Water Treatment Plant Generator Replacement Project as complete and direct staff to close out the project.



March 17, 2014

RH2 ENGINEERING, INC.  
www.rh2.com  
mailbox@rh2.com  
1.800.720.8052

Ms. Jamie Tracy, Project Manager  
Legacy Telecommunications  
PO Box 360  
Burley, WA 98322

WASHINGTON  
LOCATIONS

*Sent via: Email*

**Subject: Sudden Valley Water Treatment Plant Generator Set Replacement  
Final Completion**

BOTHELL  
MAIN OFFICE  
22722 29th Drive SE, Suite 210  
Bothell, WA 98021

Dear Ms. Tracey:

BELLINGHAM

RH2 Engineering, Inc., (RH2) and Lake Whatcom Water and Sewer District acknowledge that the Sudden Valley Water Treatment Plant Generator Set Replacement project has reached final completion as of March 14, 2014.

EAST WENATCHEE

Legacy Telecommunications can submit a final pay estimate to close out the project. Final payment shall be as follows.

ISSAQUAH

RICHLAND

\$182,646.00	(Bid Price with Change Orders 1 through 3)
- \$5,000.00	(Force Account Bid Item A.16 not utilized)
<hr/>	
= \$177,646.00	(sales tax not included)
- \$44,701.30	(previous payment)
- \$53,142.80	(previous payment)
<hr/>	
= \$79,801.90	(sales tax not included, retainage not included)

TACOMA

OREGON  
LOCATIONS

Please submit payment request utilizing spreadsheet form previously used. This letter shall serve as change order documentation to delete the Force Account Bid Item A.16 from the contract.

NORTHERN OREGON  
MAIN OFFICE  
6500 SW Macadam Ave. Suite 100  
Portland, OR 97239

Sincerely,

SOUTHERN OREGON  
Central Point

**RH2 ENGINEERING, INC.**

COASTAL OREGON  
North Bend

Dan Burwell, P.E.  
Project Manager

MB/DWB/jq

cc: Mr. Bill Hunter, Assistant District Manager, Lake Whatcom Water and Sewer District



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	March 19, 2014		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL <i>Patrick Sorensen</i>		
MEETING AGENDA DATE:	March 26, 2014		
AGENDA ITEM NUMBER:	5.C.		
SUBJECT:	Legal Counsel Recruitment Update		
LIST DOCUMENTS PROVIDED ⇒ NUMBER OF PAGES INCLUDING AGENDA BILL: _____	1. Proposed Request for Proposals		
	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**

We have scheduled some time for discussion and developed a draft RFP for discussion purposes as it relates to the upcoming legal counsel recruitment.

**FISCAL IMPACT**

Not applicable at this time.

**RECOMMENDED BOARD ACTION**

The Board's comments and any suggestions would be welcome.

**PROPOSED MOTION**

Not applicable at this time.

**LAKE WHATCOM WATER AND SEWER DISTRICT  
LEGAL SERVICES  
REQUEST FOR PROPOSALS**

**INTRODUCTION**

This Request for Proposals ("RFP") outlines the information necessary to understand the consultant selection process and the required documentation a Proposer must submit. After reviewing this RFP, any firm that determines it has the necessary expertise and experience and could successfully perform the required services may submit its Submittal. A general overview of the selection process is as follows:

Proposers shall deliver the Submittal to the District no later than \_\_\_\_\_ on \_\_\_\_\_, after which time they will be reviewed and evaluated. The submittal shall be delivered to:

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

The District may, at its option, contact a Proposer and ask clarifying questions concerning the Proposer's submittal.

At the District's option, the District may conduct interviews with Proposers. The District may select a single Proposer or more than one Proposer for legal services, for example, an attorney for labor law issues and a different attorney for general legal matters.

The selected Proposer will enter into a professional services contract with the District, utilizing a mutually agreed format. The District's contract form for professional services is available as a starting template.

**1. PURPOSE**

The purpose of this RFP is to select a qualified general counsel and to select qualified counsel for consultation in matters related to labor and employment law.

**2. SCOPE OF SERVICES**

Provision of legal services as needed to a Washington water and sewer district organized under Title 57 RCW. The District's current legal counsel is retiring after providing service for a number of years. General legal services include, but are not limited to drafting resolutions and code provisions, advice and attendance at Board meetings and other meetings as needed, provision of confidential advice regarding issues involving all operational areas of the District, including assisting in compliance with Open Public Meetings Act and Public Records Act, labor and personnel issues,

developing or reviewing professional service and construction contracts, inter-governmental issues with other public entities, and defending or representing the District in court as needed.

Defending the District on tort claims is generally handled by the Water and Sewer District Risk Management Pool, of which the District is a member. The District will also procure bond counsel separately.

### 3. DISTRICT BACKGROUND

The Lake Whatcom Water & Sewer District created in 1968 serves approximately 4,000 water and sewer accounts in the Sudden Valley, Geneva, and North Shore areas of unincorporated Whatcom County. The District collects wastewater and transmits it to the City of Bellingham for treatment. Likewise, the District treats water for use among its customers. It has 5 elected officials who serve for six years over staggered terms. There are a total of 18 employees. Non-exempt employees are represented by organized labor (AFSME). The District works closely with other local governments, including State and County regulatory agencies, concerning its operations and also concerning water quality and watershed development and land use issues. The District holds two public meetings per month, on the second Wednesday of the month at 6:30 p.m., and again on the last Wednesday of the month at 8:00 a.m. The District's legal counsel typically attends the first meeting of the month, and will attend the second meeting as needed.

### 4. PROCUREMENT PROCESS, SCHEDULE

Responsiveness. The District reserves the right to reject any and all Submittals received. Any Proposer failing to submit information in accordance with the procedures set forth herein may not be considered responsive and may therefore be subject to disqualification by the District.

Costs. All costs incurred in the preparation of a Submittal and participation in this RFP and negotiation process shall be borne by the proposing firms.

Public Disclosure. Once in the District's possession, Submittals shall become property of the District and considered public documents under applicable Washington State laws. All documentation that is provided to the District may be subject to disclosure in accordance with Washington State public records and disclosure laws.

Anticipated Schedule. The Consultant selection process is planned to proceed on the following schedule, which is subject to change.

<u>Date</u>	<u>Selection Process</u>
_____, 2014	Public Announcement of the RFP
_____, 2014	Submittals Due (4:00 p.m.)
_____, 2014	Notification of short-list for interviews (if needed)

\_\_\_\_\_, 2014

**Recommendation to Board**

\_\_\_\_\_, 2014

**Contract Execution**

5. PROPOSAL COMPONENTS AND SELECTION CRITERIA

Proposers need to provide six (6) copies of their proposals. Proposals should consist of a letter of interest and evidence of qualification, which should include the following:

- A. Identification of personnel providing legal service, type of expertise and identification of supervisory personnel.
- B. Statement of how representation of the District would further your professional goals or, if the proposal is submitted on behalf of a firm, the firm's professional goals.
- C. Description of current practice and experience (for all key team members if applicable) in:
  - Providing legal services to public agencies in Whatcom County;
  - Water and wastewater issues;
  - Real property development, planning, zoning and environmental issues;
  - Litigation, particularly with Whatcom County Superior Court;
  - Public works and procurement issues;
  - Making presentations before public elected bodies, specifically in Whatcom County;
  - Public sector personnel issues; and
  - Public Disclosure Act, Public Records Act, and Open Meetings Act compliance.
- D. A minimum of three references. Preference given to references regarding representation of special purpose districts or other public agencies in Washington.
- E. Proposed hourly rate for attorney services, for paralegal services, and all other fees or costs which are proposed.

Proposers are discouraged from submitting lengthy proposals. Proposals should be concise and clearly written, containing only essential information. Submittals shall be 15 pages or less, including any resumes and cover letter.

The District will evaluate the experience and technical competence of the Proposer's key personnel to complete the project as well as proposed fees and costs.

6. INSURANCE REQUIREMENTS

Before commencement of services, the successful Proposer shall furnish the District with certificate(s) of insurance, executed by a duly authorized representative of each insurer, evidencing insurance policies for Professional (E&O) Liability and including the conditions specified below. Certificates of insurance shall be sent to the attention of Bill Hunter, Assistant General Manager, Lake Whatcom Water & Sewer District, 1220 Lakeway Drive, Bellingham, WA 98229.



All insurance will be issued by companies admitted to do business within the State of Washington and have a rating of A-, Class VIII or better in the most recently published edition of AM Best's Reports.

The insurers shall provide the District with 45 days advance written notice before cancellation, non-renewal or material change in coverage of insurance required herein.

All insurance provided in compliance with this agreement shall be primary and shall not contribute to any other insurance or self-insurance programs afforded to or maintained by the District, and shall contain a Separation of Insured's Clause (Cross Liability).

Any deductible or self-insured retention applicable to any insurance shall be identified in the certificates of insurance and the responsibility for paying the part of any loss not covered because of application of deductible(s) shall be the responsibility of the Consultant.

## 7. CONTRACT

After legal counsel has been selected, the District and counsel will negotiate a contract consistent with the proposal and incorporating the foregoing insurance requirements.



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	March 19, 2014		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL	<i>Patrick Sorensen</i>	
MEETING AGENDA DATE:	March 26, 2014		
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

March 26, 2014

### Board Meeting

#### Important Upcoming Dates:

- **Meetings Associated with the Lake Whatcom Management Program:**
  - **Policy Group Meeting:** The next meeting will be held April 14, 2014 at 1:30 p.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 has not been scheduled. The last meeting was held on March 12, 2014.
  - **Annual Joint Councils/Commissioners Meeting:** Will be held on March 26, 2014 in the Bellingham City Hall council chambers from 6:30 to 8:30 p.m. An open house will start at 6:00 p.m. Remember, the two resolutions introduced at the last Board meeting will be introduced at the March 26 meeting for approval by the Board. Both the City and County Councils will each adopt their own copy of the same Resolution at the meeting.
- **Next Regular Board Meeting:** Remember the next regular meeting is scheduled for Monday, April 7, 2014 at 8:00 a.m. This is a change from our regular meeting date.
- **Next Employee Staff Meeting:** Has been moved to Tuesday, April 8, 2014 at 8:00 a.m. in the Board Room. Commissioner Millar is scheduled 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 the WASWD Spring Conference in Yakima on Thursday, April 10, 2014 in the Convention Center at 7:00 a.m. All WASWD Section III Meetings are publicly noticed by the District.
- **Whatcom Water District's Caucus Meeting:** The next meeting is tentatively scheduled for Wednesday, April 7, 2014 at 1:00 p.m. in the District's Board Room. These meetings will now be held on the third Wednesday of each month.
- **WRIA 1 Planning Unit Meeting:** The next meeting is set for March 26, 2014 at 3:00 p.m. in the County's Garden Room. This meeting is publicly noticed in the event that a quorum of the Board is present.

#### Other:

- **Committee Meeting Reports as Needed:** This is a place holder for Board and staff members to report on recent committee meeting reports since the last Board Meeting.