



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

REGULAR MEETING  
OF THE BOARD OF COMMISSIONERS

AGENDA

*October 14, 2015*

6:30 p.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. Stormwater Management
  - B. Monthly Budget Analysis
  - C. Geneva A/C Mains Project – Wilson Engineering Contract Amendment
  - D. Summary of Existing District Projects
  - E. The Firs Water Service
6. OTHER BUSINESS
7. MANAGER'S REPORT
8. PUBLIC COMMENT OPPORTUNITY
9. Executive Session Per RCW 42.30.110(1)(i) – Litigation – 30 Minutes
10. ADJOURNMENT



## LAKE WHATCOM WATER AND SEWER DISTRICT

### AGENDA BILL

DATE SUBMITTED:	October 5, 2015		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL <i>Patrick Sorensen</i>		
MEETING AGENDA DATE:	October 14, 2015		
AGENDA ITEM NUMBER:	5.A.		
SUBJECT:	Stormwater Management		
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**

At the September 30, 2015 meeting, Bellingham City Council member Michael Lilliquist spoke to the Board regarding stormwater management in the Lake Whatcom watershed. During the following discussion, the Board requested that discussion of the subject be placed on the Agenda for the next two regular meetings; October 14<sup>th</sup> and October 28<sup>th</sup>.

#### **FISCAL IMPACT**

None at this time.

#### **RECOMMENDED BOARD ACTION**

Discuss stormwater management issues.

#### **PROPOSED MOTION**

No proposed motion.



## LAKE WHATCOM WATER AND SEWER DISTRICT

### AGENDA BILL

DATE SUBMITTED:	October 5, 2015		
TO BOARD OF COMMISSIONERS			
FROM: Debi Hill	MANAGER APPROVAL <i>Paul. Hill</i>		
MEETING AGENDA DATE:	October 14, 2015		
AGENDA ITEM NUMBER:	5.B.		
SUBJECT:	Monthly Budget Analysis		
LIST DOCUMENTS PROVIDED ⇒ NUMBER OF PAGES INCLUDING AGENDA BILL:	1. Monthly Budget Analysis as of 9/30/2015		
	2.		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL/ OTHER <input checked="" type="checkbox"/>

#### BACKGROUND / EXPLANATION OF IMPACT

Information only

#### FISCAL IMPACT

n/a

#### RECOMMENDED BOARD ACTION

n/a

#### PROPOSED MOTION

n/a



## MONTHLY BUDGET ANALYSIS

		Budget	YTD	
		2015	9/30/2015	
<b>OPERATING FUND - 401</b>				
<b>REVENUES</b>				
401-343-40-10	Water Sales Metered (5% rate increase) *	1,823,692	1,435,740	79%
401-343-50-11	Sewer Service Residential (5% rate increase) *	3,618,687	2,758,396	76%
401-343-50-19	Sewer Service Other	5,500	3,544	64%
401-359-81-10	Combined Fees	40,000	20,982	52%
401-359-90-00	Late fees	65,000	44,411	68%
401-361-11-10	Investment Interest	2,000	494	25%
401-369-10-00	Sale of scrap metal and surplus	-	1,720	
401-379-10-20	Permits Operation portion (5 new connection permits)	10,000	28,418	284%
401-395-20-00	Insurance recovery	-	7,419	
401-395-40-00	Sale of Capital Assets	-	-	
401-397-10-00-80	Transfer in from ULID 18 Fund 480	73,000	71,650	98%
<b>TOTAL REVENUES</b>		<b>5,637,879</b>	<b>4,372,774</b>	<b>78%</b>

MONTHLY BUDGET ANALYSIS		Budget	YTD	
	Description	2015	9/30/2015	
OPERATING FUND - 401			75%	
EXPENDITURES				
401-53X-10-10	Admin Payroll (2% cola plus step increases - 2015)	580,500	405,356	70%
401-53X-10-20	Admin Personnel Benefits (Medical, Retirement etc)	220,000	147,577	67%
401-53X-10-31	Gen Admin Supplies	21,000	17,291	82%
401-53X-10-31-01	Meetings/Team building	1,500	1,285	86%
401-53X-10-40	Bank Fees	18,000	19,798	110%
	Interlocal - Invasive Species 50,000			
	Interlocal - Lake Whatcom Tributary Monitoring 15,000			
401-534-10-41-00	Water Quality Assurance Programs (TOTAL)	65,000	34,516	53%
	County Auditor Filing Fees (Simplifile)	7,000		
	Data Bar (Statement processing)	30,000		
	Answering Service	2,000		
	Data Pro (Time clock system)	1,500		
	BIAS Financial Software	20,000		
	Web check services	5,000		
	GE Scada System Software Maintenance - Operations	7,500		
	WA State Auditor (next audit in 2016)	-		
	Wilson Engineering	7,000		
	Legal Counsel	40,000		
	3D - Computer support	20,000		
	CPA (Internal audit and Financial statements)	10,000		
	Salary Study per union contract	19,000		
	Camera Van Software	1,500		
	SCADA/PLC Support - Engineering/Operations	5,000		
	Cartograph - Engineering/Operations	8,000		
	Auto Desk - Engineering	1,000		
	Rockwell - Engineering/Operations	500		
	Inovise - Engineering	2,000		
	Master Meter	2,000		
	Custodie/Building maint. services/Security	9,000		
	Landscaping service	4,000		
	Docuware/Web site maintenance and upgrade	5,000		
	Generator Load Testing	20,000		
	Cyberlock software	1,000		
	Watchguard	1,000		
	Misc (Bid notices etc.)	1,000		
401-53X-10-41-01	Professional Services (TOTAL)	230,000	197,489	86%
401-53X-10-42	Communication	50,000	35,717	71%
401-53X-10-45	Admin Lease	2,000	1,348	67%
401-53X-10-46	Property Insurance	110,000	-	0%
401-53X-10-49	Admin Misc.	1,000	712	71%
401-53X-10-49-01	Memberships/Dues	15,000	9,388	63%
401-53X-10-49-02	WA State Dept of Revenue Taxes (3% increase)	180,000	134,710	75%
401-53X-40-43	Training & Travel	25,000	25,829	103%
401-53X-40-43-01	Tuition reimbursement	1,000	-	0%
401-53X-50-31	Maintenance Supplies	125,000	107,278	86%
401-53X-50-48	Operations Repair/Maint	65,000	43,329	67%
401-53X-50-49	Insurance Claims	-	6,633	
401-53X-60-41	Operations Contracted	10,000	7,771	78%
401-534-60-47	Water City of Bellingham	42,000	30,398	72%
401-535-60-47	Sewer City of Bellingham Treatment Fee	600,000	411,602	69%
401-53X-80-10	Operations Payroll	870,750	696,586	80%
401-53X-80-20	Operations Personnel Benefits	330,000	252,901	77%
401-53X-80-32	Operations Fuel	36,000	21,790	61%
401-53X-80-35	Safety Supplies	12,000	9,258	77%
401-53X-80-35-01	Safety Supplies Boots	2,500	769	31%
401-53X-80-47	General Utilities	210,000	147,447	70%
401-53X-80-49	Laundry	2,000	2,131	107%
401-581-35-77	Sewer Post Point Principal	70,000	69,580	99%
401-582-35-83	Sewer Post Point Interest	145,000	124,080	86%
	OPERATING EXPENDITURES	3,825,250	2,982,347	77%
TRANSFERS				
	Transfers Out to System Reinvestment Fund 420	815,000	347,500	
	Transfers Out to DWSRF Projects Fund 440		20,451	
	Transfers Out to 2009 Bond Debt Service Fund 450	448,050	447,827	
	Transfers Out to Water Loan Debt Service Fund 470	63,700	117,185	
	TOTAL EXPENDITURES	5,152,000	3,895,310	
OPERATING FUND				
	OPERATING REVENUES	5,637,879	4,372,774	
	EXPENDITURES	(5,152,000)	(3,895,310)	
	BEGINNING BALANCE		1,204,151	
	OPERATING RESERVE		(800,000)	
	CASH/INVESTMENTS BALANCE		881,615	

MONTHLY BUDGET ANALYSIS		Description	Budget 2015	YTD 9/30/2015
SYSTEM REINVESTMENT FUND - 420				
420-343-40-19		DEA Permits	-	
420-379-10-30		Permits Capital Portion (5 new connection permits)	40,000	40,851
420-379-10-40		Latecomer Fees	-	
420-397-10-00		Transfers In from Operating Fund 401	815,000	347,500
		Transfers In from Geneva Reserve Fund 410	-	
		Transfers In from System Replacement Fund 415	-	
		<b>TOTAL REVENUES</b>	<b>855,000</b>	<b>388,351</b>
420-534-10-41		DEA Contracted Services	-	
420-534-90-81		DEA Refunds	-	
420-534-60-41		Contracted Professional Services		
420-594-38-82		Capital Outlay - Structures		
420-594-38-83		Capital Outlay - Water/Sewer Systems		
420-594-38-84		Capital Outlay - Machinery/Equipment		
		Previous year projects	90,000	
	C 12-07	Reservoir Drains to Daylight	13,000	
	C 12-14	Dead End Blow Offs	38,000	
	C 13-04	Cathodic		37,980
	C 13-16	Boulevard Sewer Pump Station		64,800
	C 14-03	2014 Water System Rehab		101,477
	C 14-05	Strawberry Point Pump Station Pre-Design	5,400	36,726
	C 14-06	Sewer Push Camera	7,000	10,502
	C 14-07	Lowe Sewer Pump Station VFD	7,000	6,549
	C 14-08	SVWTP Spare Raw Pump VFD	5,000	1,991
	C 14-11	Shop Gravel/Asph Bins	4,600	3,142
	C 14-12	Admin Bldg Irrigation	10,000	-
		2015 Capital Projects	765,000	
	C 14-05	Strawberry Point Pump Station Replacement	620,000	88,823
	C 15-01	Water Service Rebuilds	10,000	6,109
	C 15-02	SVWTP Chlorine Analyzer - Replace	5,000	
	C 15-03	SVWTP Cleanwell Overflow Drain	5,000	
	C 15-04	Security - Intrusion Alarms at Reservoirs (install pilot system at 1 site)	5,000	
	C 15-05	Reservoir Condition Assessment - Seismic, Structural Repairs, Coatings	35,000	
	C 15-06	A - Smoke Testing	85,000	27,984
		B - LLRI Outfall at Whatcom Falls Park		
	C 15-07	SVCA Louisa Creek Water Main Relocation		
	C 15-08	Northshore Road Sewer Service Area		3,536
		<b>TOTAL EXPENDITURES</b>	<b>855,000</b>	<b>389,599</b>
SYSTEM REINVESTMENT FUND		<b>REVENUES</b>	<b>855,000</b>	<b>388,351</b>
		<b>EXPENDITURES</b>	<b>(855,000)</b>	<b>(389,599)</b>
		<b>BEGINNING BALANCE</b>		<b>366</b>
		<b>CASH/INVESTMENTS BALANCE</b>		<b>(882)</b>

MONTHLY BUDGET ANALYSIS		Budget	YTD	
	Description	2015	9/30/2015	
SEWER/STORM WATER CONTINGENCY FUND - 425				
425-361-11-00	Investment Interest	5,020	4,345	
425-397-10-00	Transfers In from ULID 18 Fund 480	-		
	Transfers In from Bond Reserve Fund 490	-		
	TOTAL REVENUES	5,020	4,345	
425-535-10-41	Stormwater Comp Plan	-		
425-535-10-42	Debt Service Charges	200	117	
425-594-38-83	Water/Sewer Systems	-		
425-594-38-84	Machinery/Equipment	-		
	TOTAL EXPENDITURES	200	117	
SEWER/STORM WATER CONTINGENCY FUND	REVENUES	5,020	4,345	
	EXPENDITURES	(200)	(117)	
	BEGINNING BALANCE		922,695	
	CASH/INVESTMENTS BALANCE		926,923	

MONTHLY BUDGET ANALYSIS		Budget	YTD	
	Description	2015	9/30/2015	
CAPITAL BOND PROJECTS FUND (RESTRICTED) - 430				
430-361-11-00	Investment Interest	-		
	TOTAL REVENUES	-	-	
430-594-38-63	Capital Outlay - Water/Sewer Systems	62,683	-	
	TOTAL EXPENDITURES	62,683	-	
CAPITAL BOND PROJECTS FUND	REVENUES	-	-	
	EXPENDITURES	(62,683)	-	
	BEGINNING BALANCE		62,683	
	CASH/INVESTMENTS BALANCE		62,683	



MONTHLY BUDGET ANALYSIS		Budget	YTD
	Description	2015	9/30/2015
<b>DWSRF PROJECTS FUND - 440</b>			
440-333-66-46-40	Division 22 Reservoir (Permits and Desgn)	100,000	44,718
440-333-66-46-41	Geneva AC Mains (Permits, Design and Construction)	2,500,000	1,434,195
440-397-10-00-40	Transfers In From Operating Fund		20,451
	<b>TOTAL REVENUES</b>	<b>2,600,000</b>	<b>1,499,364</b>
440-594-34-62	Division 22 Reservoir (Permits and Desgn)	100,000	7,255
440-594-34-63	Geneva AC Mains (Permits, Design and Construction)	2,500,000	1,837,365
	<b>TOTAL EXPENDITURES</b>	<b>2,600,000</b>	<b>1,844,620</b>
<b>DWSRF PROJECTS FUND</b>	<b>REVENUES</b>	<b>2,600,000</b>	<b>1,499,364</b>
	<b>EXPENDITURES</b>	<b>(2,600,000)</b>	<b>(1,844,620)</b>
	<b>BEGINNING BALANCE</b>	<b>-</b>	<b>(42,048)</b>
	<b>CASH/INVESTMENTS BALANCE</b>	<b>-</b>	<b>(387,304)</b>
Expenditures offset by draws as projects progress.			

MONTHLY BUDGET ANALYSIS		Budget	YTD	
	Description	2015	9/30/2015	
2009 BOND DEBT SERVICE FUND - 450				
450-361-11-00	Investment Interest			
450-397-10-00	Transfers In from Operating Fund 401	448,050	447,827	
	Transfers In from Bond Capital Projects Fund 430	-		
	<b>TOTAL REVENUES</b>	<b>448,050</b>	<b>447,827</b>	
450-535-10-41	Bond Admin Fee	300	78	
450-591-35-72	Redemption of Long Term Debt	245,000		
450-592-35-83	Bond Interest Payments	202,750	101,375	
	<b>TOTAL EXPENDITURES</b>	<b>448,050</b>	<b>101,453</b>	
2009 BOND DEBT SERVICE FUND				
	<b>REVENUES</b>	<b>448,050</b>	<b>447,827</b>	
	<b>EXPENDITURES</b>	<b>(448,050)</b>	<b>(101,453)</b>	
	<b>BEGINNING BALANCE</b>	<b>-</b>	<b>1</b>	
	<b>CASH/INVESTMENTS BALANCE</b>	<b>-</b>	<b>346,375</b>	

MONTHLY BUDGET ANALYSIS		Budget	YTD	
	Description	2015	9/30/2015	
<b>2009 BOND RESERVE FUND (RESTRICTED) - 460</b>				
460-361-11-00	Investment Interest	2,860	5,720	
	Transfers In From ULID 18 Fund 460			
	<b>TOTAL REVENUES</b>	<b>2,860</b>	<b>5,720</b>	
460-535-10-89	Debt Service Charges	200	117	
	<b>TOTAL EXPENDITURES</b>	<b>200</b>	<b>117</b>	
<b>2009 BOND RESERVE FUND (RESTRICTED)</b>	<b>REVENUES</b>	<b>2,860</b>	<b>5,720</b>	
	<b>EXPENDITURES</b>	<b>(200)</b>	<b>(117)</b>	
	<b>BEGINNING BALANCE</b>		<b>503,812</b>	
	<b>CASH/INVESTMENTS BALANCE</b>		<b>508,415</b>	

MONTHLY BUDGET ANALYSIS		Budget	YTD
	Description	2015	9/30/2015
<b>WATER LOANS DEBT SERVICE FUND - 470</b>			
470-361-11-10	Investment Interest		
470-397-10-00	Transfers In from Operating Fund 401	63,700	117,185
	<b>TOTAL REVENUES</b>	<b>63,700</b>	<b>117,185</b>
470-591-34-77-72	Redemption of Long Term Debt Loan 119	8,940	62,583
470-591-34-77-73	Redemption of Long Term Debt Loan 064	47,252	47,252
470-592-34-83-71	Debt Service Interest Loan 44	-	
470-592-34-83-72	Debt Service Interest Loan 119	574	417
470-592-34-83-73	Debt Service Interest Loan 064	6,930	6,930
	<b>TOTAL EXPENDITURES</b>	<b>63,696</b>	<b>117,182</b>
<b>WATER LOANS DEBT SERVICE FUND</b>	<b>REVENUES</b>	<b>63,700</b>	<b>117,185</b>
	<b>EXPENDITURES</b>	<b>(63,696)</b>	<b>(117,182)</b>
	<b>BEGINNING BALANCE</b>		-
	<b>CASH/INVESTMENTS BALANCE</b>		3

MONTHLY BUDGET ANALYSIS		Budget	YTD
	Description	2015	9/30/2015
<b>ULID 18 FUND - 480</b>			
480-361-11-00	Investment Interest	-	
480-361-40-00	ULID 18 Interest/Penalties	23,000	21,503
480-368-10-00	Current ULID 18 Principal Payments	50,000	44,701
480-379-10-30	Latecomers Fee	-	5,446
480-397-10-00	Transfers In from Operating Fund 401 (re-payment)	-	
	<b>TOTAL REVENUES</b>	<b>73,000</b>	<b>71,650</b>
480-597-10-00	Transfers Out to Operating Fund 401	73,000	71,650
	<b>TOTAL EXPENDITURES</b>	<b>73,000</b>	<b>71,650</b>
<b>ULID 18 LOAN DEBT SERVICE</b>			
	<b>REVENUES</b>	<b>73,000</b>	<b>71,650</b>
	<b>EXPENDITURES</b>	<b>(73,000)</b>	<b>(71,650)</b>
	<b>BEGINNING BALANCE</b>		-
	<b>CASH/INVESTMENTS BALANCE</b>		-



## LAKE WHATCOM WATER AND SEWER DISTRICT

### AGENDA BILL

DATE SUBMITTED:	October 5, 2015		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL _____		
MEETING AGENDA DATE:	October 14, 2015		
AGENDA ITEM NUMBER:	5.C.		
SUBJECT:	Geneva A/C Mains Project – Wilson Engineering Contract Amendment		
LIST DOCUMENTS PROVIDED ➡ NUMBER OF PAGES INCLUDING AGENDA BILL: _____	1. Amendment 2		
	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**

Wilson Engineering is nearing completion of their Phase 2 scope of work. The Phase 2 scope of work budget anticipated construction to last 16 weeks with full time inspection at 40 hours per week (640 hours). The original estimate took into account the District's Construction Engineer also performing near-full-time onsite inspection and coordination between customers, contractor, and District crew.

As of 10/7/2015 inspection has been required for 20 weeks and many of those weeks required over 50 hours of inspection. There were also several weeks where the Consultant provided a second inspector when the contractor was fielding 3 construction crews. As of 10/7/2015 the Consultant has provided 989 hours for inspection and projects it will take an additional 40 hours to close out the field work.

Staff recommends amending the Architectural/Engineering Agreement with Wilson Engineering LLC to include an additional construction inspection budget to reflect the actual amount of onsite inspection that is required for the project.

## **FISCAL IMPACT**

Funding for this project is provided by a Drinking Water State Revolving Fund (DWSRF) loan. The loan amount is up to \$2,398,750.00 for 20 years with an interest rate of 1.5%. The loan amount includes engineering, permitting, construction, inspection, testing, and sales tax. Project actuals as of 10/8/2015:

### **DESIGN/PERMITTING/BIDDING**

Admin, Permits, Fees, Etc	\$10,033.33
<u>Predesign, Design, Bidding (Wilson Phase 1)</u>	<u>\$267,990.00</u>
<b>Subtotal DESIGN/PERMITTING/BIDDING</b>	<b>\$278,023.33</b>

### **CONSTRUCTION**

Original Construction Contract ( <i>Tiger Construction Ltd.</i> )	\$1,859,894.96	
CO#1 ( <i>Cold patching, angle valves</i> )	\$44,631.36	
CO#2 ( <i>Euclid deep main, steel service, non-existing service</i> )	\$5,186.90	
CO#3 ( <i>Reduce storm culvert unit price, add quantity</i> )	\$677.04	
CO#4 ( <i>Rrealignment, temp services, main locates, Lakehill tie-in</i> )	\$5,375.73	
CO#5 ( <i>CSTC in lieu of BRG at tie-ins</i> )	\$7,421.40	
CO#6 ( <i>Add 325LF main replacement on Lakewood</i> )	\$71,610.00	
CO#7 ( <i>Traffic control for 365LF Lakewood pipe</i> )	\$10,000.00	
CO#8 ( <i>Old Lakeway concrete removal/ tie-in, broken services</i> )	\$10,410.77	
CO#9 ( <i>Euclid/ Lakeway tie-in, find end of AC, +65' of pipe</i> )	\$19,014.94	
Subtotal approved change orders to date	\$174,328.14	9.4%
<u>Outstanding change order proposals (Estimate)</u>	<u>\$45,000.00</u>	
Subtotal all change orders and proposals	\$219,328.14	11.8%
<hr/>		
<b>Subtotal CONSTRUCTION</b>	<b>\$2,079,223.10</b>	

### **ADMIN/INSPECTION/TESTING**

Construction Admin, Inspection (Wilson Phase 2)	\$149,049.00
Extra construction inspection	\$36,774.00
<u>Materials Testing</u>	<u>11,000.00</u>
<b>Subtotal ADMIN/INSPECTION/TESTING</b>	<b>\$196,823.00</b>

Loan Fee (1% of Total)	\$23,750.00
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<i>Grand Total</i>	<i>\$2,577,819.43</i>	
<u><i>Less Loan Amount (Project Budget)</i></u>	<u><i>\$2,398,750.00</i></u>	
<i>Amount over Project Budget</i>	<i>(\$179,069.43)</i>	7.5%

## **PROPOSED MOTION**

Authorize the General Manager to execute Amendment 2 to the Architectural/Engineering Agreement with Wilson Engineering LLC for extra construction inspection services budget of \$36,774.

**AMENDMENT 2  
TO  
AGREEMENT FOR A/E PROFESSIONAL SERVICES  
FOR  
GENEVA AREA AC WATER MAIN REPLACEMENT PROJECT**

**AN AGREEMENT**, was made and entered into by and between Lake Whatcom Water and Sewer District, Whatcom County, Washington, hereinafter referred to as "District", and **Wilson Engineering LLC** ("Consultant"), a corporation with a place of business at **805 Dupont Street, Suite 7, Bellingham WA 98225**, collectively referred to as "Parties", effective **January 2, 2014**.

**WHEREAS**, the District solicited for professional services as required by RCW 39.80; and

**WHEREAS**, the Consultant has completed Phase 1 – Project Management, Pre-Design, Topographic Surveying, Design, and Bidding Services; and the District desires to add Phase 2 to the agreement for Services During Construction including: Project Management, Construction Staking, Construction Contract Administration, and Construction Inspection.

**WHEREAS**, the Consultant is nearing completion of Phase 2 for Services During Construction including: Project Management, Construction Staking, Construction Contract Administration, and Construction Inspection.

**WHEREAS**, the Phase 2 Scope of Work budget anticipated construction to last 16 weeks with full time inspection at 40 hours per week (640 hours). As of 10/7/2015 inspection has been required for 20 weeks and many of those weeks required over 50 hours of inspection. There were also several weeks where the Consultant provided a second inspector when the contractor was fielding 3 construction crews. As of 10/7/2015 the Consultant has provided 989 hours for inspection and projects it will take an additional 40 hours to close out the field work.

The Parties amend the original Agreement as follows:

**SECTION 8: COMPENSATION**

The Total Price is amended to **Four Hundred Fifty Three Eight Hundred Thirteen DOLLARS (\$453,813)**.

*Original Agreement*

Phase 1 – Project Management, Pre-Design, Topographic Surveying, Design, and Bidding Services	\$ 267,990
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*Amendment #1*

Phase 2 – Services During Construction	\$ 149,049
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*Amendment #2*

Phase 2 – Additional Inspection Services	\$ 36,774
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<b>Total Price</b>	<b>\$ 453,813</b>
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## EXHIBITS

Add attached exhibits:

Exhibit A - Scope of Work.

This Amendment to the Agreement shall be executed in two (2) counterpart copies, any of which shall be considered for all purposes as the original.

**IN WITNESS WHEREOF**, the Parties hereto have caused this Amendment to the Agreement to be executed by their respective authorized officers or representatives as of the day and year written below.

### ***Consultant***

By: \_\_\_\_\_ Dated: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

### ***Approved as to Form***

By: \_\_\_\_\_ Dated: \_\_\_\_\_

Robert A. Carmichael  
Attorney for Lake Whatcom Water and Sewer District

### ***Lake Whatcom Water and Sewer District***

By: \_\_\_\_\_ Dated: \_\_\_\_\_

Patrick Sorensen, General Manager

**Lake Whatcom Water and Sewer District  
Geneva Area AC Main Replacement Project**

**EXHIBIT A**

**SCOPE OF WORK**

**Phase 2 - Services During Construction  
Amendment # 2 - Increased Inspection**

The original Scope of Work for the Construction Administration phase of the AC water main replacement project included project management, construction staking, field observation (inspection), and contract administration.

The construction portion of the project was expected to last 16 weeks with full time inspection at 40 hours per week (640 hours). We are currently in Week #20 and many weeks have required over 50 hours of inspection. There were also several weeks where Wilson Engineering provided a second inspector when the contractor was fielding 3 construction crews. To date we have provided 989 hours for inspection and expect it will take an additional 40 hours to close out the field work.

This extra inspection demand on the project has resulted in a substantial overrun of the inspection budget. The original budget, actuals to date (10/7/15), and an estimate to complete are below.

Original Inspection Budget:	\$65,280
Inspection Costs to Date (10/7/15):	\$97,974
<u>Inspection Estimate to Complete:</u>	<u>\$4,080</u>
Total Projected Inspection Costs	\$102,054
 Requested Contract Increase	 \$36,774

With the contract amount increased to cover the actual amount expended on inspection, the remaining tasks can be completed under the original budgeted amounts.



### BACKGROUND / EXPLANATION OF IMPACT

## FISCAL IMPACT

### **RECOMMENDED BOARD ACTION**

### **PROPOSED MOTION**

019

## LAKE WHATCOM WATER AND SEWER DISTRICT

### Summary of Existing District Projects

Meeting Date	Effective Date	Prepared by
October 14, 2015	October 7, 2015	LE/BH
<b>Status of Water and Sewer Permit Issuance</b>		
SCOPE	Provide a monthly update on permit activity.	
STATUS		Permits Issued 2015
	No of permits issued	9
	No of permits projected 2015	6
		Permits Issued 2014
		15

#### \*\*Completed Capital Projects in 2015\*\*

C1304	Steel Reservoir Cathodic Protection
C1404	2014 Sewer System Rehab and Replacement
C1406	Acquire Sewer Push Camera for 2" and 4" Pipe
C1408	SWWTP Spare Raw Water VFD
C1411	Shop Gravel/Asphalt Material Bins
C1501	Water Service Rebuilds - Brass

#### \*\*State Required Report Status\*\*

Reporting	Name of Report & Preparer	Completed	When Due
MONTHLY	Chlorination Report Agate Heights (Kevin)	Jan <input checked="" type="checkbox"/> Feb <input checked="" type="checkbox"/> Mar <input checked="" type="checkbox"/> Apr <input checked="" type="checkbox"/> May <input checked="" type="checkbox"/> June <input checked="" type="checkbox"/>	Postmarked by 10 <sup>th</sup> of month
		July <input checked="" type="checkbox"/> Aug <input checked="" type="checkbox"/> Sept <input checked="" type="checkbox"/> Oct <input type="checkbox"/> Nov <input type="checkbox"/> Dec <input type="checkbox"/>	
	Surface Water Treatment Rule Report (SWWTP) (Kevin)	Jan <input checked="" type="checkbox"/> Feb <input checked="" type="checkbox"/> Mar <input checked="" type="checkbox"/> Apr <input checked="" type="checkbox"/> May <input checked="" type="checkbox"/> June <input checked="" type="checkbox"/>	Postmarked by 10 <sup>th</sup> of month
		July <input checked="" type="checkbox"/> Aug <input checked="" type="checkbox"/> Sept <input checked="" type="checkbox"/> Oct <input type="checkbox"/> Nov <input type="checkbox"/> Dec <input type="checkbox"/>	
	Department of Revenue (Debi)	Jan <input checked="" type="checkbox"/> Feb <input checked="" type="checkbox"/> Mar <input checked="" type="checkbox"/> Apr <input checked="" type="checkbox"/> May <input checked="" type="checkbox"/> June <input checked="" type="checkbox"/>	Due end of following month
		July <input checked="" type="checkbox"/> Aug <input checked="" type="checkbox"/> Sept <input checked="" type="checkbox"/> Oct <input type="checkbox"/> Nov <input type="checkbox"/> Dec <input type="checkbox"/>	
ANNUALLY	Community Right to Know (Hazardous Materials) (Rich)	Completed February 24, 2015	Due by March 31st
	WA State Cross Connection Report (Rich)	Completed April 20, 2015	Due Annually May
	Consumer Confidence Reports (Kevin)	Completed April, 2015	<ul style="list-style-type: none"> <li>• Geneva- 4/15</li> <li>• Sudden Valley 4/15</li> <li>• Eagleridge – 4/15</li> <li>• Agate Hghts – 4/15</li> </ul>
	Hazardous Waste Activity Report (Rich)	Completed February 24, 2015	Due by March 31st
	OSHA 300 Log (Rich)	Completed January 30, 2015	Due by Feb 1st
	Water Use Efficiency Performance Report (Kevin)	Completed April 2015	Due by July 1st
	Washington State Financial Report (Debi)	Completed May 2015	Due by May 31st

	Report Number of Sewer ERUs to City of Bellingham	Completed March 5, 2015	Due by January 15th
OTHER	CPR/First Aid Training (Rich)	Completed 6/10/2015	Due Biennially Next Due 2017
	Flagging Card Training (Rich)	Completed 7/22/2013	Due Triennially Next Due 2016

## SAFETY PROGRAM SUMMARY\*\*\*

*Completed by Rich Munson*

Summary of Annual Safety Training				
	Enrollments	Completions	% Complete	
Engineering - Managers	44	44	100%	
Engineering - Staff	24	24	100%	
Field Crew	245	245	100%	
Field Crew - Managers	25	11	44%	
Office Managers	40	40	100%	
Office - Staff	56	56	100%	
	434	415	96%	
Weekly Crew Safety Meetings				
Safety meetings for the field crew take place every Tuesday at 3:30 p.m.				
Dates of Safety Committee Meetings				
January 15, 2015		August 13, 2015		
February 24, 2015		September 10, 2015		
March 26, 2015				
April 14, 2015				
June 11, 2015				
July 9, 2015				
Summary Of Work-Related Injuries & Illnesses				
Year	2015	2014	2013	2012
Total Number of Work Related Injuries	0	1	11	8
Defined as a work related injury or illness that results in: <ul style="list-style-type: none"><li>• Death</li><li>• Medical treatment beyond first aid</li><li>• Loss of consciousness</li><li>• Significant injury or illness diagnosed by a licensed health care professional</li><li>• Days away from work (off work)</li><li>• Restricted work or job transfer</li></ul>				
Total Number of Days of Job Transfer or Restriction (Light duty or other medical restriction)	0	0	5	24
Total Number of Days Away From Work (At home, in hospital, not at work)	0	0	13	9

# Lake Whatcom Water & Sewer District

## Capital Improvement Projects Staff Report

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### **C1207 Reservoir Overflow Drains to Daylight**

*Route reservoir overflow drains to daylight.*

#### **C1207-ENG Project Administration and Engineering**

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4/2/2014 Staff working with G&O to look at overflow/drain line improvements for Division 22 as part of project C1401.

#### **C1207-CON Construction Contract**

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### **C1214 Dead End Blow Offs**

*Install blow offs at water main dead ends.*

#### **C1214-ADM Project Administration**

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11/28/2012 Crews researching and inspecting dead end mains. Compiling list of dead ends with proposed installation sketches.

### **C1306 LLR Sewer Air-Vac Valve Replacement**

*Replace iron/steel air-vac valves with nylon valves.*

#### **C1306-ADM Project Administration**

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4/3/2013 Staff solicited quotes from local suppliers. Ordered and received 9 valves from HD Supply (low quote). There are a total of 14 valves on the force main. Remaining 5 valves will be budgeted and purchased in 2014. Crews will begin installing new valves this spring.

10/2/2013 Crews have replaced a couple valves that failed on other forcemains using this inventory.

### **C1401 Division 22 Reservoir**

*Add new Division 22 Reservoir. Funded by DWSRF Loan. Loan Amount = \$994,850 at 1.5% for 20 years + 4 years for construction.*

#### **C1401-PH1 G&O - Predesign, Permitting**

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10/2/2013 DWSRF loan contract will be executed by State on 10/8/2013. Staff will work with Grey and Osborne to prepare scope of work and fee. Scope/fee will be presented to Board tentatively at 11/13/2013 meeting for review/approval.

11/6/2013 Loan contract is executed. Execution date was 10/9/2013.

1/29/2014 Board approved scope of work and fee for Predesign work.

2/4/2014 Staff and G&O compiling AE agreement and exhibits for execution.

3/6/2014 Signed AE agreements received from consultant. District attorney doing final review. Agreements will then be executed by Patrick.

4/1/2014 G&O and staff had project kick-off meeting. G&O compiling list of information/data to begin predesign work. Topo survey will begin in a couple weeks.

5/7/2014 Consultant has performed topographic/boundary survey. Staff compiling water system data needed for consultants predesign work.

8/5/2014 G&O working on reservoir sizing after receiving water system data/info from staff. DOH cultural review in progress.

8/23/2014 Published Notice to the Public of Intent to Request Release of Funds in Bellingham Herald. This is required as part of the cultural review process. Have to wait 30 days before beginning test pits or geotechnical borings.

9/23/2014 Predesign progress meeting with G&O and District staff. Staff reviewed first 3 chapters of predesign report. G&O will update few minor items and continue final predesign tasks. Set goal to present predesign report to at 1st Board meeting in November.

3/3/2015 Staff provided G&O remaining data and info in February to complete the predesign report. G&O is scheduled to make a presentation to the Board at the 3/25/2015 meeting.

3/25/2015 G&O presented predesign report to board. There was overall consensus with the plan. Staff and G&O will proceed with permitting and coordination with SCVA.

- 4/30/2015 District submitted pre-application meeting packet to Whatcom County. Pre-App meeting scheduled for 11am on 5/21/2015.
- 5/21/2015 Pre-Application Meeting at Whatcom County - 11am. District and G&O attended. Reviewed permitting requirements with County staff.
- 6/1/2015 Received County's Pre-Application Meeting Findings. Staff and G&O working on Conditional Use Permit application. Staff will coordinate with County for onsite critical areas review (look for wetlands).
- 7/1/2015 Received comments from DOH on project report. G&O and staff will respond to comments. G&O and staff are working on the conditional use permit application.
- 7/29/2015 Conditional Use Permit and Variance Permit applications submitted to Whatcom County.
- 8/4/2015 Staff working with G&O on scope of work for next project phase - detailed design, plans, specs, estimates, and bidding.
- 9/2/2015 G&O working to address DOH project report comments.
- 9/2/2015 Whatcom County is processing Condition Use and Variance Permit application.
- 10/8/2015 County still processing CUP and Variance permits. G&O is working with State DOH to address minor comments on pre-design report.

#### **C1401-PH2 Design thru Bidding**

- 9/30/2015 Board authorizes Phase 2 scope of work for detailed design, plans, specs, and bidding. Staff is routing amendment for execution

### **C1402 Geneva Area AC Mains**

*Replacement of AC water mains in Geneva area. Funded by DWSRF Loan. Loan Amount = \$2,398,750 at 1.5% for 20 years + 4 years for construction.*

#### **C1402-PH1 Wilson - Predesign, Permitting, Design, Bidding**

- 10/2/2013 DWSRF loan contracts will be executed by State on 10/8/2013. Staff working with Wilson Engineering to develop scope of work and fee. Scope/fee will tentatively be presented to Board at 11/13/2013 meeting.
- 11/6/2013 Loan contract is executed. Execution date was 10/7/2013.
- 12/4/2013 Staff working with Wilson to develop Scope of Work and Fee that includes DWSRF loan contract requirements. Scope/Fee will be presented at 12/11/2013 Board Meeting for approval.
- 12/11/2013 Board authorized GM to execute agreement with Wilson.
- 1/2/2014 AE agreement executed. Work includes predesign, permitting, topographic surveying, design, and bidding.
- 1/7/2014 Site walk-thru with District staff and Wilson engineers and surveyors.
- 1/9/2014 Conference call with DWSRF project manager, Cathy Brockmann. Key District and Wilson staff attended. Meeting covered basic loan contract requirements and setup coordination between parties.
- 2/4/2014 Wilson preparing preliminary drawings for conceptual water main locations/design. Topographic surveying to follow, when desired alignments are identified.
- 3/6/2014 Wilson performing preliminary engineering and topographic surveying.
- 4/2/2014 Wilson continues preliminary engineering and topo surveying work.
- 4/22/2014 Wilson and District staff meet to coordinate project activities. Topographic surveying and predesign work is in full swing.
- 6/3/2014 Wilson continues topographic surveying, mapping, and pre-design.
- 7/9/2014 Wilson presents predesign/project report to Board at meeting. Report is essentially done but will be finalized after receiving public comments after a public meeting tentatively scheduled in September 2014.
- 8/5/2014 Wilson continues topographic surveying, mapping, and development of preliminary plan set to be used at public meeting. DOH cultural review in progress.
- 8/23/2014 Published Notice to the Public of Intent to Request Release of Funds in Bellingham Herald. This is required as part of the cultural review process. Have to wait 30 days before beginning any excavations for test pits or geotechnical borings.
- 9/30/2014 Neighborhood workshop meeting held at District office. Staff sent invitations to properties adjacent to project limits.
- 11/4/2014 Project / predesign report completed by Wilson. District staff will send to DOH for review/approval. Wilson and District staff continuing to work on detailed plans.
- 11/6/2014 Project report was mailed to DOH for review/approval.
- 12/3/2014 DOH reviewed project report and will provide letter to acknowledge they received it to comply with the DWSRF loan requirements. No issues with report.
- 12/4/2014 Staff, Wilson, and Bob Carmichael are reviewing and updating the District's front end contract documents. Front end documents will be sent to state for review/approval mid-December following completion of updates.
- 1/6/2015 Staff and Bob Carmichael met to review front end contract documents. Updates almost complete.

- 2/20/2015 Wilson met with County road inspector to discuss and coordinate right-of-way encroachment permits. DOE was notified of the project for their general permit process related to erosion and sedimentation control. DOH approved the plans and technical specs.
- 2/26/2015 The project was advertised in the Bellingham Herald and Seattle DJC, two mandatory prebid meetings were held, 5 bids were received and opened. Wilson and staff review bids and criteria. A recommendation to award is planned for the 3/11/2015 board meeting.
- 3/11/2015 Board selected bid alternate for ductile iron pipe and awards contract to Tiger Construction. Staff will proceed with executing the contract documents.
- 3/31/2015 Wilson is coordinating permits with agencies. DOE general stormwater permit was advertised in Bellingham Herald on 3/22/2015 and 3/30/2015. DOE will issue permit after 30-day comment period on 4/30/2015. County encroachment permits will be ready to pick up soon. County Land Disturbance Permit has been approved but cannot be released until June 1.
- 4/1/2015 Staff and Wilson compiling bonds, insurance, etc for complete set of executed contract documents.

#### **C1402-PH2 Wilson - Services During Construction**

- 4/29/2015 Board authorized General Manager to execute amendment to Wilson agreement for services during construction.
- 6/3/2015 Staff and Wilson are in process of executing amendment documents.
- 10/8/2015 Staff reviewing proposed amendment for additional time needed for inspection services that were required during construction.

#### **C1402-CON Construction Contract - Tiger Construction Ltd.**

- 4/10/2015 Substantial Completion Date (includes Change Order 8)
- 4/22/2015 Pre-Construction Meeting with Tiger, Wilson, and Dept of Commerce
- 4/29/2015 District mailed 36 property owners nearby pipe bursting and directional drill sites notifying them construction to begin Mid-May.
- 5/4/2015 District mailed 200+ property owners located within 100-feet of the pipe alignment an informational card directing them to the District website for more details and notifying them of the neighborhood meeting on 5/13/2015.
- 5/13/2015 Neighborhood informational meeting at District office 530pm - 630pm.
- 5/18/2015 Tiger anticipates starting pipe bursting and directional drill sections.
- 6/1/2015 Trenching begins.
- 6/3/2015 Tiger is in full speed construction mode. They have completed the pipe bursting section and will be transferring services to that new line. They are working on the two directional drilling locations and open trench installation on Lakeview street.
- 7/1/2015 Tiger is about 50% done installing main lines. New service lines are about 33% installed. Several new mains have been pressure tested, disinfected, coliform tested are in service.
- 8/4/2015 Tiger is about 80% done installing main lines (main lines should be done mid-August). New service lines are about 50% installed. First batch of asphalt patching occurring week of 8/3/2015.
- 9/2/2015 Tiger is 100% done installing main lines. New services lines are about 70% installed. Paving and restoration still in progress.
- 10/8/2015 Main lines are done, service lines are done. Tiger is working on restoration and asphalt patching.
- 10/19/2015 Substantial Completion Date (include Change Order 8)
- 11/18/2015 Final Completion Date (includes Changer Order 8)

### **C1405 Strawberry Pt. Sewer PS Improvements**

*Replace Strawberry Point Sewer Pump Station.*

#### **C1405-PH1 Predesign**

- 2/4/2014 Staff and RH2 working on scope of work and fee estimate. Scope/fee will be on the 2/12/2014 Board meeting agenda.
- 2/12/2014 Board authorizes phase 1 - predesign work.
- 2/26/2014 Board authoizes a revision to phase 1 not-to-exceed amount.
- 3/6/2014 Signed AE agreements received from consultant. District attorney doing final review. Agreements will then be executed by Patrick.
- 3/6/2014 Staff collecting technical information for RH2 to begin preliminary design.
- 4/2/2014 RH2 reviewing pump station run time data for last couple years. Staff to provide detailed on/off data for selected key dates.
- 5/7/2014 Topographic survey is done. RH2 continuing predesign work.
- 8/5/2014 County pre-application submitted. Waiting to hear back from County on meeting date.
- 8/12/2014 RH2 to meet with District crew to go thru design critieria. Information will be documented in pre-design report which is in progress.
- 9/24/2014 RH2 presents predesign report to Board of Commissioners. Staff and RH2 will continue with project as described in predesign report.



- 10/15/2014 RH2 and District staff meet with County Public Works Roads and Stormwater department heads. Meeting was to coordinate county road/stormwater projects with District's pump station project.
- 10/29/2014 RH2 submits substantial shoreline development permit to county.
- 11/25/2014 As part of the shoreline permitting process, County sent notices out to properties within 1000 feet of project. Written comments are due December 26, 2014.

#### **C1405-PH2 Design**

- 12/10/2014 Board of Commissioners authorize GM to execute contract amendment with RH2 for design phase.
- 12/11/2014 Contract amendment executed with RH2 for design phase.
- 1/28/2015 RH2 working thru detailed design, plans and specs with District staff.
- 3/4/2015 Shorelines permit hearing. Hearing examiner will approved the permits. RH2 working on detailed design. 60-percent review plans will be ready 3-18-2015 for staff.
- 3/26/2015 Staff met with RH2 to review 60% plans and specs. RH2 will make some minor revisions and submit preliminary plans to County engineering as part of the right-of-way encroachment permit application. RH2 is proceeding with detailed design with the target of advertising for bids mid-April.
- 4/27/2015 District staff reviewed 90% plans and specs.
- 5/1/2015 Advertisement for Bids published in Bellingham Herald and Seattle DJC.
- 5/13/2015 Non-Mandatory Pre-Bid Meeting at 2pm.
- 5/19/2015 Bid Opening - 1pm
- 5/27/2015 Bid prices came in too high. Board rejected all bids. Staff will make some value engineering revisions and rebid January 2016.
- 7/1/2015 Staff reviewing RH2 draft agreement amendment for value engineering and rebid in 2016.
- 8/4/2015 Agreement amendment in process of being executed. Design revisions will begin soon.

#### **C1405-PH3 Redesign and Rebid**

- 8/11/2015 AE Amendment 2 executed.
- 9/2/2015 RH2 site design to eliminate need for temporary shoring.
- 10/8/2015 RH2 submitted revised plans to District for review.

### **C1407 Lowe Sewer PS VFD**

*Replace rotophase with VFD.*

#### **C1407-ADM**

- 1/5/2015 Staff obtaining quotes for VFD's from vendor. District electrician reviewing electrical panel space requirements and proposed VFD dimensions.
- 1/22/2015 VFD's received by District. District crew will install in pump station.

### **C1412 Admin Building Irrigation System**

*Install irrigation system at Admin Building.*

#### **C1412-ADM**

- 4/2/2014 Staff obtaining quotes from landscape companies for installation of irrigation system.

### **C1502 SVWTP Chlorine Analyzer**

*Purchase new chlorine analyzer for Sudden Valley Water Treatment Plant.*

#### **C1502-ADM**

### **C1503 SVWTP Clearwell Overflow**

*Redirect clearwell emergency overflow piping from backwash tank to daylight.*

#### **C1503-ADM**

- 3/26/2015 Staff began topography survey, field measurements, mapping, and research of buried pipe and structures. Design of a solution is in progress.
- 5/4/2015 Staff developed plan and profile for proposed improvements and will be coordinating with SVCA for work to occur this summer. It is anticipated the work will be done by District crews and equipment.

- 8/25/2015 Staff obtained SVCA encroachment permit to perform installation. Crew will begin potholing to very elevations at critical pipe crossings. Installation will begin soon after.
- 10/8/2015 Crew is verifying elevations. Materials have been ordered.

#### **C1504 Reservoir Site Security**

*Install site security system as 1 reservoir site. Pilot project to evaluate equipment, configuration, and telemetry options.*

##### **C1504-ADM**

- 5/4/2015 District staff have done initial research on available security camera systems and motion detection. List of equipment and options is in development. Initial pilot site will be the SWWTP.

#### **C1505 Reservoir Condition Assessment**

*Reservoir condition and seismic assessment. Summarize state of District's reservoirs, evaluate seismic risks, and determine future capital improvements and priorities.*

##### **C1505-ADM**

- 8/4/2015 Staff developing Request for Proposals for qualified seismic structural condition assessment of steel reservoirs.
- 8/19/2015 Request for Proposal published in Bellingham Herald and Seattle Daily Journal of Commerce. Two engineering firms have toured the sites to date.
- 9/2/2015 Two engineering firms toured reservoirs to date. There are at least 5 interested firms.
- 9/16/2015 Proposals due at 4pm.
- 10/8/2015 District received proposals from 5 firms. Staff selection committee will meet 1pm 10/15/2015 to discuss and score proposals.

#### **C1506 2015 Sewer System Rehab**

*Combines several separate projects into one recurring annual project. The intent is to rehabilitate or replace aging sewer system mains and manholes as well as searching for sources of inflow and infiltration. Work includes smoke testing, manhole and main repairs, etc as deficiencies are found and prioritized. C1506A = Smoke Testing, C1506B = Whatcom Falls Manhole.*

##### **C1506A Smoke Testing**

- 6/11/2015 Bid advertisement sent to Bellingham Herald
- 6/17/2015 Pre-bid meeting
- 6/25/2015 Bid opening
- 7/29/2015 Board awards smoke testing contract. Staff executing contracts. Work will occur late summer and fall.
- 9/2/2015 Contracts are being routed between parties for execution.
- 10/8/2015 Smoke testing is done. Contractor preparing summary reports for submittal to District.

##### **C1506B LLRI Outfall at Whatcom Falls Park**

- 3/19/2015 Staff, Wilson, and City of Bellingham met onsite to review project objectives. The manhole located near the entrance of Whatcom Fall park is severely corroded by H2S from the District LLRI outfall. The manole is made of brick and need to be replaced.
- 3/26/2015 District executes task order with Wilson to assist with developing detailed plans and notes for the manhole replacement. District staff will advertise, and contract the work, as well as perform contract administration. Wilson will provide technical assistance/submittal review as needed.
- 3/31/2015 Staff working on a solution to get old-Flat Car sewer pump station going. Flow must be diverted from the LLRI in order to install the new manhole at Whatcom Falls park later this summer.
- 4/1/2015 Wilson proceeding with topo and manhole structure survey and design.
- 5/4/2015 District staff, Wilson, and City have been coordinating for replacement of Whatcom Falls Park manhole replacement.
- 8/4/2015 Wilson finalizing plans, details, and notes for submittal to City of Bellingham for review and approval.
- 9/2/2015 Bellingham is requiring formal project submittal for review. Staff and Wilson are preparing application and documents for submittal to City. Project will not be ready for construction this year.

#### **C1507 SVCA Louise Creek Water Main Relocation**

*Sudden Valley Community Association is daylighting Louise Creek which is currently piped. A District water*

*main runs accross the proposed creek alignment and needs to be relocated. Louise Creek work is tentativley schedule for construction in summer 2016.*

#### **C1507-ADM**

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2/6/2015 District staff met with Wilson and WA Dept of Fish and Wildlife onsite to discuss SVCA's project to daylight a failing culvert. The District has an existing water main than crosses the proposed creek alignment. More coordination will occur as SVCA works through their design and permitting.

#### **C1508 Northshore Road Sewer Service Area**

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*Explore requirements to extend sewer to 80+ properties at end of Northshore Road that are currently on septic systems on shore of Lake Whatcom.*

#### **C1508-ADM**

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4/22/2015 District, Wilson, and Bob Carmichael met with County Planners Mark Personious, Gary Davis, and Matt Aamot to discuss CUP and LAMIRD options for extending sewer to properties on septic systems at end of Northshore Road.

4/27/2015 Wilson Task Order executed to research property data and past septic system failure rates, develop pre/post 1990 construction maps, meetings, etc.

7/1/2015 Wilson continues research on septic system data.



# LAKE WHATCOM WATER AND SEWER DISTRICT

## AGENDA BILL

DATE SUBMITTED:	October 7, 2015		
TO BOARD OF COMMISSIONERS			
FROM: Bill Hunter	MANAGER APPROVAL <u>BH</u>		
MEETING AGENDA DATE:	October 14, 2015		
AGENDA ITEM NUMBER:	5.E.		
SUBJECT:	Firs Water Service		
LIST DOCUMENTS PROVIDED ⇒ NUMBER OF PAGES INCLUDING AGENDA BILL: _____	1. Map 2. Assessor's Map 3. Draft Resolution No. 819 4. Summary of Actions 5/20/2013 5. Legal Brief by Tom Fryer dated 5/21/2013 6. Resolution No. 400		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL/ OTHER <input type="checkbox"/>

### **BACKGROUND / EXPLANATION OF IMPACT**

The Firs Bible & Missionary Conference (the Firs) submitted a request to replace an existing 1.5" water meter that serves various structures with individual 5/8"x3/4" meters to serve each structure. The attached map shows the location of the existing 1.5" meter and proposed replacement meters.

The request is to accommodate a recent separation and sale of a Firs owned property as a private lot. The lot had a home served by the existing 1.5" meter. The original home has been demolished and is being replaced with a new one. In addition, the Firs would like to provide individual meters to the existing homes/buildings that are within this larger parcel. Individual meters will allow the Firs to sell said properties in the future.

#### Existing Configuration:

The 1.5" meter is physically located at 4527 Fir Tree Way and serves the following structures:

1. 4514 Cable Street  
Owned by the Firs  
Current Parcel #340334-514558  
Previous Parcel #340334-515558 prior to sale of 4531 Fir Tree Way
2. 4527 Fir Tree Way (owned by the Firs – Parcel #340334-514558)
3. 4531 Fir Tree Way  
Parent Parcel #340334-514558 (when owned by the Firs)  
Child Parcel #340334-473509 (now owned by Smith)

4. 1125 Geneva Street (owned by the Firs – Parcel #370334-514558)
5. The Shop (owned by the Firs – Parcel #340334-514558)

Current District policies do not specifically address segregation of water/sewer from parent parcels to child parcels. However, the following policies are closely related and should be considered when developing a new policy to ensure they coordinate and complement each other:

#### **Administrative Code - 3.6.7 Multiple Connections**

Multiple water services to an existing single parcel are allowed. Each water service connection shall be subject to the full amount of the current General Facilities, Service Installation, Permit Processing, and Inspection Fees. Each meter shall be billed a monthly base charge and charged for overage above current volume included in the base charge.

Multiple sewer services to an existing single parcel are allowed. Each sewer service connection shall be subject to the full amount of the current General Facilities, Service Installation, Permit Processing, and Inspection Fees. Each sewer service connection shall be billed for at least one (1) ERU, but may be billed more depending on usage.

Staff Commentary: The District inherited the Firs as a water customer when it assumed ownership of the Geneva Water Corporation. The Firs has paid for individual Side Sewer Permits for each of the (4) residences. The Shop has an outside hose-bib next to the building and no inside plumbing.

#### **Administrative Code - 3.6.8 Transfers and Refunds**

Permits and Pre-Paid Connection Certificates are not transferable, nor are the fees or charges paid for them refundable.

Staff Commentary: District policy does not allow permit fees or services to be transferred from lot to lot. District staff has not found any policy that provides direction on whether existing water/sewer services for a parent parcel are allowed to be segregated and assigned to child parcels. In the Firs case, water and sewer services are currently being provided to the (4) residential structures and water service to the Shop. The Firs is requesting to segregate one (1) residential water and sewer connection (currently being served by water and sewer) to a new and separate parcel and account.

#### **Administrative Code - 4.3.3 Meter Installation**

A separate water meter shall be installed for each structure receiving water...

Staff Commentary: Allowing the Firs to reconfigure the existing 1.5" meter to four (4) separate individual meters will bring this area into compliance with current District policy and simplify accounting and billing for both the owner and District.

**Resolution No. 400**

A Resolution Establishing Policy and Rates for ULID Segregation Requests within Water District No. 10. (resolution is attached)

Staff Commentary: Resolution No. 400 allows ULID assessments on a parent parcel to be segregated to child parcels. This is very similar to proposed Resolution No. 819. Proposed Resolution No. 819 would complement Resolution No. 400 by providing a means to segregate existing ERU, water/sewer permits, and ULID assessments to child parcels.

**FISCAL IMPACT**

Not applicable.

**RECOMMENDED BOARD ACTION**

Staff recommends addressing the Firs request in three steps:

**Step 1:** Adopt proposed Resolution No. 819. This will allow all District customers the opportunity to segregate existing ERU's and water/sewer permits from a parent parcel to child parcels, as they can already do for ULID assessments.

**Step 2:** The Firs submits an "Assignment of Equivalent Residential Unit and Water/Sewer Permit to Subdivided Lots Form" along with \$100 Segregation Fee to the District for review and processing. Staff would segregate one (1) water ERU from parent parcel 380334-514558 (which currently has four (4) ERU for water and sewer) and assign it to child parcel 380334-473509 (District account #120000819, 4531 Fir Tree Way). The following policies would apply:

**Water Permit Fees:**

General Facilities – not applicable (existing 1 ERU)	\$0.00
Meter Installation	\$700.00
Permit Processing	\$40.00
Inspection	<u>\$25.00</u>
Subtotal	\$765.00

**Sewer Permit Fees:**

General Facilities – not applicable (existing 1 ERU)	\$0.00
Permit Processing	\$40.00
Inspection	<u>\$75.00</u>
Subtotal	\$115.00

Grand Total    \$880.00

**Account Changes:**

- Account #120000819 for 4531 Fir Tree Way currently being billed for one (1) ERU for sewer will be changed to add one (1) ERU for water. The "12" route prefix will be changed to a "06" route prefix (the "12" denotes a sewer

only account, whereas a “06” denotes water & sewer account for the purposes of internal accounting and record keeping.) Water/sewer bills will be assigned to the new property owner, Stacy Smith, using standard District procedures for the sale and transfer of property.

- The Firs account #060000450 will be updated to reflect three (3) ERU for water and (4) ERU for sewer.

**Step 3:** The Firs submits a written request to replace the existing 1.5” water meter serving the remaining three (3) residences and shop hose-bib with three (3) separate 5/8”x3/4” meters. Staff will not charge General Facilities fees since the these facilities have been served water and sewer for decades (this is in compliance with policy precedence set forth in the 5/29/2013 Summary of Action Items regarding statute of limitations – see legal brief by attorney Tom Fryer for details ). District will issue a water permit to replace existing 1.5” meter with three (3) new 5/8”x3/4” meters. District will install tap, service lines, meter assemblies, and boxes at property lines. The Firs will install service lines from new meters to residences. One of the residences of the Firs choosing will serve the shop hose-bib.

**Water Permit:**

General Facilities – not applicable (existing 3 ERU)	\$0.00
Meter Installation (\$700 x 3 service installations)	\$2,100.00
Permit Processing (\$40 x 1 permit)	\$40.00
Inspection (\$25 x 3 residences)	<u>\$75.00</u>
Total	\$2,215.00

**Account Changes:**

- Account #060000450 – 4514 Cable Street will be assigned one (1) ERU for water and three (3) ERU for sewer. (note: one (1) ERU for sewer is being assigned to 1125 Geneva Street, hence the reduction from 4 to 3 sewer ERU.)
- Account #120000871 - 4527 Fir Tree Way currently being billed for one (1) ERU for sewer will be changed to add one (1) ERU for water. The “12” route prefix will be changed to a “06” route prefix (the “12” denotes a sewer only account, whereas a “06” denotes water & sewer account for the purposes of internal accounting and record keeping.)
- A new account number will be created for 1125 Geneva Street. Account will have one (1) ERU for water and sewer.

**PROPOSED MOTION**

Adopt Resolution No. 819.







**LAKE WHATCOM WATER AND SEWER DISTRICT**

**DRAFT - RESOLUTION No 819**

**A Resolution of the Board of Commissioners Establishing a Policy for Segregation of Equivalent Residential Units and Water/Sewer Permits**

**WHEREAS**, There are parcels within the District that are served by District water and/or sewer where multiple structures are serviced by a single water meter; and,

**WHEREAS**, These parcels might have the potential to be divided creating separate legal lots of record; and,

**WHEREAS**, The newly created lot(s) with structure(s) already served by water and/or sewer will need separate account(s) for the transfer of property ownership, billing of water and/or sewer service, and ability of District to effectively lien property; and,

**WHEREAS**, The original parcel might have multiple Equivalent Residential Units (ERU) assigned for billing purposes and have the corresponding number of water and/or sewer permits for each structure served; and,

**WHEREAS**, There is no existing District policy that addresses an original parcel being subdivided into multiple lots and whether the original parcel ERU and corresponding water/sewer permits can be segregated to newly created lots; and,

**WHEREAS**, As established by Resolution No. 675, Permits and Pre-Paid Connection Certificates are not transferable, nor are the fees or charges paid for them refundable; and,

**WHEREAS**, As established by Resolution No. 242A and No. 785, a separate water meter shall be installed for each structure receiving water, whether it is a single family residence, multiple family residence, commercial structure, or industrial structure; and,

**WHEREAS**, A similar policy was established by Resolution No. 400 for the segregation of Utility Local Improvement District (ULID) assessments where original parcels were subdivided into multiple lots, and,

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF LAKE WHATCOM WATER AND SEWER DISTRICT HEREBY RESOLVES AS FOLLOWS:**

Equivalent Residential Units (ERU) for the purposes of billing and corresponding water/sewer permits may be segregated from an original parcel to lots that were subdivided from original parcel provided:

1. The newly subdivided lots are completely situated within the original parcel boundary.
2. The owner of the original parcel completes an "Assignment of Equivalent Residential Units and Water/Sewer Permits to Subdivided Lots Form". Once form is received and processed by District, the ERU and permits cannot be rolled back into the original parcel nor transferred to any other lot. The District will assign or create new accounts for the newly subdivided lots. In no circumstance, shall the number ERU or water/sewer permits increase through this assignment process.
3. Newly subdivided lots are subject to applicable water and sewer connection permit fees as set forth by current District policies. Newly subdivided lots that are not assigned an ERU or water and/or sewer permit will be subject to applicable connection fees and permits prior to receiving or continuing to receive water and/or sewer service.

Amend the District Master Fees and Charges item labeled "Segregation of assessment" to "Segregation of assessment, equivalent residential units and water/sewer permits". The fee for this item will remain at \$100.

Hereby ADOPTED by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington, at a Regular Meeting thereof, on the 14<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
Leslie Mc Roberts, Board President

\_\_\_\_\_  
Todd Citron, Board Secretary

\_\_\_\_\_  
John W. Millar, Commissioner

\_\_\_\_\_  
Laura Weide, Commissioner

\_\_\_\_\_  
Bruce R. Ford, Commissioner

Approved as to form:

\_\_\_\_\_  
Robert A. Carmichael, Attorney for District

LAKE WHATCOM WATER AND SEWER DISTRICT  
REGULAR BOARD MEETING

**SUMMARY OF ACTION ITEMS**


**MEETING DATE: MAY 29, 2013**

To: Commissioners, gm, am, et, aa, da, de, Wilson Engineering, Brian Hansen, Staff Bulletin Board

**\*\*\* NOTE FOR COMMISSIONERS \*\*\***

Please review and advise Lyn by close of business on Tuesday, June 10, 2013 if any action item is incompletely or inaccurately stated, or if any are missing.

1. **BILLING/PERMITTING RECONCILIATION – 1143 LAKEWOOD LANE**
  - 1.1. Staff will write a letter to the property owners stating that the Board decided to waive any uncollected connection fees and to waive all but the last six months of uncollected sewer service charges.
  - 1.2. Staff will negotiate a payment plan with the property owners on the six month uncollected sewer service balance.
  - 1.3. Late fees will not be applied to the six-month uncollected sewer service balance.
  - 1.4. Staff will set up a sewer service account for the property and begin the regular bi-monthly billing for sewer service as of May 1, 2013.
2. **BILLING/PERMITTING RECONCILIATION – 2058 DELLESTA DRIVE**
  - 2.1. Staff will write a letter to the property owners stating that the Board decided to waive all but the last six months of uncollected sewer service charges.
  - 2.2. Staff will negotiate a payment plan with the property owners on the six month uncollected sewer service balance.
  - 2.3. Late fees will not be applied to the six month uncollected sewer service balance
  - 2.4. Staff will set up a sewer service account for the property and begin the regular bi-monthly billing for sewer service as of May 1, 2013.
3. **BILLING/PERMITTING RECONCILIATION – 1185 LAKEWOOD LANE**
  - 3.1. Staff will work with the property owners to resolve the billing issue for the accessory dwelling unit.
    - 3.1.1. Property should be billed as a duplex with two water volume charges and two sewer volume charges.
  - 3.2. The property owner will be billed for the last six months of uncollected water and sewer volume charges for the accessory dwelling unit.
  - 3.3. Late fees will not be applied to the six-month uncollected account balance
  - 3.4. Staff will begin billing the account as a duplex instead of a single family dwelling unit as of May 1, 2013
4. Board policy decisions regarding the eight 2012/2013 Account Reconciliation properties are as follows:
  - 4.1. Staff will set up utility billing accounts for each property as applicable.

- 
- 4.2. Billing for the regular bi-monthly sewer or water utility service will begin as of May 1, 2013.
  - 4.3. Details of variant situations will be negotiated with District management staff; Management staff's decisions can then be appealed to the Board in writing if the customer is not satisfied.
  - 4.4. Connection fees will not be collected due to the statute of limitations for connections that are six or more years old.
  - 4.5. Property owners will be billed for the last six (6) months of back sewer and/or water service account charges where applicable.
  - 4.6. Staff will negotiate payment plans with the property owners for each account.
  - 4.7. Late fees will not be applied to the six-month uncollected utility account balances.
  - 4.8. Staff will reformat all bi-monthly water and sewer bills to show water and sewer service charges separately to clearly delineate the services that are being received and billed from the District.
    - 4.8.1. For accounts with only one utility service, the bills will specify water = 0 balance or sewer = 0 balance.
  - 4.9. Letters to District customers that could potentially be heavy handed, harsh and/or contentious should be reviewed by the Board before mailing.
- 5. POLO PARK BRIDGE REPLACEMENT WATERLINE RELOCATION-AWARD CONTRACT
    - 5.1. Staff will notify Strider Construction that the waterline relocation contract was awarded to them for the amount of \$31,200.00 + tax.
  - 6. SURPLUS/SALE OF VACTOR TRUCK
    - 6.1. The surplus 1983 Camel Vactor truck will be sold to the City of Ilwaco for \$6,000.00.
  - 7. PURCHASE OF FLUSH/VAC TRUCK
    - 7.1. Mechanical evaluation not yet completed; decision postponed to June 12, 2013 Meeting.
  - 8. OTHER BUSINESS
    - 8.1. Blair Burroughs from WASWD to speak to the Board regarding Caucus Special Water Rights Legal Counsel issue.
      - 8.1.1. Patrick will try to reschedule Blair Burroughs visit from the June 12<sup>th</sup> meeting to the July 10<sup>th</sup> meeting so that Ian can be present.
  - 9. FUTURE BOARD MEETING AGENDAS
    - 9.1. Lyn will include on the June 12, 2013 Regular Meeting Agenda the following items:
      - 9.1.1. Purchase of Flush/Vac Truck

THE LAW OFFICES OF  
**RESICK HANSEN FRYER HALL & HEINZ, PLLC**

412 N. Commercial Street  
Bellingham, WA 98225

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Andrew W. Heinz

Telephone (360) 671-9212  
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[TFryer@RHF-Law.com](mailto:TFryer@RHF-Law.com)

May 21, 2013

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

**Attorney Client Communication  
Privileged and Confidential**

**Re: 1143 Lakewood Lane  
District Account #6000899  
Sanitary Sewer Service**

Dear Mr. Sorenson:

**BACKGROUND**

The property located at 1143 Lakewood Lane is receiving but has not been billed for sanitary sewer service for the past nine years. According to District records an as-built side sewer inspection was performed by the District on February 24, 2004. Pursuant to Administrative Code Section 3.5.10(b) sewer billing should have commenced on that date. While an inspection of the sewer connection was completed no connection fee was demanded by the District or paid, and as such no permit was issued to the then property owner. An assessment for ULID #18 was, however, paid by the property in full in 2006. The current cost of the permit to the property owner is \$5,316.00.

The property is currently owned by Francis and Joanna Miley who purchased the land and residential building in 2004. Whatcom County records reveal that a building permit was issued, approving construction on March 23, 2003. My understanding is that the Miley's purchased the residence from the builder/contractor and have remained in possession of the residence for the past nine years.

**ISSUE**

How much of the past sewer service fee and unpaid connections fee is recoverable.

### ANALYSIS

The starting point in answering this is to determine whether the District is subject to a time based limitation on a collection action such as this. RCW 4.16.160 provides that a municipality or quasi-municipality is subject to the same statutes of limitations as a private party except that there shall be no limitation to actions brought in the name of or for the benefit of the State. Municipal actions are brought "for the benefit of the State" when these actions arise out of the exercise of powers traceable to the sovereign powers of the State which have been delegated to the municipality.<sup>1</sup> For example the tax collecting process is an essential and basic attribute of sovereignty and as such no step in the tax collecting process is subject to the defense of the statute of limitations.<sup>2</sup> Conversely the language in RCW 4.16.160 mandating the same limitations on a municipality as a private party subjects municipalities to the defense of the statute of limitations when they are acting in a propriety capacity.<sup>3</sup>

We believe that in the case of 1143 Lakewood Lane the District is acting in a proprietary capacity. A government acts in a proprietary capacity when it engages in a business venture as contrasted with a governmental function. Education and collection of taxes have been found to be governmental functions.<sup>4</sup> Operation of a utility, on the other hand, has been classified by the Washington State Supreme Court as a proprietary function of government.<sup>5</sup> This is because a public utility engages in a business like venture, selling water and sewer services to the public. Unlike education, water and sewer service has not been expressly made an attribute of sovereignty by the Washington State Constitution. Thus in the instant case, the limitations placed on filing an action as set forth in chapter 4.16. RCW are applicable to the District in the same manner as if it were a private citizen.

The next question is whether the collection of past sewer service fees is subject to the three-year statute of limitations set forth in RCW 4.16.080(3) or the six-year statute of limitations set forth in RCW 4.16.040(2). Because the district does not have a written agreement with the Miley's, ordinarily RCW 4.16.080(3) would apply and the District would be limited to only pursuing collection of the outstanding user fees incurred over the past three years. However, in 1989 the legislature amended RCW 4.16.040, the six-year statute of limitations by adding a new category, "actions upon an account receivable incurred in the ordinary course of business".

The Washington State Supreme Court has interpreted "accounts receivable" to mean amounts due to a business on account from customers who have bought merchandise or received services.<sup>6</sup> The term "accounts receivable" has also been described as an open account, that is an

<sup>11</sup> Bellevue Sch. Dist. 405 v. Brazier Constr. Co., 103 Wn.2d 111, 114 (1984); Tacoma v. Hyster Co., 93 Wn.2d 815 (1980); Commercial Waterway Dist. 1 v. King Cy. 10 Wn. 2d 474, 479 (1941); Gustaveson v. Dwyer, 83 Wn. 303 (1950).

<sup>2</sup> Commercial Waterway Dist. 1, 10 Wn.2d 474, 478 (1941)

<sup>3</sup> Washington Public Power Supply System v. General Electric Co. 113 Wn.2d 288, 291 (1989)

<sup>4</sup> Municipality of Metro. Seattle v. Div. 587, Amalgamated Transit Union, 118 Wn.2d 639, 645 (1992)

<sup>5</sup> Sudden Valley Community Association v. Whatcom County Water District No. 10, 113 Wn.App. 922, 923 (2002).

<sup>6</sup> Tingey v. Haisch, 159 Wn.2d 652, 655 (2007)

account that is left open for ongoing debit and credit entries by two parties and that has a fluctuating balance until either party finds it convenient to settle and close.<sup>7</sup> In the instant case both definitions are applicable and thus RCW 4.16.040(2) appears to be controlling, giving the District a six-year period in which to collect unpaid sewer service fees.

As to the recovery of the unpaid connection fee any such claim would be time barred by both the six-year and the three-year statute of limitations.

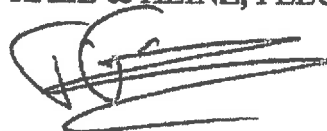
In addition, as to the collection of costs associated with the original connection of the property to the sewer system the current owners would be able to avail themselves of the defense of laches. In this regard, the equitable doctrine of laches is the implied waiver arising from knowledge of existing conditions and acquiescence in them.<sup>8</sup> Laches consist of two elements: (1) inexcusable delay and (2) prejudice to the other party from such delay.<sup>9</sup>

Our understanding is the District has no explanation for the failure to charge a connection fee to the owner of 1143 Lakewood Lane other than inattention. The Mileys had, presumptively, reason to believe the fee was paid prior to the sale of the property by the seller/builder. The delay in going forward with collecting the fee has harmed them to the extent that the Mileys are now time barred from, in turn, collecting the connection fee from the seller. Had the connection fee been collected at the time of the inspection there is every reason to believe the owner of the home, at the time of the inspection, would have paid the fee. As such the Miley's have been harmed by the delay in collecting the connection fee and thus the District's claim may fail due to the defense of laches.

Based on the foregoing it is my opinion that the District should seek payment from the Miley's of back sewer charges for the last six years but should waive payment for the sewer connection fee. If you have any questions regarding any of this or need any additional information please do not hesitate to let me know.

Very truly yours,

RESICK HANSEN FRYER  
HALL & HEINZ, PLLC



THOMAS H. FRYER

THF/mkl  
Enclosures

<sup>7</sup> Tingey v. Haisch, 129 Wn.App 109, 113 (2005)

<sup>8</sup> Felida Neighborhood Assoc. v. Clark County; 81 Wn.App. 155, 162 (1996)

<sup>9</sup> Clark County Pub. Util. Dist. No. 1 v. Wilkinson, 139 Wn.2d 840, 848 (2000)



Whatcom County Water District No. 10

Resolution No. 400

A Resolution Establishing Policy and  
Rates for ULID Segregation Requests  
Within Water District No. 10

WHEREAS, Water District No. 10 is the provider of water and sewer service to areas assessed in Utility Local Improvement Districts, and

WHEREAS, assessed property owners periodically request segregation of said ULID assessments to facilitate a property sale or property settlement, and

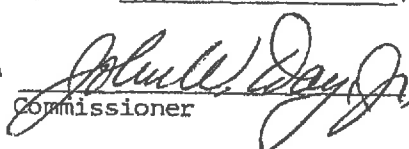
WHEREAS, it is desirable to establish consistent procedures for dealing with these requests,

NOW BE IT THEREFORE RESOLVED, that the following procedures and rates be established:

1. Assessments must be paid up to date if a sale is pending.
2. Property must be platted. Proof is required in the form of a completed short plat, or letter of commitment from Building & Codes, stating that the proposed segregated lot, or combination of lots, are buildable sites.
3. District staff will assure that the segregated property affords sufficient security for the outstanding assessments on the property; in other words, that it can be lien effectively.
4. The ULID number, owner's name, legal description of the original assessment, and new legal description will be forwarded to WD #10 engineer.
5. The new segregations will be returned to Water District No. 10 for collection of fees and recording with the Treasurer's Office. One copy will be given to the property owner, and one attached to the original assessment.
6. Fees are \$15.00 per resulting parcel per assessment, plus a \$30.00 Administrative fee.

DULY ADOPTED this 7th day of December, 1983.

  
Commissioner

  
Commissioner

Commissioner



## LAKE WHATCOM WATER AND SEWER DISTRICT

### AGENDA BILL

DATE SUBMITTED:	October 5, 2015		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL <i>Patrick Sorensen</i>		
MEETING AGENDA DATE:	October 14, 2015		
AGENDA ITEM NUMBER:	7.0		
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

October 14, 2015

### Important Upcoming Dates:

- **Meetings Associated with the Lake Whatcom Management Program:**
  - **Policy Group Meeting:** The next meeting is set for **November 2, 2015 at 2:30 p.m.** in the City of Bellingham's Fireplace Meeting Room located in the bottom floor of the Municipal Court Building next to the City's Information Technology Office at 625 Halleck Street. 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 set at this time.
- **Next Regular Board Meeting:** The next regular meeting will be held on **Wednesday, October 28, 2015 at 8:00 a.m.**
- **Employee Staff Meeting:** The next staff meeting is set for **Thursday, October 15, 2015 at 8:00 a.m.** in the Board Room. Commissioner Millar is scheduled to attend this meeting. Scheduling is rotated by alphabetical order each month.
- **Employee Safety Committee Meeting:** The next meeting is set for **October 15, 2015 at 9:00 a.m.** in the Small Conference Room.
- **Washington Association of Sewer & Water Districts (WASWD) Section III Meeting:** The next Section III meeting will be held on **Tuesday, October 13, 2015 at 6:15 p.m.** at Bob's Burger & Brew in Tulalip. All WASWD Section III Meetings are publicly noticed by the District.
- **Whatcom Water District's Caucus Meeting:** The next Caucus meeting is set for **October 21, 2015 at 1:30 p.m.** in the Board Room.

### 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.



## LAKE WHATCOM WATER & SEWER DISTRICT

1220 Lakeway Drive  
Bellingham, WA, 98229

(360) 734-9224  
Fax 738-8250

September 30, 2015

A stamp consisting of a small square icon with the letters "CC" inside, followed by the word "COPY" in a large, bold, sans-serif font.

Mr. Michael Morrow  
72 Marigold Drive  
Bellingham, WA 98229

Subject: Your September 8, 2015 Letter to the Board of Commissioners

Dear Mr. Morrow:

I am responding on behalf of the Board of Commissioners who recently discussed your September 8, 2015 letter at their regular meeting held on September 30. The concerns that you related to me over the phone and in your letter regarding being a part year resident and water usage were discussed in detail. The District's water system is built and maintained for peak flow and usage. Consequently our rates, which are used to fund this level of usage, are designed to support this. For financial planning purposes we cannot really fund the system based upon average usage.

The Board after much discussion decided not to employ averaging water usage in light of the financial needs described above. Again, you have the ability to shut the water and its billing off temporarily for a one-time fee of \$150.00. You would have to calculate whether this makes sense for you and your situation. We would be happy to work with you regarding this option if this works for you.

Again, thank you for expressing your thoughts and concerns with us on this issue. Please feel free to contact me if you have any additional questions.

Sincerely yours.

A handwritten signature in black ink, appearing to read "Patrick Sorensen", written over a horizontal line.

Patrick Sorensen  
General Manager

cc: Board of Commissioners