



LAKE WHATCOM WATER & SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA, 98229

(360) 734-9224
Fax 738-8250

MEMORANDUM

Date: August 5, 2020
From: Lake Whatcom Water & Sewer District
RE: Meeting Procedures During the Covid-19 Emergency

Lake Whatcom Water & Sewer District continues to operate under adjusted procedures in order to provide continuous service to our customers. That said, we are taking precautions in an effort to protect the health and safety of our staff, commissioners, and customers. Our lobby is currently closed to the public, and we are practicing social distancing guidelines as suggested by Governor Inslee and the CDC.

For the foreseeable future, Commissioners will be attending regular meetings by phone. Per Governor Inslee's [Proclamation No. 20-28.3](#) amending his Stay Home, Stay Health proclamation, the District will provide access to interested public via phone/internet utilizing the GoToMeeting platform.

If you would like to attend the August 12 regular meeting, details can be found below. In this evolving climate, we are committed to doing everything possible to provide opportunity for public comment as well as promote health and safety. As such, the District requests that if possible, public submit comments in written form by noon the day before a scheduled meeting for inclusion in the meeting discussion.

We appreciate your understanding and patience during these uncertain times. If you have any questions, please contact Administrative Assistant Rachael Hope at rachael.hope@lwwsd.org or 360-734-9224.

8.12.20 EUMA Work Session & Regular Board Meeting

Wed, Aug 12, 2020

5:30 PM - 6:30 PM (PDT) – Effective Utility Management Self-Assessment Work Session

6:30 PM PM (PDT) – Regular Board Meeting

Please join my meeting from your computer, tablet or smartphone.

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LAKE WHATCOM WATER AND SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

REGULAR MEETING OF THE BOARD OF COMMISSIONERS

AGENDA

August 12, 2020


6:30 p.m. – Regular Session

1. CALL TO ORDER
2. ROLL CALL
3. CONFIRMATION OF COMPLIANCE WITH REMOTE MEETING ATTENDANCE PROTOCOLS
4. PUBLIC COMMENT OPPORTUNITY
At this time, members of the public may address the Board of Commissioners. Please state your name prior to making comments.
5. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA
6. CONSENT AGENDA
7. SPECIFIC ITEMS OF BUSINESS
 - A. Customer Appeal—Water/Sewer Utility Bill
 - B. Interlocal Agreement with City of Bellingham for Water Services at the Scenic Intertie
 - C. General Manager Job Description Revision
 - D. Nooksack River Basin Water Rights Adjudication Discussion
8. OTHER BUSINESS
9. STAFF REPORTS
 - A. General Manager
10. PUBLIC COMMENT OPPORTUNITY
11. ADJOURNMENT



**AGENDA
BILL
Item 6**

Consent Agenda

| | | | |
|----------------------------|--|---|---|
| DATE SUBMITTED: | August 6, 2020 | MEETING DATE: | August 12, 2020 |
| TO: BOARD OF COMMISSIONERS | FROM: Rachael Hope | | |
| GENERAL MANAGER APPROVAL |  | | |
| ATTACHED DOCUMENTS | 1. See below | | |
| TYPE OF ACTION REQUESTED | RESOLUTION <input type="checkbox"/> | FORMAL ACTION/ MOTION <input checked="" type="checkbox"/> | INFORMATIONAL /OTHER <input type="checkbox"/> |

****TO BE UPDATED 8.12.2020****

BACKGROUND / EXPLANATION OF IMPACT

- 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) total to be added
- Payroll Benefits for Pay Period #16 total to be added
- Accounts Payable Vouchers total to be added

FISCAL IMPACT

Fiscal impact is as indicated in the payroll/benefits/accounts payable quantities defined above. All costs are within the Board-approved 2020 Budget.

RECOMMENDED BOARD ACTION

Staff recommends the Board approve the Consent Agenda.

PROPOSED MOTION

A recommended motion is:

"I move to approve the Consent Agenda as presented."



LAKE WHATCOM WATER AND SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

REGULAR SESSION OF THE BOARD OF COMMISSIONERS

Minutes

July 29, 2020

Board Secretary Todd Citron called the Regular Session to order at 8:04 a.m.

| | |
|--|--|
| Attendees: Commissioner Laura Abele | General Manager Justin Clary |
| Commissioner Todd Citron | District Engineer/Assistant GM Bill Hunter |
| Commissioner Bruce Ford | Finance Manager/Treasurer Debi Denton |
| Commissioner John Carter | Operations & Maintenance Manager Brent Winters |
| Commissioner Leslie McRoberts | Recording Secretary Rachael Hope |
| | District Consulting Engineer Melanie Mankamyer |

Also in attendance were District Construction Engineer Kristin Hemenway; District Engineering Technician/Safety Officer Rich Munson; and Brian Smith of Wilson Engineering.

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

McRoberts moved, Carter seconded, approval of:

- **Minutes for the 7/07/20 Special Work Session**
- **Minutes for the 7/08/20 Regular Board Meeting**
- **Accounts Payable Vouchers totaling \$3,034.07**
- **Payroll for Pay Period #14 (06/27/2020 through 07/10/2020) totaling \$45,777.31**
- **Payroll Benefits for Pay Period #14 totaling \$51,262.62**
- **Payroll for Pay Period #15 (07/11/2020 through 07/24/2020) totaling \$47,071.90**
- **Payroll Benefits for Pay Period #15 totaling \$31,107.98**
- **Accounts Payable Vouchers totaling \$223,029.78**

Motion passed.

Hydraulic Analysis of Lake Whatcom Boulevard Interceptor

Hunter explained that the purpose of the study is to analyze the performance of the Lake Whatcom Boulevard Interceptor (LWBI) gravity sewer pipe along Lake Whatcom Boulevard and to prioritize improvements that minimize the risk of overflow as the system adds more customers over time until full-build out is reached. The study focused on re-evaluating and analyzing capacity and infiltration and inflow reduction, and examining manual flow management protocols including anticipation and accommodation of spike flows.

Brian Smith of Wilson Engineering presented findings to the Board, including recommendations for future maintenance and improvement of the LWBI. The study identified capital improvement needs and priorities for the next 20+ years, providing a basis for preparing project cost estimates, scheduling capital projects, and securing funding through utility sewer rates as the District prepares for the capital plan update and rate study in 2020-2021. Discussion followed.

Commissioner Laura Abele joined the meeting at 8:18 a.m. and relieved Commissioner Citron as chair of the meeting.

Lakeview Street Reservoir Demolition Contract Close-out

Hunter recalled that the Board of Commissioners approved the contract award of the Lakeview Street Reservoir Demolition (District Capital Project #C2001) to Premium Services, Inc. during its regularly scheduled meeting on March 25, 2020. Premium Services, Inc. has completed all contract requirements and punch list items.

Action Taken

Citron moved, Ford seconded, to accept the Lakeview Street Reservoir Demolition Project as complete and authorize staff to close-out the public works project. Motion passed.

District Customer Assistance Programs Review

Clary indicated that the Lake Whatcom Water and Sewer District currently provides assistance to its customers in the form of reduced rates (40% reduction) for qualifying low-income seniors and disabled customers, and a payment program that allows customers enter into an agreement with the District to pay-off outstanding balances over up to six months without incurring additional late fees or having water service terminated.

The COVID-19 pandemic and the economic impacts that have followed have created a tremendous strain on some District customers. To alleviate this strain, the District Board of Commissioners adopted Resolution No. 865 during its regular business meeting on March 25, 2020, that temporarily suspended late fees and shut-offs for delinquent accounts. The resolution is in effect through July 31, 2020. Clary presented the Board with a draft of Resolution 868, which would extend Resolution No. 865 through November 30, 2020. Discussion followed.

Action Taken

Ford moved, Carter seconded, to adopt Resolution 868 as presented. Motion passed.

General Manager Job Description

Clary presented a draft update of the General Manager Job Description. A comprehensive review of all job descriptions that have not been updated in the past three years is one of staff's executive initiatives for 2020. While review and update of most District job descriptions is an administrative function, the general manager position reports directly to the Board of Commissioners. Significant revisions to the General Manager Job

Description included new sections to bring the description consistent with the format of other District job descriptions. Discussion followed.

On-site Sewage Disposal System-to-Sewer Conversion Program Policy

Clary commented a work session was held by the Board on July 8, 2020 to discuss the District's current policy requiring the abandonment of on-site sewage disposal systems (septic systems) and connection to District sewers. During the work session, the Board requested that this topic be included for discussion during its next regular business meeting in order to note the Board's consensus that they did not wish to make changes to the policy at this time. Discussion followed, including a determination not to implement any revisions to the existing on-site sewage disposal system-to-sewer conversion policy.

Commissioner Todd Citron left the meeting at 10:22 a.m. due to an outside commitment.

General Manager's Report

Clary updated the Board on several topics, including the District's continued response to COVID-19, approval of the 2020 update to the Sewer Comprehensive Plan by the Whatcom County Council on July 21, and upcoming meeting topics. Discussion followed.

Engineering Department Report

Hunter highlighted headway being made in capital projects and development, noting that construction season has picked up and the department is very busy.

Finance Department Report

Denton provided the Board with the Quarter 2 Financial Report and reported that thus far, revenue effects due to the COVID-19 pandemic have been minimal. Discussion followed.

Operations & Maintenance Department Report

Winters gave a brief report on ongoing projects and development in the Operations Department.

Commissioner Abele commended the staff on continuing to provide stellar customer service and quality work throughout the challenges of the COVID-19 pandemic.

With no further business, Abele adjourned the Regular Session 10:46 a.m.

Recording Secretary, Rachael Hope

Date Minutes Approved

Laura Abele

Todd Citron

Bruce R. Ford

Leslie McRoberts

John Carter

CHECK REGISTER

Lake Whatcom W-S District

Time: 11:07:04 Date: 07/30/2020

MCAG #: 2330

07/30/2020 To: 07/30/2020

Page: 1

| Trans | Date | Type | Acct # | Chk # | Claimant | Amount | Memo |
|-------|------------|---------|--------|-------|--------------------------------|-------------------|--|
| 2364 | 07/30/2020 | Payroll | 5 | 10627 | WA ST DEPT OF EMPLOYMENT SECUR | 1,974.91 | 2nd Quarter 04/01/2020 - 06/30/2020 |
| 2365 | 07/30/2020 | Payroll | 5 | 10628 | WA ST DEPT OF ES/PFMLA | 678.91 | Pay Cycle(s) 04/23/2020 To 04/23/2020 - PFMLA; Pay Cycle(s) 05/21/2020 To 05/21/2020 - PFMLA; Pay Cycle(s) 06/04/2020 To 06/04/2020 - PFMLA; Pay Cycle(s) 06/18/2020 To 06/18/2020 - PFMLA |
| 2366 | 07/30/2020 | Payroll | 5 | 10629 | WA ST DEPT OF LABOR AND IND | 5,519.79 | 2ND Quarter 04/01/2020 - 06/30/2020 |
| | | | | | | 401 Water Fund | 5,336.62 |
| | | | | | | 402 Sewer Fund | 2,836.99 |
| | | | | | | 8,173.61 Payroll: | 8,173.61 |

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 7/30/2020

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



**AGENDA
BILL
Item 7.A**

**Customer Appeal—Water/Sewer
Utility Bill**

| | | | |
|----------------------------|---|---|---|
| DATE SUBMITTED: | July 30, 2020 | MEETING DATE: | August 12, 2020 |
| TO: BOARD OF COMMISSIONERS | FROM: Debi Denton, Finance Manager | | |
| GENERAL MANAGER APPROVAL | | | |
| ATTACHED DOCUMENTS | 1. Letter from Ryan Monahan dated July 29, 2020 | | |
| | 2. Administrative Code section 2.10.8 | | |
| TYPE OF ACTION REQUESTED | RESOLUTION <input type="checkbox"/> | FORMAL ACTION/ MOTION <input checked="" type="checkbox"/> | INFORMATIONAL /OTHER <input type="checkbox"/> |

BACKGROUND / EXPLANATION OF IMPACT

Through its Administrative Code, the District has set policy on how it administers its services, including water/sewer utility billing processes. To maintain consistency, District staff implements the Administrative Code as written. Per Section 2.1, “The General Manager shall be the administrator of the District. Appeals of the General Manager’s instructions, interpretation of District policy, or decisions may be made to the Board of Commissioners in writing for consideration before a regular or special meeting of the Board.” Section 3.7 of the District’s Administrative Code defines the process for appeals to the Board.

The District has received a letter (attached) 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.

Historically, staff have completed administrative adjustment of rates to the Tier 1 (less than 2,500 cubic feet consumed) rate in instances where the excess consumption has been specifically attributed to a leak that has resulted in fees assessed at the Tier 2 (greater than 2,500 cubic feet) rate. District staff will complete just such an adjustment when bills are issued September 1, 2020.

Staff has explained to Mr. Monahan that the District is a public agency that must consistently administer its policies, as defined in the Administrative Code, and that staff does not have the authority to further reduce water consumption charges outside of the leak adjustment policy defined in the Administrative Code. Mr. Monahan was not satisfied with this response and elected to appeal the General Manager’s decision to the Board, as allowed under the Administrative Code.

Following provides a summary of events relative to Mr. Monahan's appeal:

- July 15, 2020: Meter was read upon request of customer due to him coming home from vacation to a toilet leak. Consumption of 2,765 cubic feet was noted as usage from 6/18 to 7/15. This account will be read for September 1 billing on August 20th. At that time staff will make an adjustment to remove Tier 2 rates from the bill calculation.
- July 20, 2020: Customer called to inquire if there could be a Leak Credit Adjustment to his bill. Staff explained to Mr. Monahan that they are not allowed to adjust for a leak inside the home under the Administrative Code and that his sole recourse is to appeal his bill to the Board of Commissioners.
- July 29, 2020: District received a letter of appeal dated July 29, 2020, to the Board of Commissioners from Mr. Monahan (attached).

FISCAL IMPACT

Customer request would reduce Mr. Monahan's September billing by 50% of the difference in usage from September 2019 bill. We do not know that impact as of this date since the read will not be completed until August 20, 2020.

RECOMMENDED BOARD ACTION

The District must apply billing policies consistently to all customers. Staff recommends that the Board uphold its billing policies, as implemented.

PROPOSED MOTION

Should the Board wish to uphold current policy, as defined in the Administrative Code and implemented by staff, a recommended motion is:

"I move to uphold the District Administrative Code as written and implemented by the General Manager, and decline Mr. Monahan's appeal for leak adjustment."

Should the Board wish to grant an exception to the Administrative Code to allow for reduction in the Mr. Monahan's utility bill to account for the leak, a recommended motion is:

"I move to grant an exception to Administrative Code Section 2.10.8 specific to the July-August utility bill for 4121 Ridgewood Avenue, and allow for a leak adjustment for a leak that occurred within the structure."

July 29, 2020

Lake Whatcom Water and Sewer District Board
1220 Lakeway Drive
Bellingham WA 98229

Dear Board of Commissioners:

I am writing this letter to request forgiveness on half of my recent water usage due to a broken pipe in my house. On July 9, 2020 I returned to my house after my first trip away from home in months to discover that a toilet supply line had broken on the second floor of my home. Due to the amount of damage caused the water restoration company estimates the water was gushing for several days. This has resulted in me moving to a hotel and looking for a rental house to live in for several months while my house is rebuilt.

I'd like you to consider this request because of several hardships I've been through recently including a temporary furlough from work. I generally use well below the basic rate of 600 cubic feet per billing cycle and would greatly appreciate a break on this bill due to the extreme circumstances.

Thank you for your consideration,

Ryan Monahan
4121 Ridgewood Avenue
Bellingham WA 98229

2. The property owner requests in writing the suspension of service and service charges to the structure, and
3. The water meter is locked or removed when the service is suspended, and
4. The account is paid current to the first of the month following the District's receipt of the property owner's written request before the billing will be suspended. [Resolution Nos. 444, 782]

2.10.8 Water Leak Adjustments

The District will adjust high customer water bills resulting from in-ground water service line breaks between the water meter and the outermost exterior walls of the structure. The leak adjustment request must be made in writing by the property owner and include evidence that the leak is now repaired either by enclosing a paid invoice or a receipt for repair parts. If there are no invoices or receipts available, a written assertion that the leak is now repaired is acceptable. To calculate the adjustment:

1. Water consumption figures from the same billing period in the previous year are used to calculate the leak adjustment. If less than one year's usage history exists, the current base rate allowance will be used as a non-leak quantity basis. The District will credit qualifying leak adjustment dollar amounts to the current or next customer bill. There is no cap to limit the customer's costs.
2. The District's rate structure adopted on September 10, 2014 established a tiered rate structure for water. Water usage exceeding 2,500 cubic feet in a two-month billing period is billed at a higher "water conservation" rate. For the purpose of calculating leak adjustment credits, water usage over 2,500 cubic feet will be billed at the lower tier rate.
3. Water leak adjustments are limited to one adjustment per account per 12-month period. When a leak occurs, the overage may be reflected on more than one consecutive billing cycle. In those instances, the District will utilize both contiguous cycles for the purpose of calculating leak adjustment credits.
4. The District will set up an incremental payment schedule on the remaining balance of the leak amount at the customer's request. Payment schedules must be arranged in a way that ensures payment of the current two-month minimum billing plus an installment on the extraordinary portion of the bill. The extraordinary portion of the bill must be paid in full within six months of incurring the charges. Late charges on the leak amount will be waived if the customer adheres to the prearranged payment schedule. [Resolution Nos . 821, 861]

2.10.9 Low Income Senior/Disabled Water and Sewer Rates

As authorized by RCW 57.08.014, the Lake Whatcom Water and Sewer District offers uniformly reduced rates across the service area to qualified low-income seniors and disabled customers for water and sewer utilities provided by the District. Notification of such reduced rates will be provided to all persons serviced by the District annually, and upon initiating service. Eligible customers must:



**AGENDA
BILL
Item 7.B**

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

| | | | |
|----------------------------|---|---|---|
| DATE SUBMITTED: | August 5, 2020 | MEETING DATE: | August 12, 2020 |
| TO: BOARD OF COMMISSIONERS | FROM: Justin Clary, General Manager | | |
| GENERAL MANAGER APPROVAL | | | |
| ATTACHED DOCUMENTS | 1. Interlocal Agreement for Emergency Water Services between the City of Bellingham and Lake Whatcom Water and Sewer District | | |
| TYPE OF ACTION REQUESTED | RESOLUTION <input type="checkbox"/> | FORMAL ACTION/ MOTION <input checked="" type="checkbox"/> | INFORMATIONAL /OTHER <input type="checkbox"/> |

BACKGROUND / EXPLANATION OF IMPACT

Prior to the 2002 construction of the water main that connected the District's South Shore Water System (water produced at the Sudden Valley water treatment plant) 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. Due to pressures in the city's water system when the intertie was active, it was necessary to pump the water from the city's system to the Geneva Reservoir via a booster station constructed at the southeast corner of the intersection of Lakeway and Scenic. 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. Attached for Board consideration is an interlocal agreement that has been negotiated by city and District staff.

FISCAL IMPACT

No impact is anticipated; the intertie would only be used (i.e., the District would only purchase water from the city) under conditions in which there is an emergency in the District's water system warranting opening the intertie.

RECOMMENDED BOARD ACTION

Staff recommends that the Board approve the interlocal agreement.

PROPOSED MOTION

A recommended motion is:

“I move to approve the interlocal agreement with the city of Bellingham for emergency water services as presented.”

**INTERLOCAL AGREEMENT FOR AN EMERGENCY USE INTERTIE
BETWEEN WATER SYSTEMS
between
The CITY OF BELLINGHAM
and
The LAKE WHATCOM WATER AND SEWER DISTRICT**

THIS INTERLOCAL AGREEMENT FOR EMERGENCY WATER SERVICES ("Agreement") is entered into by and between the City of Bellingham, a Washington municipal corporation (the "**City**"), and the Lake Whatcom Water and Sewer District, formerly Whatcom County Water District No. 10, a Washington municipal corporation and special purpose district (the "**District**"). Hereinafter, the City and the District may be referred to individually as "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the District provides water service to customers within its service boundaries, which are located outside of the City's corporate limits; and

WHEREAS, the District shares boundaries with the City's corporate limits; and

WHEREAS, the City's water distribution infrastructure and Whatcom Falls Water Treatment Plant have excess capacity above that which is needed to serve customers located within the City's corporate limits; and

WHEREAS, the District's South Shore water distribution infrastructure and Sudden Valley Water Treatment Plant have excess capacity above that which is needed to serve customers located within the District's South Shore system service area; and

WHEREAS, Chapter 39.34 Revised Code of Washington (RCW) allows governmental entities to enter into interlocal agreements to perform services for one another on the basis of mutual advantage; and

WHEREAS, Bellingham Municipal Code Chapter 15.36 authorizes the City to provide water service outside its corporate limits subject to certain conditions; and

WHEREAS, under the provisions of a separate interlocal agreement dated June 10, 1988, which was revised on June 8, 1989, the District purchases water from the City to serve District customers within its Eagleridge Water System located on the north shore of Lake Whatcom, which agreement is not affected by this Agreement; and

WHEREAS, the City and the District previously entered into a contract dated May 13, 1970, pursuant to which the District purchased water from the City for distribution to District

customers in the area commonly referred to as the Geneva community (Geneva Community) located on the south shore of Lake Whatcom; and

WHEREAS, water purchased from the City to serve District customer's in the Geneva Community passed through a distribution point located at the intersection of Lakeway Drive and Scenic Avenue (the "**South Lake Whatcom Distribution Point**"), which is on the boundary of the City's corporate limits and the District's service area; and

WHEREAS, the South Lake Whatcom Distribution Point consisted of a booster station that supplied increased pressure to the water being supplied by the City to the District for service to District customers located in the Geneva Community ("Booster Station"); and

WHEREAS, the District constructed a water main in 2002 that connected its South Shore Water System serving the Sudden Valley community to its distribution system in Geneva, thereby negating the need for a continuous supply of City-provided water to the District's Booster Station at the South Lake Whatcom Distribution Point; and

WHEREAS, the District desires to repurpose the South Lake Whatcom Distribution Point from a Booster Station for the routine supply of water to the District to an emergency use intertie that will provide a short term or temporary supply of water to the District during emergencies that result in the District's permanent supply of water being unavailable or inadequate for use; and

WHEREAS, the City is amenable to the establishment of an emergency use intertie at this location, provided it allows for use by both parties in event of emergency; and

WHEREAS, normal operational City water system pressures have increased since the time of operation of the Booster Station such that pumps are no longer required at the South Lake Whatcom Distribution Point; and

WHEREAS, the Washington State Department of Health, in a letter dated August 27, 2019, has approved the conversion of the Booster Station into an emergency use intertie; and

WHEREAS, the District has physically converted the Booster Station into an emergency use intertie; and

WHEREAS, the purpose of this Agreement is to provide the terms and conditions upon which the Parties may utilize the emergency use intertie; and

WHEREAS, the Parties intend for this Agreement to replace and supersede all previous agreements related to the City's supply of water through the South Lake Whatcom Distribution Point and/or to the District's South Shore Water System; and

WHEREAS, this Agreement does not alter or amend any previous agreements related to providing water services to the District for service to District customers located on the north shore of Lake Whatcom, including the Eagleridge neighborhood.

NOW, THEREFORE, in consideration of the mutual benefits and consideration to be obtained by each Party, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

TERMS AND CONDITIONS

1. PURPOSE.

1.1 The purpose of this Agreement is to establish the terms and conditions upon which the Parties will establish, maintain and use an emergency use intertie connection between the District's South Shore Water System and the City's water system. This intertie is located at the southeast corner of the intersection of Lakeway Drive and Scenic Avenue ("**Emergency Intertie**") and is intended to provide the Parties with water system supply redundancy and resiliency to minimize impacts to City and District customers in the event of an emergency loss or degradation of permanent water supply sources.

1.3 The parties intend for the Emergency Intertie between their two water systems, as contemplated herein, to be limited to the conditions contained in this Agreement; namely, to an Emergency Intertie to permit the short term or temporary exchange of water during emergencies.

1.4 The parties intend for this agreement to satisfy the requirements of RCW 90.03.390 and WAC 246-290-132 regarding emergency use intertie connections between water systems.

2. DEFINITIONS.

2.1. "Emergency" means an unforeseen event that causes damage or disrupts normal operations and requires immediate action to protect public health and safety.

2.2. "Short term" or "temporary" mean a limited time period of short duration not to exceed sixty (60) calendar days.

3. ADMINISTRATION. No new or separate legal or administrative entity is created to administer the provisions of this Agreement.

4. TERM OF AGREEMENT. The term of this Agreement shall commence upon its execution by the Parties and shall remain in effect for twenty (20) years from the date of mutual execution. The Parties may extend the term of this Agreement by mutual written consent.

5. TERMINATION. This Agreement may be terminated by either Party upon the giving of ninety (90) days written notice to the other Party, at which time any remaining financial obligations shall be paid in full according to the provisions of this Agreement.

6. INFRASTRUCTURE

6.1. Prior to execution of this Agreement, the District installed the Emergency Intertie. The District shall properly maintain and repair the Emergency Intertie at its sole expense, except as otherwise provided herein.

6.2. The District shall install and replace at its sole expense a flow measuring device and recording instruments at the Intertie which device shall be capable of measuring flows in both directions. These devices and instruments will be owned and maintained by the City upon completion of construction.

6.3. The City's water system will be protected from backflow by a Department of Health-approved Reduced Pressure double check valve assembly that is installed, owned, maintained, repaired and, if necessary, replaced by the District. In the event the City requires water, the City will temporarily reverse the backflow assembly and make other temporary system revisions to allow water flow to the City's water system at its expense, and following coordination with the District.

7. USE.

7.1. The Parties are authorized to use the Emergency Intertie only in the event of emergency and only on a short term or temporary basis. If an emergency requires use of the Emergency Intertie for longer than short term or temporary basis, the receiving party shall promptly notify the supplying party in writing and the Parties shall promptly enter into good faith negotiations for a separate written agreement, provided that nothing herein shall be construed to require the Parties to enter into such separate written agreement or to otherwise supply water beyond a short term or temporary basis.

7.2. The receiving party shall notify the supplying party prior to operation of the Emergency Intertie.

7.3. Use of the Emergency Intertie is at all times subject to the supplying party's determination that sufficient water is available for such purpose. The supplying party's determination of adequate water supply is solely with the supplying party's discretion and is not subject to challenge.

8. RESERVED CAPACITY & FLOW MEASUREMENT

8.1. **Reserved Capacity.** As the intent of this Agreement is to provide temporary water service on an emergency as needed basis only; no reserved capacity within either party's system will be allocated to this purpose.

8.2. **Future Temporary Supply Agreements.** The City agrees to timely negotiate with the District in good faith to execute temporary supply agreements, each term lasting at least

one (1) year. The intent of each temporary supply agreement is to enable the District to temporarily decommission its Geneva Reservoir located at 1010 Lakeview Street for replacement and/or reconditioning, or to perform significant repair and/or replacement of other District water system infrastructure. This clause shall be construed as a non-binding statement of intent and not a contractual commitment.

9. RATES AND PAYMENT TERMS.

9.1 The District shall pay solely for water passing through the meter at the Emergency Intertie at the rate established by the City for service outside of City corporate limits. Service shall be solely for use on a temporary basis; therefore, monthly base rates shall not apply. Payment shall be made to the City of Bellingham, 210 Lottie Street, Bellingham, WA 98225, or at a different place as designated by the City in writing.

9.2 The City shall pay solely for water passing through the meter at the Emergency Intertie at 150% of the rate established by the District for residential water customers. Service shall be solely for use on a temporary basis; therefore, monthly base rates shall not apply. Payment shall be made to the District at 1220 Lakeway Drive, Bellingham, WA 98225, or at a different place as designated by the District in writing.

9.3 Missed or late payments shall accrue interest at the rate of twelve percent (12%) per annum.

10. COMPLIANCE WITH REGULATIONS. The Parties shall comply with all relevant state and local laws, regulations and approvals pertaining to the conversion and operation of the Intertie, including, but not limited to RCW 90.03, WAC Sections 246-290-132 and 246-290-131, and the Washington State Department of Health's letter, dated August 27, 2019, approving the conversion of the District-owned booster station located at the intersection of Lakeway Drive and Scenic Avenue into the Intertie contemplated in this Agreement.

11. INDEMNIFICATION. Each Party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of its officials, officers, agents, employees or contractors to the fullest extent required by law, and further agrees to save, indemnify, defend and hold the other Party harmless from any such liability. It is further provided that no liability shall attach to the Parties by reason of entering into this Agreement except as expressly provided herein.

12. ASSIGNMENT. Neither Party shall assign or delegate any or all interests in this Agreement without first obtaining the prior written consent of the other Party.

13. SUCCESSORS OR ASSIGNS. All of the terms, conditions, covenants and agreements of this Agreement shall extend to and be binding upon each Party and their successors and permitted assigns.

14. RESPONSIBLE PERSONS - ADMINISTRATION. The persons responsible for the administration of this Agreement shall be the City of Bellingham Public Works Director and the Lake Whatcom Water and Sewer District General Manager or their designees.

15. NOTICE. Any notice required to be given under the terms of this Agreement shall be directed to the Party at the address set forth herein below:

City: City of Bellingham
210 Lottie Street
Bellingham, WA 98225

Attn: Public Works Director
With copy to: Mayor
With copy to: City Attorney

District: Lake Whatcom Water and Sewer District
1220 Lakeway Drive
Bellingham, WA 98229

Attn: General Manager
With copy to: District Legal Counsel

Any notice given pursuant to this Agreement shall be delivered personally, sent by overnight courier or mailed by registered or certified mail to the addresses above or to such other address as a Party shall from time to time advise in writing. If mailed, a notice shall be deemed received three (3) business days after the postmark affixed on the envelope by the United States Post Office.

16. APPLICABLE LAW AND VENUE. This Agreement shall be governed by, and construed in accordance with the laws of the State of Washington without recourse to any principle of conflicts of laws. Any action in law or equity, or judicial proceeding for the enforcement of this Agreement or any of the provisions contained therein, shall be instituted and maintained only in Whatcom County Superior Court, Bellingham, Washington.

17. MODIFICATION. This Agreement may be changed, modified, amended or waived only by written agreement executed by the Parties hereto. Waiver or breach of any term or condition of this Agreement shall not be considered a waiver of any prior or subsequent breach.

18. ENTIRE AGREEMENT. This Agreement constitutes the entire Agreement between the parties hereto and supersedes all other prior written or oral understandings with regard to the City's provision of sewage services to the District. This Agreement may only be amended, supplemented, modified, or cancelled by a duly executed document in writing pursuant to this Agreement.

19. SEVERABILITY. Should any part of this Agreement be rendered or declared invalid by a court of competent jurisdiction of the State of Washington, such invalidation of such part or portion of this Agreement shall not invalidate the remaining portions thereof, and they shall remain in full force and effect.

20. HEADINGS. The headings in this Agreement are for convenience only and do not in any way limit or affect the terms and provisions hereof.

21. RECORDING. The City shall record this Agreement with the Whatcom County Auditor in accordance with the Washington Interlocal Cooperation Act, Title 39.34 RCW.

EXECUTED this _____ day of _____, 2020 for the **CITY OF BELLINGHAM.**

Mayor

Director of Public Works

ATTEST:

APPROVED AS TO FORM:

Finance Director

Office of the City Attorney

EXECUTED this _____ day of _____, 2020 for **LAKE WHATCOM WATER AND SEWER DISTRICT.**

District Board President

District General Manager

ATTEST:

APPROVED AS TO FORM:

Finance Manager

District Legal Counsel

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this day personally appeared before me SETH FLEETWOOD, to me known to be the MAYOR of CITY OF BELLINGHAM, a first class city of the State of Washington that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said county for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

GIVEN under my hand and official seal this _____ day of _____, 2020.

Print Name: _____
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this day personally appeared before me LAURA ABELE, to me known to be the DISTRICT BOARD PRESIDENT of LAKE WHATCOM WATER AND SEWER DISTRICT, that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute said instrument.


GIVEN under my hand and official seal this _____ day of _____, 2020.

Print Name: _____
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____



**AGENDA
BILL
Item 7.C**

**General Manager Job
Description Update**

| | | | |
|----------------------------|--|---|---|
| DATE SUBMITTED: | August 5, 2020 | MEETING DATE: | August 12, 2020 |
| TO: BOARD OF COMMISSIONERS | FROM: Justin Clary, General Manager | | |
| GENERAL MANAGER APPROVAL |  | | |
| ATTACHED DOCUMENTS | 1. Draft Revision to the General Manager Job Description | | |
| TYPE OF ACTION REQUESTED | RESOLUTION <input type="checkbox"/> | FORMAL ACTION/ MOTION <input checked="" type="checkbox"/> | INFORMATIONAL /OTHER <input type="checkbox"/> |

BACKGROUND / EXPLANATION OF IMPACT

Up-to-date descriptions of each District position are crucial in ensuring staff understand their duties and functions, in assisting management in evaluating employee performance, and for recruiting for vacant positions. Many of the District's job descriptions have not been updated for several years. Therefore, the general manager identified the comprehensive review of all job descriptions that have not been updated in the past three years as an executive initiative for 2020. While review and update of most District job descriptions is an administrative function, the general manager position reports directly to the Board of Commissioners. Therefore, it is appropriate that review and approval of that job description be completed by the Board. Attached is a draft update to the general manager job description (last updated in 2011) provided in track changes mode for ease of review of staff-proposed revisions. The Board will note that many revisions are editorial in nature. Significant revisions include new sections to the description to bring the description consistent with the format of other District job descriptions. Of additional note, the *Knowledge of*, *Skill in*, and *Ability to* sections have largely been pulled from the general manager job description for a neighboring water and sewer district.

During its regularly scheduled meeting on July 29, the Board reviewed the staff-proposed revisions to the job description, and requested revision to, or clarification of, four (4) specific elements of the description:

- 1) Essential Duties and Responsibilities, 4th Bullet—remove redundancy relative to hiring/firing managers and supervisors, and hiring/firing all District personnel.
- 2) Essential Duties and Responsibilities, 13th Bullet—strengthen expectations relative to implementation of the District's health and safety program.
- 3) Minimum Qualifications, Experience/Education, 2nd Bullet—confirm legality of striking "or equivalent" relative to a college degree.
- 4) Physical Requirements—delete in its entirety.

Staff have implemented to the following revisions for the Board's consideration:

- 1) Redundancy has been deleted.
- 2) The general manager has since worked with Commissioner Ford on addressing this comment; what is presented is the outcome of this collaboration.
- 3) District legal counsel has confirmed that the board, at its discretion, may include or delete the term "or equivalent" relative to education requirements. Please note that the description has been further revised to include "or post-graduate" to expand the eligibility criteria.
- 4) Section identifying physical requirements has been deleted. Please note that District legal counsel agrees with removing this section.

FISCAL IMPACT

No impact is anticipated.

RECOMMENDED BOARD ACTION

Staff recommends that the Board approve the revised job description.

PROPOSED MOTION

A recommended motion is:

"I move to approve the job description for the District position of General Manager as presented."



Lake Whatcom Water & Sewer District Job Description

Job Title: General Manager

FLSA Status: Exempt

Reports To: Board of Commissioners

Revision Date: ~~May 9, 2011~~ August 12, 2020

POSITION PURPOSE:

The General Manager ~~is responsible~~ reports to the Board of Commissioners (Board) and is responsible for overall leadership and management of ~~the District's operations, including its~~ water and sewer services, community relations, environmental compliance, engineering, finance, contracting, personnel, field, office, customer service, and other functions; for attending ~~ingance~~ and providing policy advice at ~~Commission~~ Board meetings and workshops; ~~for and~~ facilitating implementation of ~~Commission District~~ policies and Board directions; and for ~~liaison and~~ coordinating ingon District objectives with ~~C~~city, ~~C~~county, ~~S~~state and other agency representatives, as well as District consulting engineers, contractors, legal counsel, financial, and other contracted advisors.

ESSENTIAL DUTIES AND RESPONSIBILITIES include but are not limited to the following:

- Attends meetings and workshops of the Board ~~of Commissioners~~; facilitates and implements Commission Board directions and policies; and provides staff support and policy advice to ~~Commissioners~~ the Board;
- Leads and facilitates, in conjunction with the Board ~~of Commissioners~~, the District's short near-term and long long-range planning, community relations, environmental, financial, personnel, budget, and implementation plans; ~~Also~~
- Responsible for standards, organization, management philosophy, contracting and compliance with state, federal, and local laws and regulations;
- Responsible for hiring and firing all District personnel, and Appoints, directs, and dismisses District managers and supervisors, and in conjunction with the Board of Commissioners, coordinates work with the District's legal counsel, consulting engineer, financial advisor, and other resources;
- Responsible for hiring and firing of all District personnel;
- Directs and supervises the Finance Manager/Treasurer who is responsible for supervision of Finance Department ~~customer service, billing, accounting, and front desk~~ staff, and for management and liaison with banking, finance, investment, audit, administrative, and other functions;
- Directs and supervises the District Engineer/Assistant General Manager who is responsible for supervision ~~of the Maintenance Supervisor, Water Treatment Plant Operator and District specialists and other workers~~ of Engineering Department staff, and for management ~~and liaison with~~ of the District's capital improvement program, contractors, utilities, field engineers, testing design and construction of capital projects, management of the District's IT system, and other functions;
- Directs and supervises the Operations & Maintenance Manager, who is responsible for supervision of Operations Department staff, and for the operations and maintenance of District infrastructure;
- Directs and supervises the Administrative Assistant who is responsible for office, administrative, and project services ~~to supporting~~ the Board ~~of Commissioners~~, General Manager, ~~District Engineer/Assistant General Manager, and other persons~~ District staff;
- Leads in d ~~Developsment of~~ positive, productive, employee and union relations, and guides overall ~~personnel-personnel~~-related activities;
- Works to e ~~Establishes~~ effective professional relations with federal, ~~and state~~ and local government agencies, including the City of Bellingham and Whatcom County ~~and other~~ elected officials and departments, other districts, industry associations, and the public ~~and other organizations~~;
- Directs emergency services in coordination with ~~District Engineer/Assistant General Manager, engineering, legal, and~~ District staff and legal counsel, and oversees contingency planning;

- Prepares and presents reports to the ~~Commissioners~~Board; oversees preparation of agendas and meeting information; and participates in evaluation and review activities;
- ~~Actively e~~Ensures integrity of the safety program by ~~periodically~~regularly reviewing various aspects of the program to ensure compliance with all District policies and relevant laws and regulations, directly engaging in internal safety committee meetings, and periodically performing safety inspections to confirm program compliance;
- Completes continuing education-related assignments, and serves as a resource to staff on projects and day-to-day activities; and
- Performs other duties as required or assigned.

ADDITIONAL WORK PERFORMED:

- ~~Completes continuing education related assignments, and serves as a resource to staff on projects and day-to-day activities.~~

MINIMUM QUALIFICATIONS:

Knowledge of:

- Modern principles and practices of management and supervision;
- Public finance with a concentration on public water and sewer financing; and
- Fiscal and budget principles, practices, and procedures.

Skill in:

- Analysis, planning, and organization;
- Interpersonal and written communication and ability to work effectively at all levels in a collaborative team environment;
- Motivating others to initiate action to meet the goals and objectives of the District;
- Working with multiple complex, highly visible and politically sensitive projects;
- Organizing resources and establishing priorities;
- Budget preparation and fiscal management; and
- Workflow analysis and management.

Ability to:

- Operate a personal computer with Microsoft Office suite;
- Work with the public and with other members of the organization in a positive and fair manner;
- Empathize with differing points of view and mediate conflicts among employees;
- Develop and implement work rules and safety procedures, ensuring consistency within the District;
- Handle difficult citizen and staff complaints and concerns;
- Interpret complex guidelines, codes, regulations, policies, and procedures that apply to the District;
- Recognize organizational, operational, and training needs and implement effective changes;
- Make decisions under difficult and demanding circumstances involving legal or financial liability and sensitive community issues;
- Work efficiently and effectively with other departments, customers, developers, consultants, contractors, agencies, and the general public; and
- Communicate verbally and in writing and written reports.

Experience/Education:

- **Experience:** Five to ~~t~~en years of progressively responsible business and/or public administration management, supervisory, contracting, and ~~board-elected body~~-related experience, ~~or equivalent.~~
- **Education:** Bachelor's or post-graduate degree in business administration, public administration, engineering, or related field.

Licenses and Certifications:

Possess and maintain:

- Valid Washington State Driver's License

DESIRABLE QUALIFICATIONS:

Strong board, management, and supervisory accomplishments with experience in business, public administration, and water/sewer services with ability to identify organization needs and implement responsive programs, strong community and intergovernmental communication and facilitation skills.

WORKING CONDITIONS:

Primarily performs duties in an office working at a desk using a computer. This position may require work hours in excess of 8 hours per day or 5 days per week and call-back for emergency situations. Attending meetings after business hours is required as is travel for training purposes and to commute to other government agencies.

This job description does not constitute an employment agreement and may be changed or amended at any time to meet the needs of the District.


Approved: ~~May 9, 2011~~ August 12, 2020

Patrick Sorensen, General Manager Laura Abele, Board President



**AGENDA
BILL
Item 7.D**

**Nooksack River Basin
Water Rights Adjudication**

| | | | |
|----------------------------|--|--|--|
| DATE SUBMITTED: | August 5, 2020 | MEETING DATE: | August 12, 2020 |
| TO: BOARD OF COMMISSIONERS | FROM: Justin Clary, General Manager | | |
| GENERAL MANAGER APPROVAL |  | | |
| ATTACHED DOCUMENTS | 1. none | | |
| TYPE OF ACTION REQUESTED | RESOLUTION <input type="checkbox"/> | FORMAL ACTION/ MOTION <input type="checkbox"/> | INFORMATIONAL /OTHER <input checked="" type="checkbox"/> |

BACKGROUND / EXPLANATION OF IMPACT

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. As indicated above, water right adjudication is a multi-decade process (current Ecology timeline estimates approximately 20-25 years) at a cost of approximately \$1-2 million per year.

As with its historic water rights disputes, the consideration of adjudication in the Nooksack Basin has become a heated topic. The Lummi and Nooksack Nations, as well as a number of environmental groups, have formally stated support of adjudication, while agriculture-related groups, Public Utility District No. 1 of Whatcom County and city of Bellingham have stated opposition. Whatcom County is currently neutral.

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.

Ecology is currently planning to issue a report on its recommendations relative to adjudication in September. It is staff's recommendation 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).

FISCAL IMPACT

No impact is anticipated.

RECOMMENDED BOARD ACTION

No action is recommended at this time.


PROPOSED MOTION

Not applicable.



**AGENDA
BILL
Item 9.A**

**General Manager's
Report**

| | | | |
|----------------------------|--|--|--|
| DATE SUBMITTED: | August 6, 2020 | MEETING DATE: | August 12, 2020 |
| TO: BOARD OF COMMISSIONERS | FROM: Justin Clary, General Manager | | |
| GENERAL MANAGER APPROVAL |  | | |
| ATTACHED DOCUMENTS | 1. General Manager's Report | | |
| TYPE OF ACTION REQUESTED | RESOLUTION <input type="checkbox"/> | FORMAL ACTION/ MOTION <input type="checkbox"/> | INFORMATIONAL /OTHER <input checked="" type="checkbox"/> |

BACKGROUND / EXPLANATION OF IMPACT

Updated information from the General Manager in advance of the Board meeting.

FISCAL IMPACT

None.

RECOMMENDED BOARD ACTION

None required.

PROPOSED MOTION

None.



LAKE WHATCOM WATER AND SEWER DISTRICT

General Manager's Report

Upcoming Dates & Announcements

Regular Meeting – Wednesday, August 12, 2020 – 6:30 p.m.

Important Upcoming Dates (Note—all meetings are tentative due to COVID-19)

| Lake Whatcom Water & Sewer District | | | |
|--|---------------------------|------------|---|
| Regular Board Meeting | Wed Aug 26, 2020 | 8:00 a.m. | Remote Attendance |
| Employee Staff Meeting | Thu Aug 13, 2020 | 8:00 a.m. | Remote Attendance Commissioner McRoberts to attend |
| Investment Comm. Meeting | Wed Oct 28, 2020 | 10:00 a.m. | Remote Attendance |
| Safety Committee Meeting | Wed Aug 19, 2020 | 8:00 a.m. | Remote Attendance |
| Lake Whatcom Management Program | | | |
| Data Group Meeting | Thu Sep 10, 2020 | 9:00 a.m. | Remote Attendance |
| Policy Group Meeting | Wed Sep 23, 2020 | 3:00 p.m. | Remote Attendance |
| Joint Councils Meeting | 2020 Meeting Cancelled | - | - |
| Other Meetings | | | |
| WASWD Section III Meeting | Tue Sep 8, 2020 | 7:00 p.m. | Remote Attendance |
| Whatcom Water Districts Caucus Meeting | Wed Aug 19, 2020 | 1:00 p.m. | Remote Attendance |
| Whatcom County Council of Governments Board Meeting | Wed Oct 14, 2020 | 3:00 p.m. | Council of Governments Offices 314 E Champion Street |

Committee Meeting Reports

Safety Committee:

- The committee met on July 30. The committee continues to make progress on update of the District's safety programs, which will be presented to applicable staff. During the prior month, the District purchased five new air monitors due to failure of prior monitors, as well as another fall protection/rescue tripod to ensure compliance with confined space requirements. The committee will demo safety program software that would better integrate standard operating procedures, and streamline the completion and storage of required task-specific safety forms.

Investment Committee:

- The committee met on August 5. Topics of discussion included an update on the asset valuation of the District's facilities conducted July 28-30; review of April-July revenues relative to potential economic impacts of the pandemic; the District's current bond rating (AA-) and measures that may be taken to improve the rating in advance of large capital project(s); an update on the timeframe for the next multi-year rate study (2022-2026); and the status of the 2021 Budget preparation.

Upcoming Important Board Meeting Topics

- Sudden Valley Water Treatment Plant Alternative Analysis
- Division 7 Reservoir Pre-design Update
- Interlocal Agreement with the City of Bellingham for Emergency Intertie Use
- Sudden Valley Area Z Developer Extension Agreement Project Acceptance

2020 Initiatives Status

Administration and Operations

Level-of-Service Analysis

- Facilitate Board development of level-of-service standards for District operations.
The initial step in completing the Effective Utility Management process is to conduct a self-assessment at varying levels of the organization. The self-assessment has been completed by the management team and staff as of June 10. The self-assessment by the board will be completed during a work session on August 12.

Six-Year Business Plan

- Develop department-specific business plans that define staffing, facility, and equipment needs necessary to meet level-of-service standards over the six-year planning horizon.
To be initiated following completion of the Effective Utility Management self-assessment.

Rate Study

- Conduct rate study for the water and sewer utilities for the five-year planning horizon.
To be initiated following completion of the 2020 Comprehensive Sewer Plan, the Sudden Valley Water Treatment Plant Facility Improvement Plan, and the Six-Year Business Plan.

Biennial Budget

- Facilitate Board consideration of shifting from an annual to a biennial budget.
Staff plans to complete in summer.

Bond Rating Review

- Pursue a higher bond rating.
Staff plans to complete in fall.

Staffing Succession Plan

- Develop a staffing succession plan to address anticipated retirements over the next five years.
The plan is under development.

Job Description Review

- Update all District job descriptions that have not been revised in the last three years.
Review of job descriptions has been broken into departments and the management team. Review of management team job descriptions are complete, and review of Finance and Engineering department descriptions are underway.

Emergency Response/System Security

Risk and Resilience Assessment

- Develop an America's Water Infrastructure Act-compliant Risk and Resilience Assessment.
Plan is under development with assistance from the Whatcom County Sheriff's Office under the District's interlocal agreement for emergency planning services.

Cybersecurity Assessment

- Conduct a cybersecurity assessment of the District's IT infrastructure.
Through the District's insurance provider, implemented ongoing staff/board cybersecurity training platform in November 2019.
As part of the AWIA Risk and Resilience Assessment, staff have begun mapping the District's IT system.

Emergency Vendor Contracts

- Pursue contracts with applicable vendors for on-call contracts, including contracts for support during periods of emergency response.
A public works contract template specific to unit-priced contracting has been developed.

Community/Public Relations

General

- Website
The District's web content is being updated on a regular basis, including regular posts specific to District operations in response to the COVID-19 pandemic.
- Social Media
Posts are being made to District Facebook and LinkedIn pages regularly; Nextdoor is regularly monitored for District-related posts.
- Press Releases
Press releases were issued on March 16, 18, 20, and 25 specific to District operations relative to the COVID-19 pandemic. A press release recognizing Drinking Water Week was issued on May 5, and one summarizing the results of the District's 2018-19 audit was issued May 20.

Intergovernmental Relations

- *J. Clary attended the Whatcom Water Alliance virtual meeting on July 29.*
- *J. Clary represented WASWD during a stakeholder discussion on July 30 framing potential revisions to the Growth Management Act.*
- *J. Clary held a call on August 5 with Joe Acla, general manager of Sudden Valley Community Association, to review topics of mutual interest.*

EnviroStars Certification

- Gain EnviroStars Green Business certification.
The District has completed 11 of 20 required core measures and earned a total of 205 points (core and elective measures) in the certification process. Once all core measures are complete, the District will be certified at the Tier 1-Leader level (300 points are required for Tier 2-Partner).

Lake Whatcom Water Quality

Management Program

- Attend meetings of Lake Whatcom Management Program partners.
Printed copies of the updated Lake Whatcom Watershed Stewardship Guide were mailed to all watershed residents in July—there has been generally very positive response to the guide.

Onsite Septic System Impact Assessment

- Lead effort in water quality monitoring to assess the impacts of septic systems on the lake.
Herrera has conducted all five scoped monitoring events (on March 3 and 24, April 27, May 11, and June 2). Data evaluation and report preparation are underway.

Onsite Septic System Conversion Program

- Pursue connection of septic-served parcels within 200 feet of District sewer system.
Of the three properties noticed in 2019, two have connected (January 7 and July 2); owners of the remaining property have been in contact with the District. Based upon Board authorization, that property has until August 2021 to connect.
A white paper to facilitate analysis of the District's septic conversion policy was issued to the Board on April 9; during its meeting on July 29, the Board elected not to revise the program.