



LAKE WHATCOM WATER AND SEWER DISTRICT  
1220 Lakeway Drive  
Bellingham, WA 98229

REGULAR MEETING OF THE BOARD OF COMMISSIONERS

AGENDA

*July 11, 2018*

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. **Executive Session:** GM and OM&M Manager Recruitment Update – Selection of Finalists for General Manager (est. 60 min)
  - B. North Shore On-Site Septic System Phosphorus Loading Analysis
  - C. Status Update on Additional Septic Systems Near District Sewers
  - D. Developer Extension Agreement Approval – Sudden Valley Area Z Fire Hydrant
  - E. Records and Retention Policies & Procedures
  - F. Agate Heights Water Treatment Plant Upgrade – Predesign Task Order
6. OTHER BUSINESS
7. UPCOMING DATES & ANNOUNCEMENTS
8. PUBLIC COMMENT OPPORTUNITY
9. ADJOURNMENT



LAKE WHATCOM WATER AND SEWER DISTRICT

**AGENDA BILL**  
Item 4

DATE SUBMITTED:	July 3, 2018	MEETING DATE:	July 11, 2018
SUBJECT:	Consent Agenda		
TO: BOARD OF COMMISSIONERS	FROM: Staff		
GENERAL MANAGER APPROVAL			
DISTRICT ENGINEER/ASST MGR APPROVAL			
FINANCE MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. See list below		
	2.		
	3.		
TYPE OF ACTION REQUESTED	RESOLUTION	FORMAL ACTION/ MOTION	INFORMATIONAL /OTHER
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**BACKGROUND / EXPLANATION OF IMPACT**

**\*\*TO BE UPDATED 7/11/18\*\***

- Meeting Notes from the 6/18/2018 Board Meeting
- Accounts Payable Vouchers totaling \$XXX,XXX.XX.
- Payroll for Pay Period #14 (06/15/2018 through 06/29/2018) totaling \$34,675.30.
- Payroll Benefits for Pay Period #14 totaling \$39,907.67.



LAKE WHATCOM WATER AND SEWER DISTRICT  
1220 Lakeway Drive  
Bellingham, WA 98229

## REGULAR SESSION OF THE BOARD OF COMMISSIONERS Minutes

*June 27, 2018*

Board Secretary Todd Citron called the Regular Session to order at 8:00 a.m.

**Attendees:** Commissioner John Carter  
Commissioner Todd Citron  
Commissioner Bruce Ford  
Commissioner Leslie McRoberts  
Finance Manager/Treasurer Debi Denton  
Recording Secretary Rachael Hope

**Excused Absence(s):** Commissioner Laura Weide  
Acting General Manager/District Engineer Bill Hunter

A list of interested participants is on file.

### **New Commissioner Oath of Office – Position #5**

Finance Manager Debi Denton gave the Oath of Office to Leslie McRoberts, the newly appointed Commissioner for Position #4.

### **Additions, Deletions, or Changes to the Agenda**

Rachael Hope notified the board that a conference call was scheduled for 9:00 a.m., so Item 10 Executive Session, would take place at that time.

### **Consent Agenda**

#### **Action Taken**

**McRoberts moved, Ford seconded, approval of the Meeting Notes from the 6/13/2018 Board Meeting as amended. Motion passed.**

**Ford moved, McRoberts seconded, approval of:**

- **Meeting Notes from the 6/18/2018 Board Meeting**
- **Accounts Payable Vouchers totaling \$101,783.98.**
- **Payroll for Pay Period #13 (06/01/2018 through 06/14/2018) totaling \$36,261.45.**
- **Payroll Benefits for Pay Period #13 totaling \$40,528.78.**

**Motion passed.**

### **Customer Request – 6 Clear Lake Court - Berry**

Hope summarized that on June 18, 2018, staff received a call from a developer requesting a special exception to the current water/sewer connection fees that went into effect January 1, 2018 (\$14,348). Staff explained that the District is a public agency and its policies are set by the elected Board of Commissioners and staff does not have the authority to waive or reduce connection fees. The developer followed up with the attached letter to the Board of Commissioners requesting he be charged the old connection fees (\$10,191). Discussion followed.

#### **Action Taken**

**McRoberts moved, Ford seconded, to deny Richard Berry's request for special consideration by the District to issue a new water/sewer permit at last year's connection fees. Motion Passed.**

### **General Manager and Operations & Maintenance**

Denton advised the Board that The Prothman Company received 30 applications for the General Manager position. They are currently in the process of screening and interviewing the top 15-20 applicants and are on track to present the top candidates in a work session with the Board at the July 11, 2018 meeting. Discussion followed.

### **Compulsory Sewer Connections – Award Construction Contracts**

Melanie Mankamyer of Wilson Engineering reviewed that the District is working with 3 properties (975 Geneva St, 1213 Lakeview St, and 4354 Lakehill Lane) currently on septic systems to connect to public sewer. The properties elected to have the District make the connections, which includes development of agreements and deeds of trust to recover District costs, engineering, construction, construction administration, and inspection.

An Advertisement for Bids was published in the Bellingham Herald on May 30, 2018. A non-mandatory pre-construction meeting was held on June 12, 2018. Two addenda were issued. Bids were due June 19, 2018. Two bids were received. Wilson Engineering has verified the lower bidder's qualifications for the state's mandatory bidder responsibility requirements and the District's supplemental bidder responsibility criteria established for the project. Wilson and staff recommended awarding the contract to the lowest bidder. Discussion followed.

#### **Action Taken**

**Ford moved, McRoberts seconded, to Award the Septic System Conversions Project to Len Honcoop Gravel, Inc. for a construction contract amount of \$71,708.32 (including 8.5% sales tax) and authorize staff to execute the contract once the property owners have signed the required documents. Motion passed.**

### **Water System Comprehensive Plan – Adopt Revisions Addressing Review Comments**

Mankamyer explained that the District submitted its Water System Comprehensive Plan Update to various agencies for review in December 2017. The District received approval of the Plan from the Whatcom County Engineer and the Whatcom County Health Officer. Comments were received from Washington State Department of Health and Whatcom County Planning and Development that required minor changes and corrections to the Plan. Wilson Engineering has made those changes and completed response letters to DOH and Planning. The remaining approvals needed are DOH and Whatcom County Council. Wilson Engineering recommended that the Board re-adopt the Plan with the changes prior to sending it to the Council for review and approval.

### **Action Taken**

**Carter moved, Ford seconded, to approve Resolution 848 adopting the revised Water System Comprehensive Plan. Motion passed.**

### **North Shore On-Site Septic System Phosphorus Loading Analysis**

The Board briefly reviewed Herrera's final technical memorandum that addresses comments received from the Board and various agencies. Tentatively, Rob Zisette from Herrera will present the report to the Data Team at their August meeting, answer questions, and coordinate a presentation to the Lake Whatcom Management Policy Group in September. Discussion followed.

### **Executive Session Per RCW 42.30.110 (1)(i): Considering pending or potential litigation – 30 Minutes**

Citron recessed the Special Session to Executive Session at 9:00 a.m. It was estimated that the Executive Session would take about 30 minutes. The purpose of the Executive Session was for consideration of pending or potential litigation. Citron recessed the Executive Session and reconvened the Regular Session at 9:30 a.m.

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

Citron re-recessed the Special Session to Executive Session at 9:30 a.m. It was estimated that the Executive Session would take about 20 minutes. The purpose of the Executive Session was for consideration of pending or potential litigation. Citron recessed the Executive Session and reconvened the Regular Session at 9:46 a.m.

### **Water Base Rates for Very Small Consumption Accounts**

Denton recalled that during a customer request discussion, the scenario of consumption below the 600ccf base was raised. Denton examined both the FCS Group rate study which was completed in 2014, and made contact with other Districts regarding how they bill low-use or outside-only customers. Information from the rate study and a spreadsheet of a sampling of irrigation rates and comparison to our current monthly water base rate was provided. They appeared comparable at this time. Staff recommended no action at this time, and that this be looked at again during our rate study which is due next year in 2019.

### **District Web Site Update**

Rachael Hope updated on progress that has been made since the Sole Graphics presentation in March sharing a first look at the new design and requesting feedback. She has been working with Sole consistently since, and is currently in the process of revising/creating content page by page. The current goal is to complete the content by the end of June and have a final version to bring before the Commissioners for approval.

### **Monthly Budget Analysis**

Denton presented the Board with the monthly budget summary for May 2018 and the 2017 Year End Reports. The Finance Committee meeting was postponed to July 11.

### **Summary of Existing District Projects**

Commissioner Ford requested that status of Chlorine dosage, including plan for increases/decreases be added to the monthly Summary of Existing District Projects.

**Upcoming Events & Announcements**

Citron reminded the Board to complete their quadrennial required open records act refresher training.

With no further business, Citron adjourned the Regular Session at 9:54 a.m.

\_\_\_\_\_  
Recording Secretary, Rachael Hope

\_\_\_\_\_  
Date Minutes Approved

\_\_\_\_\_  
Laura Weide

\_\_\_\_\_  
Todd Citron

\_\_\_\_\_  
Bruce R. Ford

\_\_\_\_\_  
Leslie McRoberts

\_\_\_\_\_  
John Carter

CHECK REGISTER

PAYROLL

Lake Whatcom W-S District  
MCAG #: 2330

07/05/2018 To: 07/05/2018

Time: 12:25:53 Date: 07/02/2018  
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2113	07/05/2018	Payroll	5	EFT		2,205.72	06/16/2018 - 06/29/2018 PR 14
2114	07/05/2018	Payroll	5	EFT		2,307.74	06/16/2018 - 06/29/2018 PR 14
2115	07/05/2018	Payroll	5	EFT		3,308.44	06/16/2018 - 06/29/2018 PR 14
2116	07/05/2018	Payroll	5	EFT		1,401.11	06/16/2018 - 06/29/2018 PR 14
2118	07/05/2018	Payroll	5	EFT		1,174.33	06/16/2018 - 06/29/2018 PR 14
2119	07/05/2018	Payroll	5	EFT		2,677.82	06/16/2018 - 06/29/2018 PR 14
2120	07/05/2018	Payroll	5	EFT		1,601.87	06/16/2018 - 06/29/2018 PR 14
2121	07/05/2018	Payroll	5	EFT		3,430.09	06/16/2018 - 06/29/2018 PR 14
2122	07/05/2018	Payroll	5	EFT		2,873.34	06/16/2018 - 06/29/2018 PR 14
2123	07/05/2018	Payroll	5	EFT		1,890.47	06/16/2018 - 06/29/2018 PR 14
2124	07/05/2018	Payroll	5	EFT		1,771.77	06/16/2018 - 06/29/2018 PR 14
2125	07/05/2018	Payroll	5	EFT		2,421.94	06/16/2018 - 06/29/2018 PR 14
2126	07/05/2018	Payroll	5	EFT		1,493.80	06/16/2018 - 06/29/2018 PR 14
2127	07/05/2018	Payroll	5	EFT		1,855.83	06/16/2018 - 06/29/2018 PR 14
2128	07/05/2018	Payroll	5	EFT		2,963.42	06/16/2018 - 06/29/2018 PR 14
2117	07/05/2018	Payroll	5	8045		1,297.61	06/16/2018 - 06/29/2018 PR 14

401 Operating Fund

34,675.30

34,675.30 Payroll: 34,675.30

I do hereby certify, under penalty of perjury, that the above is an unpaid, just, and due obligation as described herein, and that I am authorized to certify this claim.

Sign \_\_\_\_\_ Date \_\_\_\_\_

Board Authorization - As the duly elected board for this district we have reviewed the claims listed and approve the payment with our signatures below.

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

# CHECK REGISTER

# BENEFITS

Lake Whatcom W-S District  
MCAG #: 2330

07/05/2018 To: 07/05/2018

Time: 12:45:57 Date: 07/02/2018

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2129	07/05/2018	Payroll	5	EFT	DEPARTMENT OF RETIREMENT SYSTEMS	3,167.00	Pay Cycle(s) 07/05/2018 To 07/05/2018 - DCP
2130	07/05/2018	Payroll	5	EFT	UNITED STATES TREASURY	12,604.60	941 Deposit for Pay Cycle(s) 07/05/2018 - 07/05/2018
2131	07/05/2018	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 2	8,734.69	Pay Cycle(s) 07/05/2018 To 07/05/2018 - PERS 2
2132	07/05/2018	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 3	1,438.31	Pay Cycle(s) 07/05/2018 To 07/05/2018 - PERS 3
2133	07/05/2018	Payroll	5	8046	AFLAC	354.85	Pay Cycle(s) 07/05/2018 To 07/05/2018 - AFLAC Pre-Tax; Pay Cycle(s) 07/05/2018 To 07/05/2018 - AFLAC Post-Tax
2138	07/05/2018	Payroll	5	8047	WASHINGTON STATE HEALTH CARE AUTHORITY	12,463.86	Pay Cycle(s) 07/05/2018 To 07/05/2018 - PEBB Medical; Pay Cycle(s) 07/05/2018 To 07/05/2018 - PEBB ADD LTD; Pay Cycle(s) 07/05/2018 To 07/05/2018 - PEBB SMK Surcharge
2134	07/05/2018	Payroll	5	8048	AFSCME LOCAL	371.02	Pay Cycle(s) 07/05/2018 To 07/05/2018 - Union Dues; Pay Cycle(s) 07/05/2018 To 07/05/2018 - Union Fund
2135	07/05/2018	Payroll	5	8049	HRA VEBA TRUST (PAYEE)	465.00	Pay Cycle(s) 07/05/2018 To 07/05/2018 - VEBA
2136	07/05/2018	Payroll	5	8050	VANTAGEPOINT TRANSFER AGENTS - 306798	100.00	Pay Cycle(s) 07/05/2018 To 07/05/2018 - ICMA
2137	07/05/2018	Payroll	5	8051	WA ST SUPPORT ENFORCEMENT REGISTRY	208.34	Pay Cycle(s) 07/05/2018 To 07/05/2018 - SUP ENF
401 Operating Fund						39,907.67	
						39,907.67	Payroll: 39,907.67



**CHECK REGISTER**

**BENEFITS**

Lake Whatcom W-S District  
MCAG #: 2330

07/05/2018 To: 07/05/2018

Time: 12:45:57 Date: 07/02/2018

Page: 2

Trans Date	Type	Acct #	Chk #	Claimant	Amount Memo
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I do hereby certify, under penalty of perjury, that the above is an unpaid, just, and due obligation as described herein, and that I am authorized to certify this claim.

Sign \_\_\_\_\_ Date \_\_\_\_\_

Board Authorization - As the duly elected board for this district we have reviewed the claims listed and approve the payment with our signatures below.

\_\_\_\_\_  
Commisioner

\_\_\_\_\_  
Commisioner

\_\_\_\_\_  
Commisioner

\_\_\_\_\_  
Commisioner

\_\_\_\_\_  
Commisioner



LAKE WHATCOM WATER AND SEWER DISTRICT

**AGENDA BILL**  
Item 5A

DATE SUBMITTED:	July 3, 2018	MEETING DATE:	July 11, 2018
SUBJECT:	GM and O&M Manager Recruitment Update		
TO: BOARD OF COMMISSIONERS	FROM: Bill Hunter		
MANAGER APPROVAL			
ATTACHED DOCUMENTS			
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL /OTHER <input checked="" type="checkbox"/>

**BACKGROUND / EXPLANATION OF IMPACT**

Bill McDonald from The Prothman Company will be in attendance to conduct a work session with the Commissioners and management and present Prothman’s list of semi-finalists for the General Manager position.

Work session materials will be provided by Prothman for the meeting.

This work session will be done in Executive Session for the purpose of evaluating an application for employment under RCW 42.30.110 section 1(g), considering a personnel matter.

**General Manager Recruitment Schedule**

Date	Topic	Notes
May 9, 2018	Prothman meets with LWUSD Board	<i>Completed.</i>
May 14, 2018	Post profile and start advertising	<i>Completed. Profile was posted on Prothman website 5/17/2018.</i>
June 17, 2018	Application Close Date	<i>25 applications received as of 6/18/2018.</i>

June 18-29, 2018	Prothman screens applications & interviews top 8-12 candidates	<i>Completed. Semi-finalists will be presented as scheduled.</i>
July 11, 2018	Work session with LWWSD Board to review semifinalists and pick finalists	
July 23-27, 2018	Final Interview Process	

**Operation & Maintenance Manager Recruitment Schedule**

<b>Date</b>	<b>Topic</b>	<b>Notes</b>
May 9, 2018	Prothman meets with LWWSD Board	<i>Completed.</i>
May 14, 2018	Post profile and start advertising	<i>Completed. Profile was posted on Prothman website 5/17/2018.</i>
June 17, 2018	Application Close Date	<i>21 applications received as of 6/18/2018.</i>
June 18-29, 2018	Prothman screens applications & interviews top 8-12 candidates	<i>Task in progress.</i>
July 11, 2018	Work session with LWWSD Board to review semifinalists and pick finalists	<i>Board directed staff to wait until new GM is contracted prior to reviewing semifinalists.</i>
August 6-10, 2018	Final Interview Process	<i>Board directed staff to wait until new GM is contracted prior to interviews.</i>

**FISCAL IMPACT**

None.

**RECOMMENDED BOARD ACTION**

None.

**PROPOSED MOTION**

None.



LAKE WHATCOM WATER AND SEWER DISTRICT

**AGENDA BILL**

**Item 5B**

DATE SUBMITTED:	July 3, 2018	MEETING DATE:	July 11, 2018
SUBJECT:	North Shore On-Site Septic System Phosphorus Loading Analysis		
TO: BOARD OF COMMISSIONERS	FROM: Bill Hunter		
MANAGER APPROVAL			
ATTACHED DOCUMENTS			
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 June 27 Board Meeting, Herrera’s final technical memorandum that addresses comments received from the Board and various agencies was presented. Discussion followed regarding the Board’s response and Commissioner Ford agreed to draft a letter to begin solidifying the Board’s official position and desires for next steps in this process. This agenda item is a placeholder for further discussion, as well as to discuss and confirm that the Technical Memo presented on June 27 is the document to forward to the Lake Whatcom Management Data Team.

Tentatively, at the August Data Team meeting Rob Zisette from Herrera will present the report to the Data Team, answer questions, and coordinate a presentation to the Lake Whatcom Management Policy Group in September.

**FISCAL IMPACT**

None.

**RECOMMENDED BOARD ACTION**

None.

**PROPOSED MOTION**

None.



LAKE WHATCOM WATER AND SEWER DISTRICT

**AGENDA BILL**

Item 5.C.

DATE SUBMITTED:	July 3, 2018	MEETING DATE:	July 11, 2018
SUBJECT:	Status Update on Additional Septic Systems Near District Sewers		
TO: BOARD OF COMMISSIONERS	FROM: Melanie Mankamyer, PE Wilson Engineering, LLC		
MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Engineer's Brief dated July 2, 2018		
	2. South Geneva Latecomers Agreement (abridged)		
	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**

See attached Engineer's Brief.

**FISCAL IMPACT**

N/A.

**RECOMMENDED BOARD ACTION**

**PROPOSED MOTION**

**Status Update on Remaining Septic Systems Adjacent to District Sewers**

**Background**

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. As noted in the May 30 Agenda Bill 5.H Additional Sewer Connections - Lake Louise Road Area, the goals of this activity are to:

- Provide the current Board of Commissioners with an understanding of the original ULID 18 boundary established by the Board in the 2001 – 2002 time frames and assess how existing policies and resolutions impact current requirements to connect to the system.
- Complete a District-wide sweep of remaining properties served by OSSDS to identify which properties must be connected to the District's system, in accordance with District policies, and do our best to understand how they were missed.
- As done previously, develop a plan to serve the impacted properties discovered which should be connected to sewer; notify the property owners with information, provide an explanation of costs and a time frame for implementation.

This is the second of several status update Briefs that will be presented to address these goals.

**South Geneva Developer Extension**

The District entered into a Developer Extension Agreement for the South Geneva Developer Extension which was completed in 2011. Typically, the District requires that all connection fees are paid for each lot included in the developer extension. The District granted an exception for four lots that are/were owned by the Developer. These lots are considered as "contributing financially to the project" and not subject to the Latecomer Agreement fees (attached), but not guaranteed capacity until the connection fees are paid.

The sewer is a small diameter pressure sewer which has a limited capacity. The Latecomer Agreement lists the number of available connections to the sewer line as 9 (there are two additional "Vault only" connections). Four houses have been connected to the sewer line so far, leaving five remaining connections.

We have reviewed the sewer benefitting properties listed in the Latecomer Agreement (see attached map). Of these, four have been developed using a community drainfield system, and one vacant lot is included in the area served by the community drainfield system. Forcing these four properties to connect to the District's sewer may impact the funding available to properly maintain the community drainfield.

Three of the benefitting properties are vacant and two of these have inquired about water and sewer service from the District. Given the limited capacity of the sewer, it seems appropriate to provide a reminder notice to the Developer that capacity is not guaranteed until the connection fees are paid.

In preparing this letter, the question has arisen as to whether these properties, which were ULID #18 Abutters, should be charged the ULID 18 Fee in Lieu of Assessment. Of the four properties in the South Geneva Development that have already connected, two were charged the ULID 18 Fee and two were not. The abutters were not required to participate in the ULID, but could “opt-in” to ensure there was sufficient capacity in the Interceptor for their future developments.

Two of the benefitting properties are “Vault Only” sewer connections and inside the ULID 18 boundary. They will be included in the next round of notification letters.

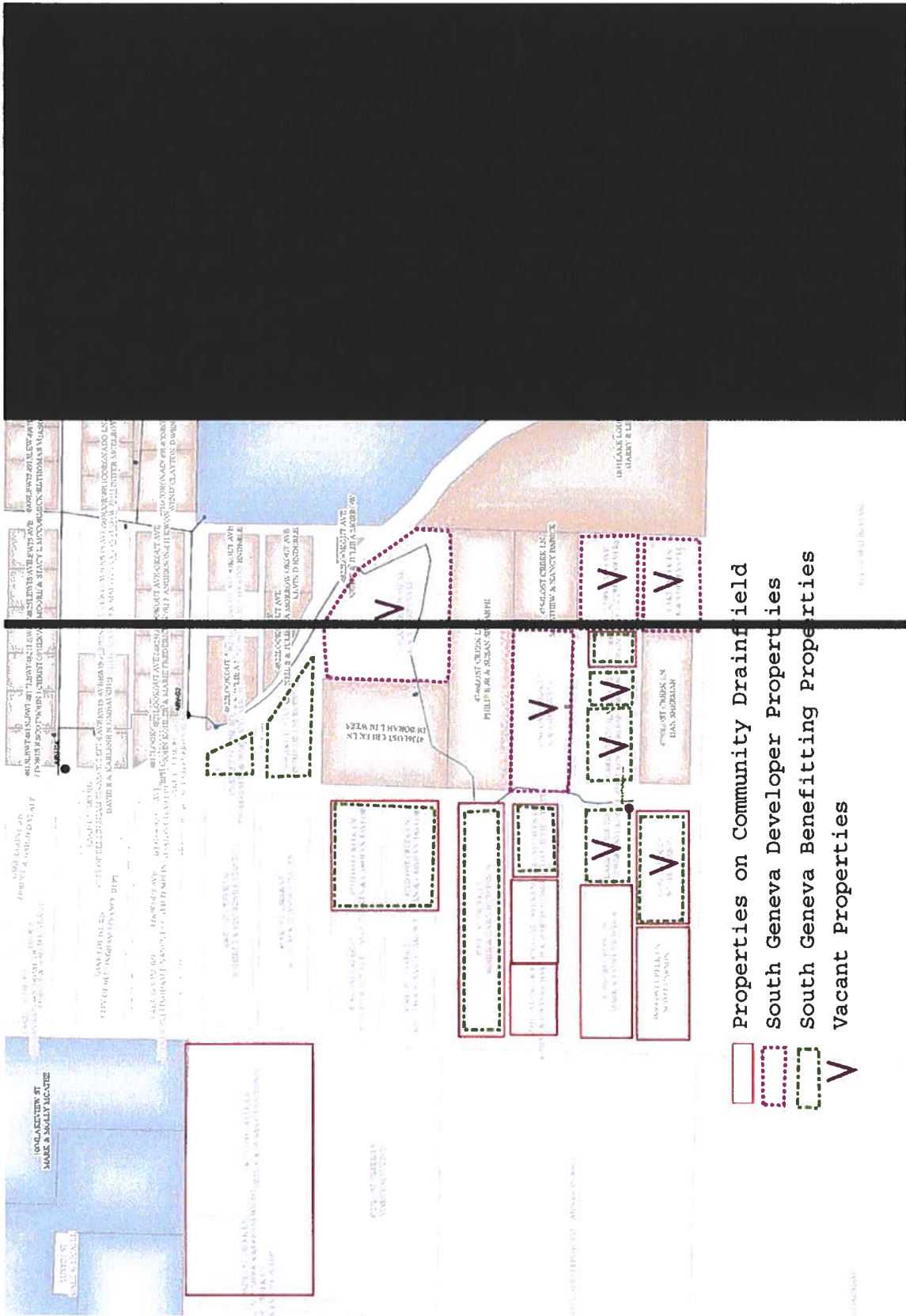
**Conclusion/Recommendations**

- Recommend notifying Developer to remind him that capacity is not guaranteed until connection fees are paid.
- Establish policy regarding whether abutters should be charged the ULID 18 Fee.
- Determine whether the properties that are using a community drainfield should be required to connect to a limited capacity District sewer.

**Attachments:**

1. South Geneva area map
2. South Geneva Latecomer Agreement (abridged), AF# 2110701972.

# SOUTH GENEVA AREA







Request of: RESICK HANSEN FRYER

**Return Document To:**

LAKE WHATCOM  
 WATER & SEWER DISTRICT  
 1220 Lakeway Drive  
 Bellingham, WA 98229

**Use dark black ink and print legibly. Documents not legible will be rejected per RCW**

<p><b>DOCUMENT TITLE(S):</b></p> <p style="text-align: center;">South Geneva Water and Sewer Main Extensions          Latecomers Reimbursement Agreement</p>																																																	
<p><b>AUDITOR FILE NUMBER &amp; VOL &amp; PG NUMBERS OF DOCUMENT(S) BEING ASSIGNED OR RELEASED:</b></p> <p>Additional reference numbers can be found on page ____ of document.</p>																																																	
<p><b>GRANTOR(S):</b></p> <p style="text-align: center;">LAKE WHATCOM WATER &amp; SEWER DISTRICT</p> <p>Additional grantor(s) can be found on page ____ of document.</p>																																																	
<p><b>GRANTEE(S):</b></p> <p style="text-align: center;">K &amp; S GENEVA, L.L.C.          Richard G. Sievers          Marilyn Sievers</p> <p>Additional grantee(s) can be found on page ____ of document.</p>																																																	
<p><b>ABBREVIATED LEGAL DESCRIPTION: (Lot, block, plan name OR; qtr/qtr, section, township &amp; range OR; unit, building and condo name).</b></p> <p style="text-align: center;">PORTION OF THE NW 1/4 OF THE SW 1/4, SECTION 35, TOWNSHIP 38N, RANGE 3E,          W.M., WHATCOM COUNTY, WASHINGTON.</p> <p>Additional legal(s) can be found on page 7-8, 12-18 of document.</p>																																																	
<p><b>ASSESSOR'S PARCEL NUMBER:</b></p> <table border="0"> <tr> <td>380335 034186 0000</td> <td>380335 073253 0000</td> <td>380335 034253 0000</td> <td>380335 019213 0000</td> <td>380335 120152 0000</td> </tr> <tr> <td>380335 048213 0000</td> <td>380335 080155 0000</td> <td>380335 090170 0000</td> <td>380335 013172 0000</td> <td>380335 120170 0000</td> </tr> <tr> <td>380335 054152 0000</td> <td>380335 080239 0000</td> <td>380335 097152 0000</td> <td>380335 111211 0000</td> <td>380335 020138 0000</td> </tr> <tr> <td>380335 055140 0000</td> <td>380335 081211 0000</td> <td>380335 034239 0000</td> <td>380335 034172 0000</td> <td>380335 024154 0000</td> </tr> <tr> <td>380335 056172 0000</td> <td>380335 089140 0000</td> <td>380335 105152 0000</td> <td>380335 120138 0000</td> <td>380334 280230 0000</td> </tr> <tr> <td>380334 432249 0000</td> <td>380334 317232 0000</td> <td>380334 453246 0000</td> <td>380334 284149 0000</td> <td>380334 437216 0000</td> </tr> <tr> <td>380334 300183 0000</td> <td>380334 417183 0000</td> <td>380334 316155 0000</td> <td>380334 417149 0000</td> <td>380334 344154 0000</td> </tr> <tr> <td>380334 450166 0000</td> <td>380334 350225 0000</td> <td>380334 455250 0000</td> <td>380334 381250 0000</td> <td>380334 510250 0000</td> </tr> <tr> <td>380334 385230 0000</td> <td>380334 496162 0000</td> <td>380334 379154 0000</td> <td>380334 494211 0000</td> <td>380334 409248 0000</td> </tr> </table>					380335 034186 0000	380335 073253 0000	380335 034253 0000	380335 019213 0000	380335 120152 0000	380335 048213 0000	380335 080155 0000	380335 090170 0000	380335 013172 0000	380335 120170 0000	380335 054152 0000	380335 080239 0000	380335 097152 0000	380335 111211 0000	380335 020138 0000	380335 055140 0000	380335 081211 0000	380335 034239 0000	380335 034172 0000	380335 024154 0000	380335 056172 0000	380335 089140 0000	380335 105152 0000	380335 120138 0000	380334 280230 0000	380334 432249 0000	380334 317232 0000	380334 453246 0000	380334 284149 0000	380334 437216 0000	380334 300183 0000	380334 417183 0000	380334 316155 0000	380334 417149 0000	380334 344154 0000	380334 450166 0000	380334 350225 0000	380334 455250 0000	380334 381250 0000	380334 510250 0000	380334 385230 0000	380334 496162 0000	380334 379154 0000	380334 494211 0000	380334 409248 0000
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380335 054152 0000	380335 080239 0000	380335 097152 0000	380335 111211 0000	380335 020138 0000																																													
380335 055140 0000	380335 081211 0000	380335 034239 0000	380335 034172 0000	380335 024154 0000																																													
380335 056172 0000	380335 089140 0000	380335 105152 0000	380335 120138 0000	380334 280230 0000																																													
380334 432249 0000	380334 317232 0000	380334 453246 0000	380334 284149 0000	380334 437216 0000																																													
380334 300183 0000	380334 417183 0000	380334 316155 0000	380334 417149 0000	380334 344154 0000																																													
380334 450166 0000	380334 350225 0000	380334 455250 0000	380334 381250 0000	380334 510250 0000																																													
380334 385230 0000	380334 496162 0000	380334 379154 0000	380334 494211 0000	380334 409248 0000																																													

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ (day) of \_\_\_\_\_ (month), \_\_\_\_\_ (year) between LAKE WHATCOM WATER & SEWER DISTRICT, a municipal corporation ("District") and **K & S GENEVA, L.L.C., and Richard G. and Marilyn Sievers** ("Developer").

## RECITALS

- A. District is a duly organized water and sewer district under the laws of the State of Washington, and is empowered to furnish both water and sewer service to property owners in the manner provided by law.
- B. Developer previously entered into a Developer Extension Agreement ("DEA") with District for the construction and installation of water and sewer facilities to provide service to the area described on Exhibit "A" ("Developed Area") attached hereto. Developer has completed installation of the facilities in accordance with the terms of the DEA. Portions of the facilities provide a benefit to real property within and/or without District other than the Developed Area. The facilities consist of water and sewer lines and appurtenances of a size and location described on Exhibit "B" attached hereto and designated "Water and Sewer Facilities" ("Facilities"). Developer is entitled to reimbursement from developers and real property owners who subsequently connect to or use such Facilities, and who did not contribute to the original cost of such Facilities. Such reimbursement should consist of that portion of the cost of such Facilities in excess of Developer's fair pro rata share therefor, which costs have been determined as set forth below.
- C. District will collect charges from the owners of property within District benefiting from the installation of the Facilities. Such charges are the sole source of funds for District from which reimbursement to the owner can and will be made, as and when the same are collected.
- D. District is required to enter into a Latecomers Reimbursement Agreement with Developer under the provisions of RCW 57.22.020.

NOW THEREFORE District and Developer agree as follows:

1. **Completion of Facilities** Developer has installed Facilities described on Exhibit "B" in the developed area under a DEA with District and has transferred the Facilities to the District by Bill of Sale.
2. **Records/Cost** Developer has maintained and submitted to District's Engineer accurate records of actual costs of installing such Facilities in accordance with the DEA. District's Engineer has reviewed and determined the costs of such Facilities that are eligible for reimbursement. In the alternative, the District's Engineer has estimated the reasonable cost of such Facilities because Developer did not provide such cost records within 30 calendar days of District's acceptance of the Bill of Sale. District accepts such costs as costs that are subject to reimbursement. District agrees to reimburse Developer in the manner and on the terms and conditions set forth in this Agreement. Developer agrees to reimburse District for all costs and charges incurred by District to prepare and set-up this Agreement, including but not limited to, all legal, engineering, and administrative costs and charges.

3. **Method of Reimbursement**

3.1 **Reimbursement Area:** A reimbursement area has been formulated by the District's Engineer and is hereby approved by the Board. Such area includes those parcels that would require similar improvements upon development. A connection "latecomer" charge has been established for parcels within said reimbursement area which did not contribute to the original cost thereof. Such parcels, and the latecomer charges, are described in Exhibit "C" attached hereto.

3.2 **Charges**

3.2.1 **Amount** Prior to allowing a reimbursement area property to connect to the Facilities or any lateral or branch connected thereto, District shall collect the fair pro rata share of the cost of installing such Facilities as a charge from the owners of properties in the reimbursement area. The reimbursement area to which this provision shall apply is set forth on Exhibit "C". Exhibit "C" also establishes the gross reimbursement amounts for connection. Such charges may include, but are not limited to, the pro rata share of District legal, engineering, administrative, permits, set-up, handling and actual costs of the Facilities, and charges specifically applicable to the Facilities. Such reimbursement charges shall be in addition to all other District charges in effect at the time of seeking connection to Facilities. Upon application by affected property owners, District may further segregate the charges attributed to the reimbursement area properties. All costs of such segregation shall be borne by the party requesting such segregation.

3.2.2 **Net Reimbursement Amount** The net reimbursement amount is the gross reimbursement amount less \$185.00 per connection for District's reimbursement processing costs. In the event that Developer waives entitlement to reimbursement, District shall nevertheless be entitled to collect the gross reimbursement amount as part of the connection charge against such portion of the reimbursement area.

Costs, including attorney fees and court costs, reasonably incurred by the District to defend a challenge to a reimbursement agreement shall be deducted from the applicable reimbursement amounts. In the alternative, District may assign its rights to defend to an owner upon payment of the administrative charge applicable to such reimbursement amounts.

3.2.3 **Payment** District shall deposit gross reimbursement amounts received and issue a warrant for the net reimbursement amount payable to Developer, to be issued within 60 days after District's receipt of gross reimbursement amount.

3.2.4 **Liens; Satisfaction** The amounts payable by reimbursement area property owners desiring to connect to Facilities shall be a lien upon such property until paid. When paid, the lien shall be satisfied and discharged of record. Developer hereby appoints Lake Whatcom Water and Sewer District as its attorney-in-fact, to prepare, execute and file for record with the Whatcom County Auditor a document

appropriate to cancel the lien of the reimbursement area property owners paying the reimbursement amount to District. The document will describe the property so connecting and paying the reimbursement amount, and thereupon this Agreement shall no longer apply to such property. This appointment as attorney-in-fact is irrevocable during the existence of this Agreement.

**3.2.5 Payment Procedure** District shall forward net reimbursement amounts referenced herein to the name and address set forth below. Developer may designate another person to receive payments in the following manner: in a written instrument, signed and acknowledged in deed form, and delivered to the District for recording. As a condition of receiving such funds, Developer or Developer's designee shall execute a receipt in form acceptable to District, for such amounts so paid. The receipt shall include the legal description of the connecting property and name of the owner making payment of such amount to District.

**Designated Party to Receive Reimbursements:**

Name: William Kramer  
Address: 1442 Sunset Avenue  
Ferndale, WA 98248  
Telephone: (360) 303-0515

The Grantees agree that the above designated party, and not the District, shall be responsible for redistributing any funds received. Every two years from the date this contract is executed the Grantees shall provide the District with information regarding the current name, address and telephone number of the party designated to receive reimbursements.

In the event of dispute as to the rightful party to receive such funds, District may pay the same to Developer, Developer's designee, or interplead such funds to the court. In any event, District shall thereupon be relieved of any further obligation or of any liability hereunder as to such reimbursement funds so paid. Developer or designee shall indemnify District for any costs, including attorney fees, incurred by District in such interpleader action.

**4. Agreement Duration**

**4.1 Commencement Date** This Agreement shall remain in full force and effect for a period of fifteen (15) years from the date of recording of this agreement.

**4.2 Subsequent Payments** Upon expiration of the fifteen-year period Developer shall have no further entitlement to reimbursement for Facilities, and the amounts established in Exhibit "C" for reimbursement thereafter, shall be paid to District as additional connection charge to ensure that all persons utilizing the Facilities of the District pay their fair share, and to compensate District for the maintenance and operation of under-utilized Facilities. District shall include the potential for recovery of latecomers after fifteen (15) years in the development of

its general facilities charges, upon which basis such Facilities shall not be considered "donated" as such term is referred to in RCW 57.08.005(10).

5. **District Authority** District is authorized to enter into this Agreement by virtue of the provisions of RCW 57.22.020.

6. **Recording** This Agreement shall be recorded in the office of the Whatcom County Auditor, Whatcom County, Washington, immediately upon execution by District and Developer. Such Agreement shall constitute a lien and servitude upon the properties described on Exhibit "C" not contributing to the original cost of the Facilities installed by Developer under the provisions hereof, and shall be binding upon the present owner thereof, and all successors and interest to those respective parties in accordance with applicable law.

7. **Agreement Implementation** District will use its best efforts to collect and distribute the funds pursuant to the process set forth in this Agreement. However, District, its officials, employees or agents shall not be held liable or responsible for failure to implement any of the provisions of this Agreement unless such failure was willful or intentional.

8. **General** This Agreement constitutes the entire agreement between the parties. All exhibits referred to herein are by this reference made a part of this Agreement as though set forth in full. This Agreement is binding upon the heirs, executors, administrators, successors and assigns, of each of the parties hereto.

LAKE WHATCOM WATER & SEWER DISTRICT

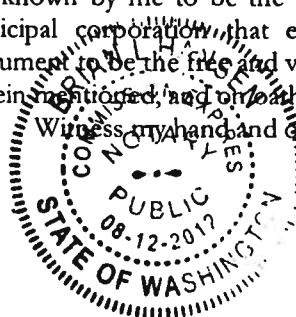
By: *Patrick Sorensen*  
Patrick Sorensen

Its: General Manager

STATE OF WASHINGTON )  
: ss  
COUNTY OF WHATCOM )

On this 21<sup>st</sup> day of July, 2011, Patrick Sorensen personally appeared before me and known by me to be the General Manager of Lake Whatcom Water & Sewer District, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the date and year first above written.



*Brian J. Hoffman*  
Notary Public in and for the State of Washington  
Residing at Bellingham  
My Commission Expires: 8-12-2017

GRANTEES:

William Kramer  
K & S Geneva LLC (Signature)

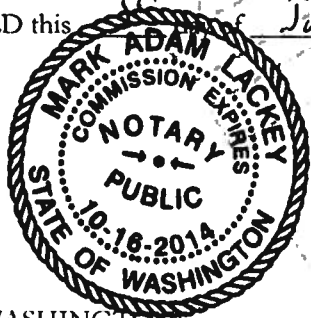
Richard G. Sievers  
Richard G. Sievers  
Marilyn M. Sievers by Richard  
Sievers her attorney in fact  
Marilyn Sievers

William Kramer MEMBER  
(Printed Name & Title)

STATE OF WASHINGTON )  
: SS  
COUNTY OF WHATCOM )

On this day personally appeared before me William Kramer, to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that he signed the same as the free and voluntary act and deed of K & S Geneva, LLC, and was authorized to sign the same on its behalf, for the uses and purposes therein mentioned.

DATED this 7<sup>th</sup> day of July, 2011.

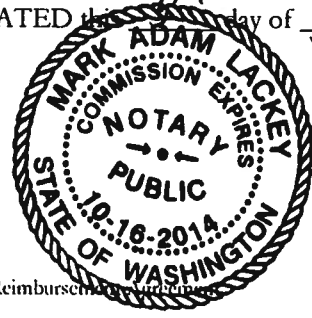


[Signature]  
Notary Public in and for the State of Washington residing at Bellingham  
My commission expires: 10/18/2014

STATE OF WASHINGTON )  
: SS  
COUNTY OF WHATCOM )

On this day personally appeared before me Richard G. Sievers <sup>individually and as attorney</sup> and Marilyn Sievers <sup>in fact for Marilyn Sievers</sup>, husband <sup>his</sup> and wife <sup>wife</sup>, to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that he signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

DATED this 7<sup>th</sup> day of July, 2011.



[Signature]  
Notary Public in and for the State of Washington residing at Bellingham  
My commission expires: 10/18/2014

**EXHIBIT A - DEVELOPED AREA**

The Developed Area is specifically excluded from the Latecomer Reimbursement fees associated with this Developer Extension and includes the following:

- 1. Developed property described below owned by Philip E. and Susan Sharpe with a total of 1 water connection and 1 sewer connection.

Tax Parcel No: 380335 100185 0000

Legal Description:

Lots 1 through 12, Block 13, South Geneva, according to the plat thereof, recorded in Volume 2 of Plats, Page 44, records of the Auditor, Whatcom County, Wa.

Together with the East 30 feet of Beecher Avenue abutting the South 30 feet of 10th Street, and Lot 12 of Block 13, and the North 8 feet of alley; also the North 8 feet of alley abutting Lots 1 through 12, Block 13; also the West 30 feet of Coronado Avenue abutting the South 30 feet of 10th Street, and Lot 1 of Block 13, and the North 8 feet of the alley; also the South 30 feet of 10th Street abutting Lots 1 through 12, Block 13, all as vacated in stipulated judgment filed November 9, 2007 in Whatcom County Superior Court Cause No. 07-2-02157-1, as would attach by operation of law.

Together with and subject to easements and agreements of record.

Situate In Whatcom County, Washington.

- 2. Properties described below have contributed to the original cost of the Facilities but are not yet connected to the water or sewer systems. These properties are eligible for but not guaranteed water or sewer connections unless and until all required connection fees are paid including the General Facilities Fees and any other ULID or Latecomer fees.

**Summary List of Excluded Contributing Properties:**

Tax Parcel No:	Owned by:	Tax Parcel No:	Owned by:
380335 089140 0000	Dan Sherman	380335 120138 0000	K & S Geneva LLC
380335 081211 0000	K & S Geneva LLC	380335 120152 0000	Richard G. Sievers
380335 090170 0000	K & S Geneva LLC	380335 120170 0000	K & S Geneva LLC
380335 111211 0000	K & S Geneva LLC		

**Full Legal Descriptions:**

APN 38033 089140

Lots 13 to 20, inclusive, Block 16, Plat of South Geneva on Lake Whatcom, according to the plat thereof recorded in Volume 2 of Plats, Page 44, Records of Whatcom County, Wa. Together with the East 30 feet of Beecher Avenue, 12th Street, and the South 8 feet of the 16-foot alley abutting Lots 13 through 20, all as would attach by operation of law and as vacated in Stipulated Judgment filed September 24, 2008 in Whatcom County Superior Court Case No. 08-2-01298-7.

Together with and subject to easements and agreements of record.

APN 380335 081211

Lots 8 through 17, inclusive, Block 12, South Geneva, according to the plat thereof recorded in Volume 2 of Plats, Page 44, records of Whatcom County, Wa.

TOGETHER WITH the South Half of 9th Street abutting, the North half of 10th Street abutting, the East half of Beecher Avenue abutting, and the alley abutting, per that stipulation and agreed judgment entered in Whatcom County Superior Court Cause No. 04-2-02071-5, as would attach by operation of law.

Together with and subject to easements and agreements of record.

APN 380335 090170

Lots 13 through 20, Block 13, South Geneva, according to the plat thereof recorded in Volume 2 of Plats, Page 44, records of Whatcom County, Wa. Together with the East half of Beecher Avenue, the North half of 11th Street and the South half of alleyway abutting upon as vacated in Order dated January 9, 2009 in Whatcom County Superior Court Case No. 08-2-01879-9, as would attach by operation of law.

Together with and subject to easements and agreements of record.

APN 380335 111211

Lots 2 through 7, inclusive, and 18 through 24, inclusive, Block 12, South Geneva, according to the plat thereof recorded in Volume 2 of Plats, Page 44, records of Whatcom County, Wa. TOGETHER WITH the South half of 9th Street abutting, the North half of 10th Street abutting, the West half of Coronado Avenue abutting, and the alley abutting, per that stipulation and agreed judgment entered in Whatcom County Superior Court Cause No. 04-2-02071-5, as would attach by operation of law.

Together with and subject to easements and agreements of record.

APN 380335 120138

Lots 21 through 24, inclusive, Block 16, South Geneva, according to the plat thereof recorded in Volume 2 of Plats, Page 44, records of Whatcom County, Wa. Together with the West half of Coronado Avenue, 12th Street, and the South half of the alleyway abutting as vacated in Order dated January 9, 2009, in Whatcom County Superior Court Case No. 08-2-01879-9, as would attach by operation of law.

Together with and subject to easements and agreements of record.

APN 380335 120152

Lots 1 through 4, inclusive, Block 16, South Geneva, according to the plat thereof recorded in Volume 2 of Plats, Page 44, records of Whatcom County, Wa. Together with the West half of Coronado Avenue, the South half of 11th Street, and the North half of the alleyway abutting as vacated in Order dated January 9, 2009 in Whatcom County Superior Court Case No. 08-2-01879-9, as would attach by operation of law.

Together with and subject to easements and agreements of record.

APN 380335 120170

Lots 21 through 24, inclusive, Block 13, South Geneva, according to the plat thereof recorded in Volume 2 of Plats, Page 44, records of Whatcom County, Wa. Together with the West half of Coronado Avenue, the North half of 11th Street, and the South half of alleyway abutting, as vacated in Order dated January 9, 2009 in Whatcom County Superior Court Case No. 08-2-01879-9, as would attached by operation of law.

Together with and subject to easements and agreements of record.

Situate In Whatcom County, Washington.

Latecomers Reimbursement Agreement

Page 8 of 20



## EXHIBIT B - EXTENSION FACILITIES

The Extension Facilities constructed or acquired by the Developer by or on behalf of Lake Whatcom Water and Sewer District are as follows:

### Water Facilities:

1. 2,125 linear feet of 8-inch diameter HDPE watermain, and
2. 200 linear feet of 8-inch ductile iron watermain, and
3. One booster pump station, and
4. Five fire hydrants, and
5. One blowoff assembly, and
6. One combination air release/vacuum relief valve, and
7. One sampling station, and
8. Eight water service connections. Note: Only one water service was activated under this Extension.

### Sewer Facilities:

1. 1,335 linear feet of 2-inch diameter HDPE sewer force main, and
2. Five sewer cleanouts, and
3. One forcemain connection vault, and
4. One combination air release/vacuum relief valve, and
5. Eight sewer service connections. Note: Only one sewer service was activated under this Extension.

The Extension Facilities are located a portion of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 35, Township 38N, Range 3E, W.M., in Whatcom County, WA.

All of said works are referred to in the Reimbursement Agreement as the Extension Facilities.

### FACILITY CAPACITY LIMITATIONS:

The water system as installed has a limit of 14 service connections on the pressure booster pump. If and when the District facilities are expanded to include a water tank at a sufficient elevation to enable the system to be fed by gravity, the system capacity will increase beyond 14 connections.

The sewer system as installed can support a maximum of nine grinder pump connections, based on the E-One brand residential grinder pump station design. Hydraulic analyses were provided for seven of the eight developed properties and are included in the record drawings for these extension facilities. A hydraulic analysis must be prepared by a licensed professional engineer and approved by the District before any property can connect to this sewer facility. In addition to demonstrating that the grinder pump selected provides sufficient pressure and flow, the analysis must also demonstrate that the pump is equivalent to an E-One pump and will not overwhelm the limited capacity of the sewer system.

Two additional sewer connections can be accommodated at the vault where the new sewer facilities connect to the Lake Louise Road Interceptor. These connections do not make use of the installed sewer main.

The Latecomer Charge less the District's Administrative Costs shall be paid to Designated Party to Receive Reimbursements listed above. If the Owner gives notice to the District that payments are to be made to another party, the District shall abide by such notice.

The Benefitted Properties are those properties listed below that are included in the Benefit Area and have not contributed to the original cost of these facilities.

As noted above, there are a limited number of water and sewer connections available and the number of benefitted properties exceeds the connections available. The water and sewer connections are made available on a first come, first served basis.

Once the 14 water connections have been activated, the remainder of the Class A properties will default to Class B, and be subject to the Class B Water Latecomer Fee.

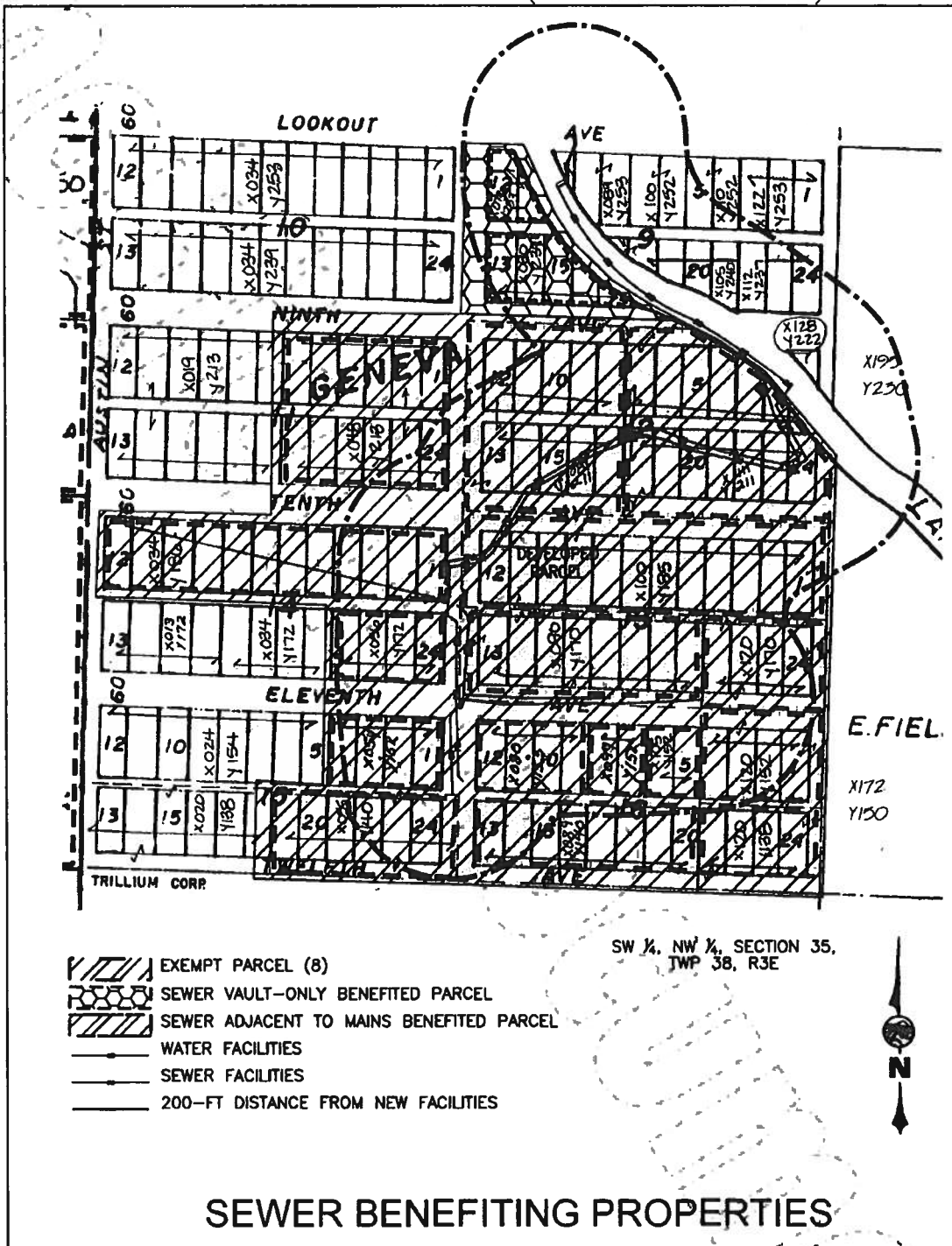
Summary list of Class A Benefitted Properties:

Class A			
Parcel #	Benefit	Parcel #	Benefit
380335 013172 0000	Water Only	380335 054152 0000	Water & Sewer
380335 019213 0000	Water Only	380335 055140 0000	Water & Sewer
380335 020138 0000	Water Only	380335 056172 0000	Water & Sewer
380335 024154 0000	Water Only	380335 073253 0000	Water; Vault Only
380335 034172 0000	Water Only	380335 080155 0000	Water & Sewer
380335 034186 0000	Water & Sewer	380335 080239 0000	Water; Vault Only
380335 034239 0000	Water Only	380335 097152 0000	Water & Sewer
380335 034253 0000	Water Only	380335 105152 0000	Water & Sewer
380335 048213 0000	Water & Sewer		

Summary list of Class B Benefitted Properties:

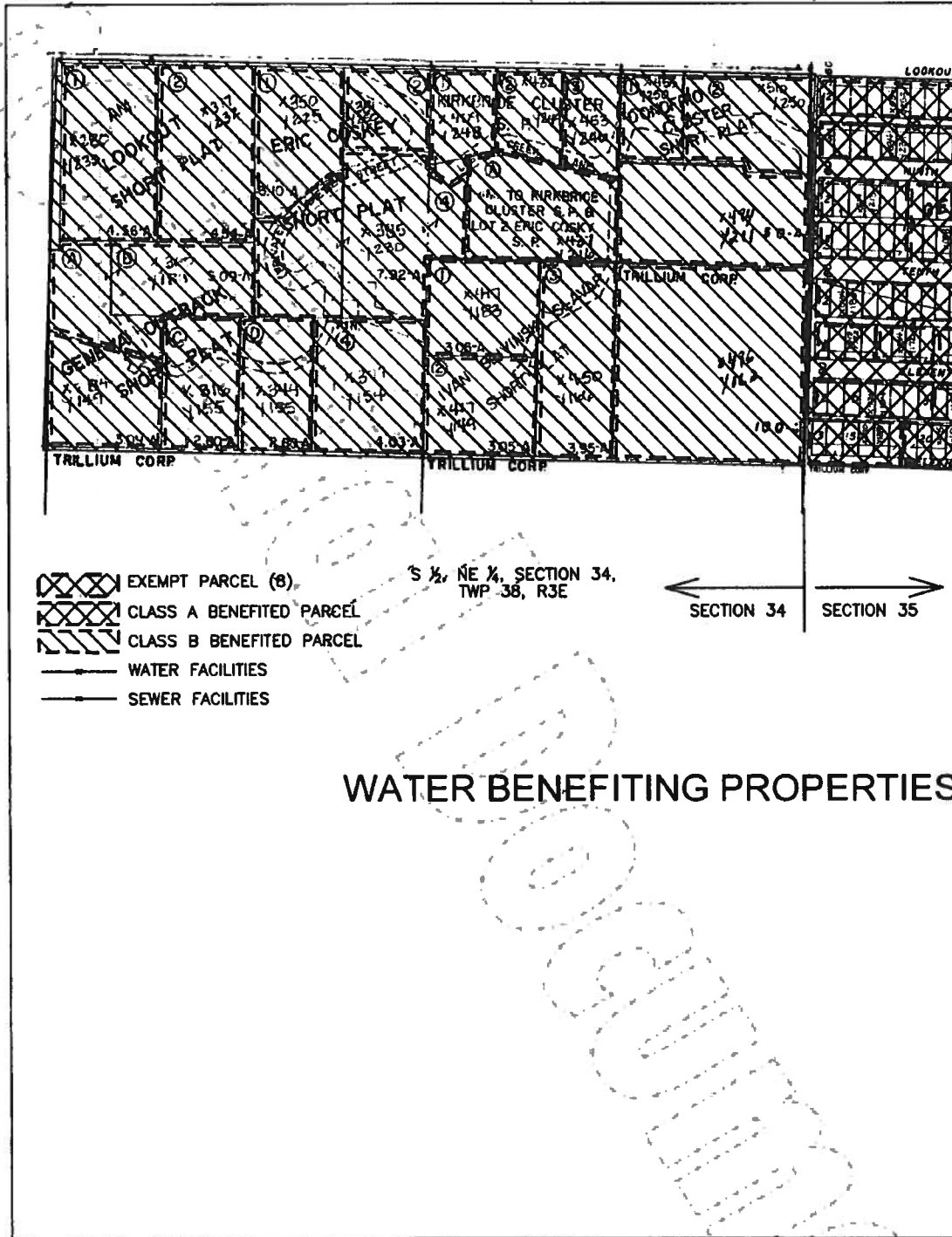
Class B			
Parcel #	Benefit	Parcel #	Benefit
380334 280230 0000	Future Water	380334 432249 0000	Future Water
380334 317232 0000	Future Water	380334 453246 0000	Future Water
380334 284149 0000	Future Water	380334 437216 0000	Future Water
380334 300183 0000	Future Water	380334 417183 0000	Future Water
380334 316155 0000	Future Water	380334 417149 0000	Future Water
380334 344154 0000	Future Water	380334 450166 0000	Future Water
380334 350225 0000	Future Water	380334 455250 0000	Future Water
380334 381250 0000	Future Water	380334 510250 0000	Future Water
380334 385230 0000	Future Water	380334 496162 0000	Future Water
380334 379154 0000	Future Water	380334 494211 0000	Future Water
380334 409248 0000	Future Water		

EXHIBIT C - BENEFITED PROPERTIES - MAP (FOR REFERENCE ONLY)



Situated in a portion of the NW 1/4 of the SW 1/4, Section 35, Township 38N, Range 3E, W.M., Whatcom County, Washington.

EXHIBIT C - BENEFITED PROPERTIES - MAP (FOR REFERENCE ONLY)



Situated in a portion of the NW 1/4 of the SW 1/4, Section 35, Township 38N, Range 3E, W.M., Whatcom County, Washington.



LAKE WHATCOM WATER AND SEWER DISTRICT

**AGENDA BILL**  
Item 5.D.

DATE SUBMITTED:	July 3, 2018	MEETING DATE:	July 11, 2018
SUBJECT:	SVCA Fire Hydrant Developer Extension Agreement Application		
TO: BOARD OF COMMISSIONERS	FROM: Melanie Mankamy, PE		
MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. DEA Application		
	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**

Sudden Valley Community Association (SVCA) has applied for a Conditional Use Permit (CUP) with Whatcom County to install a fabric storage building at their Area Z Maintenance yard. The structure will be about 60'x90' and installed on a concrete slab. It will be used to store their winter emergency supplies (sand, de-icer) and equipment.

SVCA received preliminary feedback from the Fire Marshal indicating that a fire hydrant will be required within 400 feet of the farthest corner of the structure. Attached is SVCA's application to install a fire hydrant and the approximately 400-foot water main extension to meet the Fire Marshal's requirement.

**FISCAL IMPACT**

None.

**RECOMMENDED BOARD ACTION**

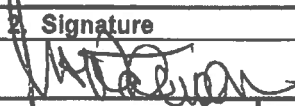
Approve the Developer Extension Agreement application and authorize the Interim General Manager to enter into a DEA contract with SVCA to install a fire hydrant at Area Z.

**PROPOSED MOTION**

Move to approve SVCA's DEA application and authorize the Interim General Manager to enter into a DEA contract with SVCA to install a fire hydrant at Area Z.

# LAKE WHATCOM WATER & SEWER DISTRICT

## APPLICATION TO ESTABLISH DEVELOPER EXTENSION AGREEMENT (DEA)

<b>1. Printed Name</b> Mitch Waterman, General Manager		<b>2. Signature</b> 		<b>3. Date Signed</b> 7/2/18	
<b>4. Address</b> Sudden Valley Community Association 4 Clubhouse Dr Bellingham, WA 98229			<b>5. Phone</b>		
			<b>Home</b>		
			<b>Work</b>	(360) 734-6430	
			<b>Fax</b>	(360) 734-1915	
<b>6. Attach Following Maps (11 x 17 or smaller):</b>					
<input type="checkbox"/> Assessor map with parcels highlighted (black and white copies only, please)					
<input type="checkbox"/> Proposed plat or lot layout with proposed water and/or sewer improvements. Show existing and proposed utility easements and public right-of-ways					
<b>7. Project Name</b> Area Z Fire Hydrant					
<b>8. Site and Project Information</b>					
List of Parcel Numbers: 370407-382379		Proposed Number of Water Services:		No new service	
		Proposed Number of Sewer Services:		No new service	
Current Zoning: R5A		Total Acres: 15.66			
Anticipated Start of Construction: August 2018		Anticipated Construction Duration: One week			
Provide a brief narrative description of the proposed development and requested water and/or sewer services. (If you require more space, please attach a separate sheet of paper): Install fire hydrant and 400 ft of 8-in DI pipe to meet CUP requirement for new Maintenance Storage facility.					

To be completed by District			
<b>9. Application Complete</b>		<b>10. Application Fee Received</b>	
Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>13. General Manager Signature</b>		<b>11. Receipt #</b>	
		<b>12. Received by</b>	
		<b>14. Date Signed</b>	

***SPECIAL NOTICES TO APPLICANT***
➤ When you request to establish a DEA with the District, we will provide you with an Application and a sample of a Developer Extension Agreement. The sample is provided to you for information and planning purposes only.
➤ Once the District approves your application, you will be asked to complete and submit the DEA.
➤ Application processing steps are printed on the reverse of this form.
➤ This Application, once accepted and approved by the District, does not constitute, nor does it imply, a guarantee by the District to provide water or sewer service.
➤ This is NOT a "Will Serve" document.

## OVERVIEW OF DEVELOPER EXTENSION PROCESS

### Application Process:

- A. Developer identifies basic facilities needed for the project.
- B. Developer completes a Developer Extension Agreement (DEA) Application Form.
- C. Board of Commissioners evaluates whether or not to allow extension.

### After Board of Commissioners decides to allow extension:

- D. District and Developer sign a Developer Extension Agreement.
- E. Developer designs facilities using District Design Standards.
- F. Developer constructs facilities using District's Construction Standards.
- G. District accepts improvements.
- H. If applicable, District creates a Latecomer's Agreement with Developer per RCW's 56 & 57.

## APPLICATION PROCEDURES

1. Applicant furnishes information required on reverse and pays application processing fee.
2. District performs preliminary Application completeness evaluation. If evaluation proves unsatisfactory, the District will return the application package to applicant citing deficiencies, and advise that application revision and resubmission is necessary.
3. Using information provided on the reverse, District ascertains proposed project conformance to the latest approved version of the District's Comprehensive Plan and other relevant District planning requirements. If found that:
  - 3.1. The information provided is insufficient to allow a determination, the District General Manager notifies the Applicant accordingly, citing discrepancies, and advises that Application revision/resubmission is necessary.
  - 3.2. In full conformance, the District General Manager advises the Applicant accordingly, and automatically petitions the District's Board of Commissioners to authorize the creation of a Developer Extension Agreement (DEA).
  - 3.3. In non or partial conformance, the District General Manager notifies Applicant accordingly, citing discrepancies, and advises that Application revision/resubmission is necessary.

If a Comprehensive Plan Amendment is required, the Applicant petitions the District's Board of Commissioners to have the District attempt a formal amendment to the latest approved version of the District's Comprehensive Plan. Applicant is hereby cautioned that:

- The Commissioners are not obligated to grant Applicant's request to attempt to amend the Comprehensive Plan.
- Applicant shall fund all expenses associated with said amendment attempt, (current minimum estimate \$1,000.)
- Amendment approval is not guaranteed since amendments require approval by multiple State and County agencies.

TOWNSHIP

37

RANGE

4E

SECTION

07

MAP NO.

02

SCALE

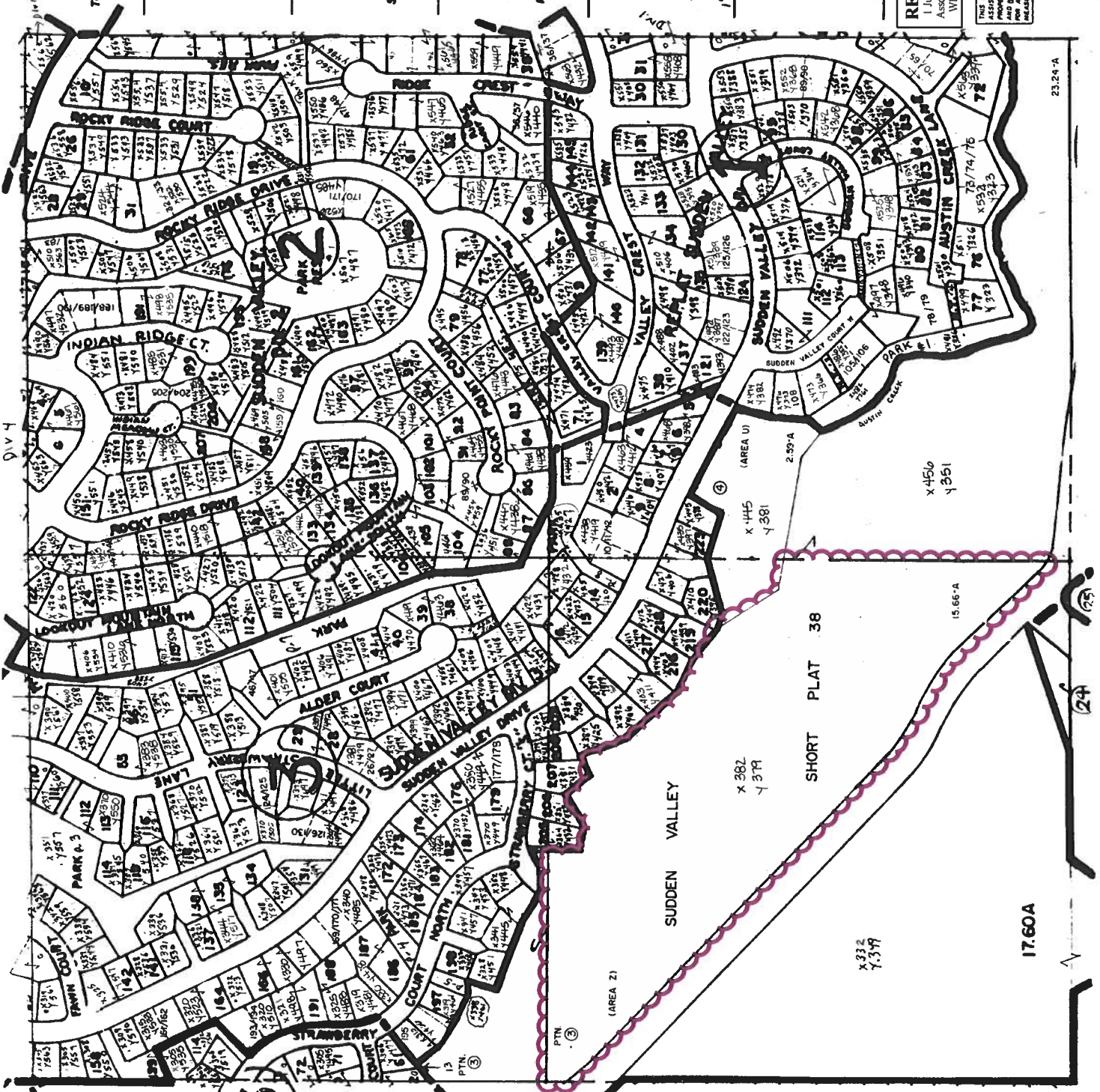
1"=200'

DATE

9/25/69

REVISED  
1 Jul 2016  
Assessor's Dept  
Whatcom Co

THIS MAP IS FOR  
ASSISTANCE IN  
IDENTIFYING  
AND NOT GUARANTEED  
FOR ACCURATE  
MEASUREMENTS



13

24

17.60A



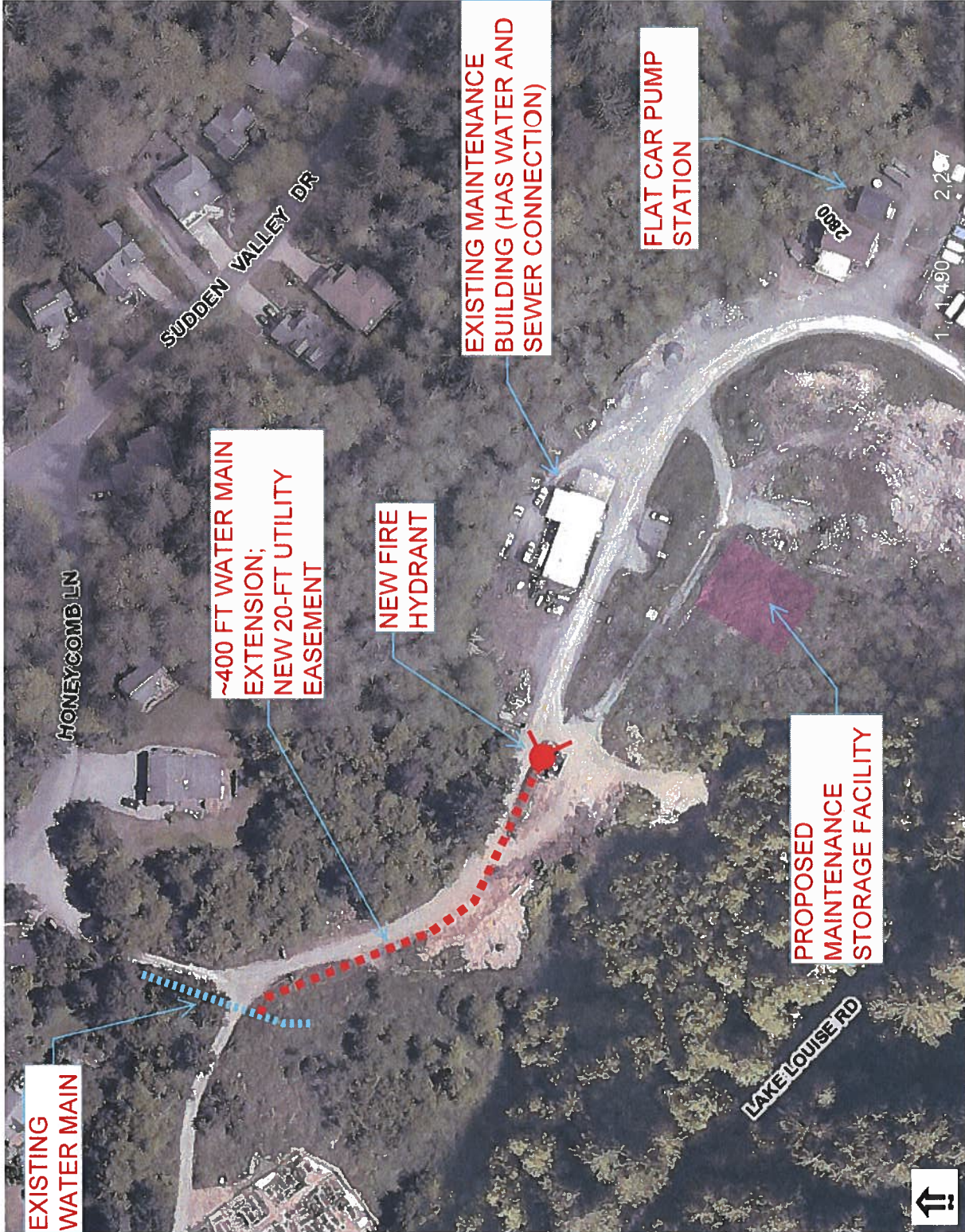


**Legend**

- Address
- Washington Roads Labels
- Bellingham Streets Street View
- County Roads Detail
- Schools
- Colleges/Universities
- Elementary, Middle, High Schools
- Private School or Preschool
- Fire Stations
- City Boundary
- Urban Growth Area
- Railroads
- Ferries
- Street
- Interstate
- Trails Detail
- Primary Trail (>8ft wide; gravel)
- Secondary Trail (6 - 8 ft wide; gravel)
- Minor Trail (dirt path)
- Airport
- Open Channel Streams
- Parks

**Notes**

Printed: 7/2/2018 12:30:17 PM



248 124 248 Feet

0

248



THIS MAP IS NOT TO BE USED FOR NAVIGATION

The City of Bellingham has compiled this information for its own use and is not responsible for any use of this information by others. The information found herein is provided simply as a courtesy to the public and is not intended for any third party use in any official, professional or other authoritative capacity. Persons using this information do so at their own risk and by such use agree to defend, indemnify and hold harmless the City of Bellingham as to any claims, damages, liability, losses or suits arising out of such use. Contact the Whatcom County Assessors office (360-778-5050) for the most up to date parcel information.



LAKE WHATCOM WATER AND SEWER DISTRICT

**AGENDA BILL**  
Item 5.E.

DATE SUBMITTED:	July 3, 2018	MEETING DATE:	July 11, 2018
SUBJECT:	<b>Records and Retention Policies and Procedures</b>		
TO: BOARD OF COMMISSIONERS	FROM: Rachael Hope		
DISTRICT ENGINEER/ACTING GM APPROVAL			
ATTACHED DOCUMENTS	1. Public Records Requests Policy (web version)		
	2. Public Records Request Form (from website)		
	3. Resolution No 817		
	4. Proposed Updated Records Request & Waiver of Information Forms		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL /OTHER <input checked="" type="checkbox"/>

**BACKGROUND / EXPLANATION OF IMPACT**

Commissioner Citron requested this addition to the agenda to check in with staff regarding the District’s current records request and records retention policies. Staff is currently in the process of performing a complete records inventory, as well as catching up on backlogs of transferring files to the State Archives and developing a plan for managing tracking and retention of electronic files.

Attached is the District’s current Public Records Request Policy as well as Resolution 817, in which the policy was established. The public records request form that has been on the website is an old version and needs to be replaced. The public records policy on the website needs to be updated to reflect Exhibit A of Resolution 817.

Also attached are proposed updated Records Requests & Waiver of Information Forms. These contain the same information as the forms ratified in Resolution 817, all changes are to formatting for usability and readability.

**FISCAL IMPACT**

N/A

**RECOMMENDED BOARD ACTION**

N/A

**PROPOSED MOTION**

N/A

## ***Public Records Requests***

### **Policy Statement:**

The intent of RCW 42.56 (Public Records) is to allow public access to information concerning the conduct of government on every level while protecting an individual's right to privacy. Lake Whatcom Water and Sewer District intends to comply fully with the intent of the Public Records Act and has adopted the Sewer and Water Systems Documentation section of the Washington State Utility Services Records Retention Schedule to aid in compliance with the law. In the event there is a conflict between any provisions of state law and this policy, state law shall be controlling.

### **Procedures:**

1. Requests for public records can be submitted to the District either in person, or by telephone, mail or electronic mail.
2. If the record is subject to disclosure, the information may be released. If the information is not kept at the District office the requestor may be referred if known, to the appropriate office, agency, consultant, etc.
3. Per RCW 42.56.520 the District must respond within five (5) business days of receiving the request by either (1) providing the record in whole or in part; (2) acknowledging that the District has received the request and providing a reasonable estimate of the time the District will require to respond to the request; (3) requesting clarification from the requestor; or (4) denying the request in whole or in part.
4. If for any reason a delay is warranted, the requestor will be notified of the delay in writing. The General Manager, or the Records Officer acting under direction of the General Manager, will take at least one of the four actions described above within five (5) working days, unless the requestor specifies a more immediate response in which event an attempt will be made to meet the request sooner.
5. According to RCW 42.56.090, Public Records must be available for inspection and copying during the customary office hours of the District; Monday through Thursday 8:00 a.m. to 5:00 p.m. except when and to the extent that this would unreasonably disrupt the operations of the District.

### **Costs for Copying Documents:**

Copies will be made by a District staff person and are to be charged at the rate of 15¢ per page for letter and legal size documents. Larger sized documents may be charged at a rate not to exceed the actual cost of copying. Copying charges are payable in the District office upon service.

### **Administrative Appeal:**

1. Denial of access to records may be appealed to the Board of Commissioners by tendering a written petition for review to the Records Officer or General Manager within five business days following the written denial of the request. The petition shall include the written decision which constituted or accompanied the denial of access to records.

2. Immediately after receiving a petition for a review of a decision denying a public record in whole or in part, the Records Officer shall refer the request to the General Manager. The General Manager shall notify the Board of Commissioners which shall review the matter at the next regularly scheduled meeting of the Board of Commissioners. The petition shall be returned with a final decision within twenty business days following the date of the original denial.
3. Exhaustion of Administrative Remedy. A person shall not be considered to have exhausted his/her administrative remedies until the Board of Commissioners has returned the petition with a decision or until the close of the twentieth business day following denial of the inspection, whichever first occurs.

**Public Disclosure Exemptions:**

RCW 42.56 specifies certain public records that may be exempt from public disclosure, RCW 42.56.210-480 and as amended. It should be noted that the only exemption that is required (RCW 42.56.070(9)) is the non-disclosure of lists of individuals for commercial purposes. All other exemptions may or may not be used, at the discretion of the District. If a portion of a record could be released with exempt portions redacted, then the redactions should be made and the remaining information released.

**Redactions:**

RCW 42.56.210 (3) states that agency responses, refusing in part, inspection of any public record, shall include a statement of the specific statutory exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Index of District Records		
Types of Records	Access	Web Site Location (if applicable)
Rates and Charges	Web Site	Rates
Rate Study Materials	Web Site	Rates
Water or Sewer Comprehensive Plans	Web Site	Resources
Consumer Confidence Reports	Web Site	Resources
Administrative Code	Web Site	Resources
Budgets and Financial Reports	Web Site	Financial
Commissioner Contact Information	Web Site	About us
Commissioner Meeting Schedules, Agendas, Meeting Packets, Minutes	Web Site	Home Page
Resolutions and Index of Resolutions	By request	
Public Works Project Files	By request	
Developer Extension Project Files	By request	
Maps	By request	
Correspondence	By request	

Old Form



LAKE WHATCOM WATER AND SEWER DISTRICT

Public Records Request Form

Please describe the records you are requesting and provide any additional information to help locate the records as quickly as possible. Use document title and date, if known.

Four horizontal lines for describing the records requested.

I would like to:

- Inspect the records at no charge (I may request copies after inspection).
- Receive copies of the records after paying required copying charges. I am willing to pay up to \$\_\_\_\_\_ for the copies.

Limitation on Use for Commercial Purposes

Washington State law, RCW 42.56.070(9), prohibits the use of lists of individuals for commercial purposes. "Commercial purposes" means that the person requesting the record intends that the list will be used to communicate with the individuals named in the record for the purpose of facilitating profit-expecting activity. By signing below, you are certifying that the lists of individuals obtained through this request for public records will not be used for commercial purposes.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
E-Mail

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**LAKE WHATCOM WATER AND SEWER DISTRICT**

**RESOLUTION No 817**

A Resolution of the Board of Commissioners concerning compliance with the Public Disclosure Act, Chapter 42.56 RCW and Chapter 40.14 RCW

**WHEREAS**, the District wishes to insure compliance with the Public Records Act, RCW 40.14 and RCW 42.56; and

**WHEREAS**, the District wishes to provide easy access to District documents and other public records for its customers and the public; and

**WHEREAS**, the District has previously by Resolution Nos. 177, 241 and 577 adopted its policy, forms and retention schedule for public records which must be updated due to changes in state law; and

**WHEREAS**, the above resolutions shall be replaced with this resolution.

**WHEREAS**, the District has not previously prepared an overall index to its files, and

**WHEREAS**, while the District would benefit from preparing an overall index to its files, the District does not have the funds for such a major undertaking and it would be unduly burdensome.

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


1. The District adopts the policy attached as Exhibit A as its policy for the handling of public records requests which replaces its Policies and Procedures Guidelines for Public Disclosure dated September 14, 1994.
2. The District adopts the form attached as Exhibit B as its Public Records Act Request Form.
3. The District adopts the form attached as Exhibit C as its Waiver Form for the Release of Public Records.
4. The District may charge a fee of 15¢ per page for legal or letter size copies of documents furnished to the public. Where the District is duplicating documents which are not legal or letter size originals, the District shall charge its actual cost of reproduction, including the cost for administrative staff time in arranging for and or carrying out the reproduction. The District may provide records in installments. No fee shall be charged for the inspection of public records.
5. The District adopts the current Washington State Schedule and records Retention Manual for Local Government Common Records Retention Schedule and the Sewer and Water Systems Documentation section of the Washington State Utility Services Records Retention Schedule and the procedures which are contained in it as may

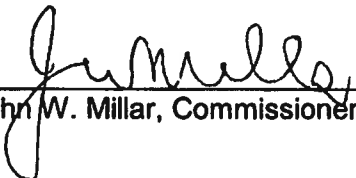
from time to time be amended, as its index for purposes of the Public Disclosure Act, based upon its finding, as set forth above, that preparation of a separate overall index to agency records would be unduly burdensome. The District shall make available for public inspection and copying, all indexes maintained for District use.

6. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.
7. This Resolution shall become effective upon signing.

**ADOPTED** by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington, at a Regular Meeting thereof, on the 24th day of June, 2015.

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

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

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

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

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

Approved as to form:

  
\_\_\_\_\_  
District Legal Counsel



## EXHIBIT A

### Policies and Procedures

#### Guidelines for Disclosure of Public Records

##### **Policy Statement:**

The intent of RCW 42.56 (Public Records) is to allow public access to information concerning the conduct of government on every level while protecting an individual's right to privacy. Lake Whatcom Water and Sewer District intends to comply fully with the intent of the Public Records Act and has adopted the Sewer and Water Systems Documentation section of the Washington State Utility Services Records Retention Schedule to aid in compliance with the law. In the event there is a conflict between any provisions of state law and this policy, state law shall be controlling.

##### **Procedure:**

1. Request is made for a public record either in person, or by telephone, mail or electronic mail.
2. Records Officer accepts the request for public records per RCW 42.56.070 and Resolution 817.
3. If the record is subject to disclosure, the information may be released. If the information is not kept at the District office the requestor may be referred if known, to the appropriate office, agency, consultant, etc.
4. The Records Officer will consult the General Manager about the information contained in the record before the record is released.
5. Per RCW 42.56.520 the District must respond within five (5) business days of receiving the request by either (1) providing the record in whole or in part; (2) acknowledging that the District has received the request and providing a reasonable estimate of the time the District will require to respond to the request; (3) requesting clarification from the requestor; or (4) denying the request in whole or in part.
6. If for any reason a delay is warranted, a "Request for Public Record" form is filled out (Exhibit B) and the requestor is notified of the delay. The General Manager, or the Records Officer acting under direction of the General Manager, will take at least one of the four actions described in paragraph 5 above within five (5) working days, unless the requestor specifies a more immediate response in which event an attempt will be made to meet the request sooner. If the request is made by court demand, the surrender of the records should be documented on a "Request for Public Record" form.
7. After Sections One and Two are completed on the "Request for Public Records" form, both copies are sent to the Records Officer.
8. The Records Officer presents each request for a public record to the General Manager. The General Manager reviews the request and determines whether clarification of the request is necessary, and if not, whether the record must be released, should not be released, should

## EXHIBIT A

be released with specific deletions, or that the District does not possess records responsive to the request.

9. The final decision of the General Manager is then documented on Section 3 of the "Public Records" form, and the form is returned to the Records Officer or employee that received the initial request.
10. The employee then immediately notifies the requestor of the District's final response and provides them with a copy of the "Request for Public Records" form. The original is retained by the Records Officer.

### **Administrative Appeal:**

1. Denial of access to records may be appealed to the Board of Commissioners by tendering a written petition for review to the Records Officer or General Manager within five business days following the written denial of the request. The petition shall include the written decision which constituted or accompanied the denial of access to records.
2. Immediately after receiving a petition for a review of a decision denying a public record in whole or in part, the Records Officer shall refer the request to the General Manager. The General Manager shall notify the Board of Commissioners which shall review the matter at the next regularly scheduled meeting of the Board of Commissioners. The petition shall be returned with a final decision within twenty business days following the date of the original denial.
3. Exhaustion of Administrative Remedy. A person shall not be considered to have exhausted his/her administrative remedies until the Board of Commissioners has returned the petition with a decision or until the close of the twentieth business day following denial of the inspection, whichever first occurs.

### **Public Disclosure Exemptions:**

RCW 42.56 specifies certain public records that may be exempt from public disclosure, RCW 42.56.210-480 and as amended. It should be noted that the only exemption that is required (RCW 42.56.070(9)) is the non-disclosure of lists of individuals for commercial purposes. All other exemptions may or may not be used, at the discretion of the District. If a portion of a record could be released with exempt portions redacted, then the redactions should be made and the remaining information released.

### **Redactions:**

RCW 42.56.210 (3) states that agency responses, refusing in part, inspection of any public record, shall include a statement of the specific statutory exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. If any information is to be redacted from a record it is necessary to complete a "Request for Public Record" form in order that the redaction can be documented. When the request is routed to the Records Officer, documentation of the redaction will be made and the form will be returned to the employee receiving the request.

## EXHIBIT A

### **Making Redactions in a Copy:**

To redact specific information from a record before its release, a copy must be made of the document with the confidential information redacted. This may be done by placing scraps or strips of paper over the area or words that are to be redacted and copying the document with the paper in place. Redacted areas should be outlined and referred to the "Request for Public Records Form".

### **Use of the Release of Public Record Waiver:**

The "Release of Public Record Waiver" form may be used whenever records that are requested about an individual are desired to be released by that individual.

The employee receiving the request verifies that the person about whom the request is being made signs the waiver form before the information is released.

Persons signing waiver forms should present adequate identification including a picture and a signature at the time of signing. Waiver forms may be mailed, provided the form is notarized.

Completed forms are then sent to the Records Officer for retention.

### **Common Requests:**

**Payroll Information/Credit Checks** – Only the employees' name, salary, position, date of hire and date of termination should be released. All other information concerning an employee must be waived by them if it is to be released.

### **Information Concerning the Requestor**

If information concerns only the requestor, in most cases the records may be released to them. Proper identification must be presented, ie. Driver's License, Passport, or two pieces of identification containing signatures and a picture.

### **Requests for Copies:**

According to RCW 42.56.090, Public Records must be available for inspection and copying during customary office hours of the District, except when and to the extent that this would unreasonably disrupt the operations of the District.

Copies will be made by a District staff person and are to be charged at the rate of 15¢ per page for letter and legal size documents. Larger sized documents may be charged at a rate not to exceed the actual cost of copying. Copying charges are payable in the District office upon service.

EXHIBIT B

Public Disclosure – Request for Public Records

Instructions: Employee receiving request completes Section 1. Section 2 is completed by the requestor if the request is made in person, otherwise, by the person receiving the request. Legal or other authorizing documents should be attached. Section 3 must be completed by the Records Officer. Section 4 is completed by the notifying employee.

Section 1:

Date: \_\_\_\_\_

Request Number: \_\_\_\_\_

Request received by: \_\_\_\_\_

Section 2: Records Request

Name of Requestor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

I wish to \_\_\_\_\_ inspect \_\_\_\_\_ copy the following records:

\_\_\_\_\_  
\_\_\_\_\_

If record(s) concern individual(s) other than requestor, please give name(s):

\_\_\_\_\_

Is/are the requested record(s) to be used for commercial purposes? Yes or No (circle one)

Request made: \_\_\_\_\_ in person, \_\_\_\_\_ by phone, \_\_\_\_\_ by mail (attach)

Signature of Requestor: \_\_\_\_\_

Section 3: Agency Response

\_\_\_\_\_ Clarification of the request is necessary

\_\_\_\_\_ Allow access. RCW 42.56 has been consulted and you may view and/or copy the requested record. Copy charge is 15¢ per page.

**EXHIBIT B**

Deny access (complete or partial). The District has determined that the records you have requested are wholly or partially legally exempt from public disclosure by the following authority: \_\_\_\_\_ . This record is exempt by this authority because \_\_\_\_\_

\_\_\_\_\_

We do not have the record(s). Explanation: \_\_\_\_\_

\_\_\_\_\_

**Section 4: Requestor Notification**

Name of person notified: \_\_\_\_\_

Notification:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

By:  mail

phone

in-person

I certify that I carried out notification of final agency response as stated.

Signature \_\_\_\_\_

I certify that I personally received final agency response.

Signature: \_\_\_\_\_

Form distribution:

Original to requestor

Copy to Records Officer

**EXHIBIT C**

**Waiver Form for the Release of Information**

I, \_\_\_\_\_, hereby authorize Lake Whatcom Water and Sewer District to disclose to:

\_\_\_\_\_

Whose address is \_\_\_\_\_

The following information: \_\_\_\_\_

\_\_\_\_\_

which is held by Lake Whatcom Water and Sewer District.

I execute this release voluntarily and with full knowledge of its significance.

\_\_\_\_\_  
Signature

I certify that the above signature is the person known to me as \_\_\_\_\_, and I have personally verified his/her identity.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Title

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Date

Mail request identification verification must be made by a Notary Public.



# Lake Whatcom Water & Sewer District

1220 Lakeway Dr  
Bellingham, WA 98229

www.lwwsd.org  
Office Hours:  
Mon-Thu 8 a.m. - 5 p.m.

360-734-9224  
Fax: 360-738-8250

## Public Disclosure - Request for Public Records

**Instructions:** Employee receiving request completes Section 1. Section 2 is completed by the requestor if the request is made in person, otherwise, by the person receiving the request. Legal or other authorizing documents should be attached. Section 3 must be completed by the Records Officer. Section 4 is completed by the notifying employee.

### Section 1: Administrative Use

Date: \_\_\_\_\_ Request Number: \_\_\_\_\_  
Assigned by Records Officer

Request Received by: \_\_\_\_\_

### Section 2: Records Request

Name of Requestor: \_\_\_\_\_ Date: \_\_\_\_\_

Requestor Address: \_\_\_\_\_  
Street City State Zip

Requestor Phone: \_\_\_\_\_

I wish to:

- Inspect the records at no charge (you may request copies after inspection)
- Receive copies of the records after paying required copying charges.

*Copy charge is 15 cents per page for legal or letter sized copies, or actual cost for other sizes.*

Records Requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If record(s) concern individual(s) other than requestor, please give names:

Is/are the requested record(s) to be used for commercial purposes?

- No
- Yes

Request made:  In Person  By phone  By mail  By email

*If requested by mail/email, please attach*

Signature of Requestor: \_\_\_\_\_

**Section 3: Agency Response**

Clarification of the request is necessary: \_\_\_\_\_

Allow Access. RCW 42.56 has been consulted and you may view and/or copy the requested record. Copy charge is 15 cents per page for regular legal/letter sized copies.

Deny Access (complete or partial). The District has determined that the records you have requested are wholly or partially legally exempt from public disclosure by the following authority: \_\_\_\_\_ . This record is exempt by this authority because \_\_\_\_\_

We do not have the record(s). Explanation: \_\_\_\_\_

**Section 4: Requestor Notification**

Name of Person Notified: \_\_\_\_\_

Notification Date: \_\_\_\_\_ Notification Time: \_\_\_\_\_

Notified by:  Mail  E-mail  Phone  In Person

I certify that I carried out notification of final agency response as stated.

Employee Signature: \_\_\_\_\_

I certify that I personally received final agency response.

Requestor Signature: \_\_\_\_\_

Form Distribution:

Original to Requestor

Copy to Records Officer





# Lake Whatcom Water & Sewer District

1220 Lakeway Dr  
Bellingham, WA 98229

www.lwwsd.org  
Office Hours:  
Mon-Thu 8 a.m. - 5 p.m.

360-734-9224  
Fax: 360-738-8250

## Public Disclosure - Waiver Form for the Release of Information

I, \_\_\_\_\_, hereby authorize Lake Whatcom Water and  
Sewer District to disclose to \_\_\_\_\_, whose  
address is \_\_\_\_\_, the  
following information: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_,  
which is held by Lake Whatcom Water & Sewer District.

I execute this release voluntarily and with full knowledge of its significance.

Signature: \_\_\_\_\_

I certify that the above signature is the person known to me as \_\_\_\_\_  
and I have personally verified his/her identity.

Signature: \_\_\_\_\_

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

Title & Agency: \_\_\_\_\_

Date: \_\_\_\_\_

*\*Mail request identify verification must be made by a Notary Public.*



LAKE WHATCOM WATER AND SEWER DISTRICT

**AGENDA BILL**  
Item 5.F.

DATE SUBMITTED:	July 3, 2018	MEETING DATE:	July 11, 2018
SUBJECT:			
TO: BOARD OF COMMISSIONERS	FROM: Melanie Mankamyer, PE		
MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Task Order 2018-01 - Agate WTP Upgrades		
	2.		
	3.		
TYPE OF ACTION REQUESTED	RESOLUTION	FORMAL ACTION/ MOTION	INFORMATIONAL /OTHER
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**BACKGROUND / EXPLANATION OF IMPACT**

The District has identified upgrading the capacity of the Agate Heights Water Treatment Plant as a priority and included the Preliminary Design and Permitting in its Capital Improvement Plan for 2018 at \$51,500. The attached Draft Task Order proposal outlines the scope of work for this upgrade to the water treatment plant. (It is a draft since Bill has not had a chance to review it yet.)

**FISCAL IMPACT**

(Bill will provide at the meeting.)

**RECOMMENDED BOARD ACTION**

Approve Task Order \_\_\_\_\_ for the Preliminary Design and Permitting of the Agate Heights Water Treatment Plant Upgrades.

**PROPOSED MOTION**

Authorize the Interim General Manager to sign Task Order 2018-01 (as modified...).

**TASK ORDER #2018-01**  
**Lake Whatcom Water and Sewer District**  
**General Engineering Services**

**DESCRIPTION:**

The District has planned to upgrade the existing water treatment plant at Agate Heights to increase capacity and replace worn equipment. This is on the Capital Improvements Plan, Project 0084. This will replace the existing iron and manganese removal system with a modern system and will increase capacity from 30 gpm to 60 gpm. It will also upgrade the capacity of the transmission pumps.

**SCOPE OF WORK:**

*District Project Number:* \_\_\_\_\_

*Project name:* Agate Heights WTP Upgrade – Prelim Design & Permitting

*Project includes:*

See attached spreadsheet.

*Assumptions and limitations:*

- District to provide all records of existing equipment and operational logs
- District to pay directly for all equipment rental costs for pilot study
- District to pay directly for all laboratory testing for pilot study
- District to pay directly for all permit fees

**COST SUMMARY:**

*Estimate of hours:*

See attached spreadsheet.

*Subconsultant fees:*

None anticipated.

*Other Direct Costs:*

None anticipated.

*Task Order Total Price (time & materials not to exceed):*

Task 1 -	\$1,824
Task 2 -	\$9,130
Task 3 -	\$8,434
Task 4 -	\$15,438
Task 5 -	\$7,220
<b>Total =</b>	<b>\$42,046</b>

---

**PROJECT SCHEDULE:**

*Milestone dates (goals):*

- Topo survey and base map – August 2018 - September 2018
- Pilot study – August 2018 - October 2018
- Permit Applications– October 2018 - December 2018
- Project Report – January 2019 - March 2019

**AUTHORIZATION:**

Lake Whatcom Water and Sewer District

Wilson Engineering, LLC

By: \_\_\_\_\_  
Bill Hunter  
Interim General Manager

By: \_\_\_\_\_  
Melanie Mankamyer  
Partner

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

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

LWWSD  
Task 2018-01  
Agate Heights Water Treatment Plant Upgrades

Task Description	Fixed Expense	Senior Project Engineer	Senior CAD Tech	Senior PLS	Senior Survey Tech	1-person Survey Crew	2-person Survey Crew	Cost
<b>Task 1 - Project Management</b>	L.S.	\$152	\$96	\$150	\$110	\$130	\$190	
Track and report progress monthly		6						\$ 912
Track and report expenditures monthly		6						\$ 912
<b>Sub-Total</b>	\$ -	12	0	0	0	0	0	\$ 1,824
<b>Task 2 - Topographic/Boundary Survey</b>								
Boundary Review				3				\$ 450
GIS Control					2	4		\$ 740
Boundary Calc/Resolution				5	1	2	2	\$ 1,240
Topographic Mapping					4		18	\$ 3,660
Base Map Drafting					12			\$ 2,252
Coordination / QA/QC Review				3				\$ 588
<b>Sub-Total</b>	\$ -	0	12	11	17	4	20	\$ 9,130
<b>Task 3 - Pre-Design Pilot Study</b>								
Compile existing documentation				1	4			\$ 704
Coordination with ATEC				2	8			\$ 1,408
Pilot study (assume District copy directly for equipment rental)				2	12			\$ 1,960
Draft Pilot Study Report to District for Review				4	20			\$ 3,368
Incorporate District Review Comments					4			\$ 552
QA/QC				2				\$ 442
<b>Sub-Total</b>	\$ -	11	69	0	0	0	0	\$ 8,434
<b>Task 4 - Preliminary Design &amp; Permitting</b>								
Preliminary WTP/pond siting and building layouts				1	8	4		\$ 1,640
Preliminary Site Plan				2	4	4		\$ 1,240
Preliminary Stormwater Design/Report				2	12			\$ 1,960
Conditional Use Permit Application				12	40	2		\$ 7,536
Land Disturbance Permit Application				1	4	2		\$ 896
SEPA Checklist (if needed)				1	2	2		\$ 620
Incorporate County Review Comments					8			\$ 1,504
QA/QC				2		1		\$ 442
<b>Sub-Total</b>	\$ -	21	79	14	0	0	0	\$ 15,438
<b>Task 5 - Project Report</b>								
Draft Project Report to District for Review				8	24			\$ 4,528
Incorporate District Review Comments					4			\$ 552
QA/QC				2	1			\$ 442
Submit to DCH				1	1			\$ 290
Incorporate DCH Comments and re-submit				2	8			\$ 1,408
<b>Sub-Total</b>	\$ -	13	38	0	0	0	0	\$ 7,220
<b>Project Total</b>	\$ 0	57	193	11	17	4	20	\$ 42,046



LAKE WHATCOM WATER AND SEWER DISTRICT

**AGENDA BILL**

Item 7

DATE SUBMITTED:	July 3, 2018	MEETING DATE:	July 11, 2018
SUBJECT:	Upcoming Events and Announcements		
TO: BOARD OF COMMISSIONERS	FROM: Rachael Hope		
GENERAL MANAGER APPROVAL			
DISTRICT ENGINEER/ASST MGR APPROVAL			
FINANCE MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Upcoming Events & Announcements		
	2.		
	3.		
TYPE OF ACTION REQUESTED	RESOLUTION	FORMAL ACTION/ MOTION	INFORMATIONAL /OTHER
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**BACKGROUND / EXPLANATION OF IMPACT**

Updated information from the Recording Secretary in advance of the Board meeting.

**FISCAL IMPACT**

None.

**RECOMMENDED BOARD ACTION**

None required.

**PROPOSED MOTION**

None.



## LAKE WHATCOM WATER AND SEWER DISTRICT

### Upcoming Dates & Announcements

Regular Meeting – Wed. July 11, 2018 – 6:30 p.m.

#### Important Upcoming Dates

Lake Whatcom Water & Sewer District			
Next Regular Board Meeting	Wed July 11, 2018	6:30 p.m.	Board Room
Next Employee Staff Meeting	Thu July 12, 2018	8:00 a.m.	Board Room Scheduled to Attend: Commissioner Todd Citron
Safety Committee Meeting	Tue July 10, 2018	8:00 a.m.	Small Conference Room
Finance Committee Meeting	Wed June 11, 2018	8:00 p.m.	Board Room – Combined with regular Board Meeting
Lake Whatcom Management Program			
Policy Group Meeting	Mon July 16, 2018	3:00 p.m.	City of Bellingham's Fireplace Room 625 Halleck St <i>Enter through the Halleck St entrance</i>
Policy Group Meeting	Mon Sept 17, 2018	3:00 p.m.	City of Bellingham's Fireplace Room 625 Halleck St <i>Enter through the Halleck St entrance</i>
Management Meeting	None Planned		Last meeting – March 28, 2018
Other Meetings			
Whatcom Water District's Caucus Meeting	Wed July 18, 2018	1:00 p.m.	Board Room

#### Other Announcements & Reminders

- **Committee Meeting Reports as Needed:** This is a place holder for Board and staff members to report on recent committee meetings, such as the Lake Whatcom Policy Group.
- **Upcoming Important Agenda Topics & Meetings:**
  - Half day all-staff Harassment/Bullying/Discrimination Training with Sound Employment Solutions is scheduled for the morning of September 6, 2018.
  - Commissioners are due for their quadrennial Open Public Meetings Act and Public Records Act refresher training. Commissioners Citron and Weide have completed the training individually. **Please email completion certificates to Rachael when finished.**