



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

## REGULAR SESSION OF THE BOARD OF COMMISSIONERS

### Minutes *August 12, 2020*

Board President Laura Abele called the Regular Session to order at 6:30 p.m.

**Attendees:** Commissioner Laura Abele  
Commissioner Todd Citron  
Commissioner Bruce Ford  
Commissioner John Carter  
Commissioner Leslie McRoberts  
General Manager Justin Clary  
District Engineer/Assistant GM Bill Hunter  
Finance Manager/Treasurer Debi Denton  
Operations & Maintenance Manager Brent Winters  
Recording Secretary Rachael Hope  
District Legal Counsel Bob Carmichael

No public were in attendance.

All attendees participated remotely by phone or video conferencing. No public were in attendance.

#### **Roll Call**

General Manager Justin Clary performed a roll call to identify those in attendance, and then verbally confirmed that the meeting was noticed in accordance with Resolution No. 859 allowing remote meeting attendance as well as in compliance with current statutory requirements. It was confirmed that all participants were able to be heard and hear each other clearly.

#### **Consent Agenda**

##### **Action Taken**

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

- **Minutes for the 7/29/20 Regular Board Meeting**
- **Q2 Payroll Taxes totaling \$8,173.61**
- **Payroll for Pay Period #16 (07/25/2020 through 08/07/2020) totaling \$43,774.52**
- **Payroll Benefits for Pay Period #16 totaling \$50,461.42**
- **Accounts Payable Vouchers totaling \$68,694.70**

**Motion passed.**

### **Customer Appeal – Water/Sewer Utility Bill - Monahan**

Denton explained that the District received a letter from Ryan Monahan dated July 29, 2020, requesting an appeal to the Board for relief from water consumption charges. Mr. Monahan’s appeal is associated with water utility charges incurred as a result of a leaking toilet supply line that occurred sometime prior to July 9, 2020. District Administrative Code allows for leak adjustments (Section 2.10.8); however, leak adjustments are only allowed for “...water bills resulting from in-ground water service line breaks between the water meter and the outermost exterior walls of the structure.” Therefore, an adjustment due to a leaking toilet supply line is not a qualifying event. Discussion followed.

#### **Action Taken**

**Citron moved, McRoberts seconded, to uphold the District Administrative Code as written and implemented by the General Manager, and decline Mr. Monahan’s appeal for leak adjustment. Motion passed.**

### **Interlocal Agreement with the City of Bellingham for Emergency Water Services through the Scenic Avenue Intertie**

Clary recounted that prior to the 2002 construction of the water main that connected the District’s South Shore Water System with its distribution system in Geneva, the District purchased water from the city of Bellingham via an intertie located at the intersection of Lakeway Drive and Scenic Avenue. Water was purchased through an interlocal agreement executed between the city and District in 1970. Since connection of Geneva to the South Shore Water System, the intertie has not been used. However, the District identified the potential for creating system resiliency through maintaining the intertie for emergency situations. Since cessation of the regular use of the intertie, city water pressures have been increased to the point that the booster station is not necessary. The District worked with the city and Washington State Department of Health to convert the booster station to an intertie to be used in the event of an emergency on the District’s side of the intertie. As a condition of the booster station conversion, the city indicated a desire to replace the 1970 agreement with a new interlocal agreement that is representative of current conditions.

#### **Action Taken**

**Carter moved, Citron seconded, to approve the interlocal agreement with the city of Bellingham for emergency water services as presented. Motion passed.**

### **General Manager Job Description Update**

Clary recalled that an updated draft of the General Manager Job Description was presented to the Board at the July 29 regularly scheduled meeting. At that time, the Board requested revision to, or clarification of, four (4) specific elements of the description, including removing redundancy in duties and physical requirements and strengthening expectations relative to implementation of the District’s health and safety program. Staff implemented revisions and presented a new draft for Board approval.

#### **Action Taken**

**McRoberts moved, Citron seconded, to approve the job description for the District position of General Manager as presented. Motion passed.**

**Nooksack River Basin Water Rights Adjudication**

Clary communicated that the Lake Whatcom Water and Sewer District (District) is located within the Washington State watershed management area designated as Water Resource Inventory Area (WRIA) No. 1, which is primarily comprised of the Nooksack River Basin. The Washington State Department of Ecology (Ecology) recently completed a multiple-decade-long process of adjudicating water rights within the Yakima River Basin, and is now considering other candidate basins within which to initiate the adjudication process. Adjudication is a legal process in which a Superior Court determines whether a water right is valid, how much water can be used, and its priority relative to other water rights in a defined basin. With a long history of disputes relative to water rights, the Nooksack River Basin is one of the four basins that Ecology is considering initiating the adjudication process within, and is anticipated to make a recommendation to the Washington State Legislature in September.

Much of the discussion regarding adjudication of water rights in the Nooksack River Basin is taking place during the WRIA No. 1 Planning Unit meetings. The District is a part of the Whatcom Water District Caucus, which has a seat on the planning unit representing the District, Birch Bay Water and Sewer District, Whatcom County Water District No. 2, Whatcom County Water District No. 7, Whatcom County Water District No. 13, Glacier Water District, and Columbia Valley Water District. The Whatcom Water District Caucus meets monthly (third Wednesday of each month) to discuss business being considered by the WRIA No. 1 Planning Unit. It is anticipated that the Caucus will at some point be asked to take a position regarding whether or not it supports adjudication of the Nooksack River Basin.

Staff recommended that the District hold off on formally considering a position on the matter until it has had the chance to review the Ecology report (the Legislature will likely not act on Ecology’s recommendation until the 2021 session). Discussion followed.

**General Manager’s Report**


Clary provided the Board with updates on several areas of business, including the District’s ongoing response to the COVID-19 pandemic, an update on capital projects, and briefly touched on the upcoming Post Point biosolids project being undertaken by the city of Bellingham. Discussion followed.


With no further business, Abele adjourned the Regular Session 7:38 p.m.

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

8/26/20  
\_\_\_\_\_  
Date Minutes Approved

\_\_\_\_\_  
Laura Abele

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

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

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

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