



LAKE WHATCOM WATER AND SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

REGULAR SESSION OF THE BOARD OF COMMISSIONERS Minutes

June 13, 2018

Board President Laura Weide called the Regular Session to order at 6:28 p.m.

Attendees: Commissioner Laura Weide
Commissioner John Carter
Commissioner Todd Citron
Commissioner Bruce Ford
Acting General Manager/District Engineer Bill Hunter
Recording Secretary Rachael Hope
District Legal Counsel Bob Carmichael
Consulting Engineer Melanie Mankamyer

Excused Absence(s): Finance Manager/Treasurer Debi Denton

Also in attendance were District employees Ken Zangari and Jason Dahlstrom, Commissioner Candidate Leslie McRoberts, Adam Fulton from the Port of Bellingham, and Eric Johnston and Mark Johnson from the City of Bellingham.

Consent Agenda

Action Taken

Citron moved, Ford seconded, approval of:

- Meeting Notes from the 5/30/2018 Board Meeting
- Accounts Payable Vouchers totaling \$176,554.98.
- Payroll for Pay Period #12 (05/19/2018 through 05/31/2018) totaling \$43,872.81.
- Payroll Benefits for Pay Period #12 totaling \$52,991.26.

Motion passed.

City of Bellingham Post Point Wastewater Treatment Plant Biosolids

Eric Johnston, the City of Bellingham's Assistant Public Works Director of Operations, gave a short briefing on where the City is headed with replacing the incinerators with an anaerobic digestion process for solids handling. The City is in the early phases of preliminary design and no cost information is available at this point. Per the 2014 Interlocal Agreement with the City of Bellingham for Sewage Services, the District's cost share of Post Point Treatment Plan capital improvements is 4.8%. Discussion followed.

2018 Salary Survey Draft Review

Ross Ardrey of Northwest Management Consulting LLC ran through his preliminary draft results and details on how the Salary Survey was prepared. The union is concurrently reviewing the preliminary draft. Discussion followed.

General Manager and Operations & Maintenance Manager Recruitment Update

Hunter gave the Board an update on the recruitment process, relaying that on the morning of the 13th The Prothman Company had received 6 applications for the General Manager position, and hoped to receive at least 15-20 by the close of the application period on June 17. A work session and presentation is planned for the July 11 Board Meeting to discuss the top applicants. Discussion followed.

Commissioner Vacancy Update

Hunter recalled that the District has 90 days to appoint a new commissioner from the date of the vacancy, which in this case would be the date Curtis' resignation became effective, April 1, 2018. There is no reprieve available. If the Board does not make the appointment in 90 days, it loses the ability to do so as a Board. Two additional applications for the vacant position were received, and the Board agreed to hold a special meeting on Monday, June 18 to conduct interviews with those candidates and make a decision.

Amendment to Sick Leave Policy within Personnel Policies

Bob Carmichael briefly advised the Board that as of January 1, 2018, employers in Washington State must provide nearly all of their employees with paid sick leave. Initiative 1433, passed in fall 2016, changed requirements for sick leave accrual, usage, and eligibility. Resolution 845 brings District Personnel Policies with respect to sick leave into conformance with the new state law.

Action Taken

Citron moved, Carter seconded, to adopt Resolution 845 amending the District's Personnel Policies Manual as presented. Motion passed.

Washington Association of Sewer and Water Districts Group Retrospective Rating Program

Hunter explained that current utility members of WASWD have the option to participate in a risk pool with other Association members offering a potential cost-saving benefit through the Department of Labor and Industries. By joining this rating program, the District would receive claims management services from a third party administrator. Costs are reduced through the timely closure of claims, discovery of over-payments, and claims wrongly charged to our account. If the total of L&I claims for pool members is less than the L&I premiums paid by participants, the group receives a refund. Discussion followed.

Action Taken

Citron moved, Ford seconded, to adopt Resolution 847 authorizing participation in Retrospective Rating Program with Washington Department of Labor & Industries by and through the Washington Association of Sewer and Water Districts as presented. Motion Passed.

2018 Utility Protection Agreement with SVCA

Hunter reminded the Board that last year the District entered into a Utility Protection Agreement with Sudden Valley Community Association (SVCA) for fish habitat improvements to Lake Louise Creek near where the District water main crosses. This year, 2018, SVCA is planning to improve about 2.8 miles of paved access roads by means of Microsurfacing which add about 3/8-inch thickness to the road surface. They are also replacing several culvert sections at several different sites in close proximity to District

water and sewer infrastructure. Staff recommends executing a new agreement with Sudden Valley to define expectations, responsibilities, and liabilities for these 2018 projects.

Action Taken

Citron moved, Ford seconded, to authorize staff to execute the 2018 Utility Protection Agreement with Sudden Valley Community Association as presented.

Proposed County Health Code 24.11 Amendment

Hunter apprised the Board of current County Council discussions that could make it easier for developers to drill an exempt well or develop other alternate water sources, rather than connect to a public water system, even within a public water system's retail service area. Carmichael explained that the proposed standard is not consistent with current District code and could be seen as an intrusion by the County into the affairs of water districts and impair districts' ability to plan for extensions of service.

At the May 16th, 2018 water caucus meeting, the five districts represented expressed interest in having Bob Carmichael review the legal status and provide a position paper directed at the County on the above topic, from a water district standpoint. The paper is also intended to educate the County Council on differences between water districts and water associations.

The Water District Caucus also discussed having Carmichael draft an interlocal agreement that would cover sharing costs in situations such as this. This new interlocal agreement would be the basis for a new water district coalition covering a broader spectrum of issues than previous agreements. An interlocal agreement with other local districts would allow the District to cost share legal research and position papers that address issues common to all districts and could prove to be an effective tool to share costs and coordinate like interests. Discussion followed.

Action Taken

Citron moved, Ford seconded, to authorize the General Manager to sign this draft interlocal agreement between the water Districts in Whatcom County. Motion Passed.

Carter moved, Ford seconded, to authorize Task Order #1 with a budget for our participation in an amount not to exceed \$5,000. Motion passed.

Sewer System Time for Connection

Mankamyer communicated that clearing activity work window limitations from June 1 to September 30 within the Lake Whatcom Watershed Overlay District coupled with a twelve month connection requirement for on-site sewage disposal systems (OSSDS) to connect to District sewers (District Code Section 5.1.4), may result in the unintended consequence of a property owner being required to complete the connection with less than one full construction work window. Allowing eighteen (18) months for such OSSDS connections will provide properties with at least one full construction work window to complete such connections.

Action Taken

Ford moved, Carter seconded, to adopt Resolution 846 amending the District's Administrative Code as presented. Motion passed.

Status Update on Additional Septic Systems Near District Sewers

Mankamyer informed the Board that through recent inquiries regarding sewer availability from potential property buyers, the District has identified several properties on septic systems that appear to meet the District's criteria for mandatory connection to its sewer system. This ongoing agenda item

aims to provide the Board with an understanding of the original ULID 18 boundary and assess how existing policies and resolutions impact current requirements to connect to the system; to complete a District-wide sweep of remaining properties served by OSSDS; and to develop a plan to serve the impacted properties discovered. Discussion followed.

Other Business

Hunter relayed that he had communicated with Cory Eckert from the Water & Sewer Risk Management Pool, who asked whether the District would be interested in acting as a potential emergency location for relocation of their Bellevue office in the case that they cannot continue to work there due to a natural disaster or other event. The Board advised staff to move forward in working with Bob Carmichael to draft a memorandum of understanding to allow for this.

Upcoming Events & Announcements

Hunter mentioned several upcoming events, including September 6 Harassment & Discrimination Training with Sound Employment Solutions, LLC, and Commissioners due for their quadrennial Open Public Meetings Act and Public Records Act refresher training.

Executive Session Per RCW 42.30.110 (1)(i): Considering pending or potential litigation – 20 Minutes

Weide recessed the Special Session to Executive Session at 8:54 p.m. It was estimated that the Executive Session would take about 15 minutes. The purpose of the Executive Session was for consideration of pending or potential litigation. Weide recessed the Executive Session and reconvened the Regular Session at 9:09 p.m.

With no further business, Weide adjourned the Regular Session at 9:10 p.m.

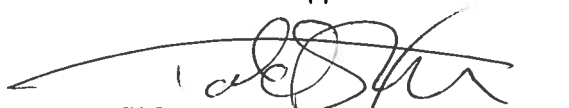


Recording Secretary, Rachael Hope


June 27, 2018

Date Minutes Approved


Laura Weide



Todd Citron



Bruce R. Ford



Position of Vacant



John Carter