



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

REGULAR SESSION OF THE BOARD OF COMMISSIONERS

Minutes *July 28, 2021*

Board President Laura Abele called the Regular Session to order at 8:00 a.m.

Attendees: Commissioner Laura Abele
Commissioner Todd Citron
Commissioner John Carter
Commissioner Bruce Ford
Commissioner Leslie McRoberts
General Manager Justin Clary
District Engineer/Assistant GM Bill Hunter
Current Finance Manager/Treasurer Jenny Signs
Operations 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.

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 July 14, 2021 Regular Board Meeting
- Payroll for Pay Period #15 (07/10/2021 through 07/23/2021) totaling \$50,946.36
- Payroll Benefits for Pay Period #15 totaling \$30,874.41
- Accounts Payable Vouchers totaling \$143,672.38

Motion passed.

Customer Appeal – Water/Sewer Utility Bill

Signs summarized that the District received a letter from Kathy and Jim Heidenreich dated July 7, 2021, requesting an appeal to the Board for relief from water consumption charges. The Heidenreich's appeal is associated with water utility charges incurred as a result of leak in the water service line located between the district meter and their house that occurred during the bimonthly billing period of April 21 through June 21, 2021.

District Administrative Code allows for leak adjustments (Section 2.10.8) when leak adjustments are for "...water bills resulting from in-ground water service line breaks between the water meter and the outermost exterior walls of the structure." This leak qualifies adjustment under Section 2.10.8. Historically, staff has completed an administrative leak adjustment credit in instances where the excess consumption has been specifically attributed to a qualifying leak. District staff calculated this adjustment on July 12, 2021, which results in a reduction of Mr. and Mrs. Heidenreich's water utility bill by \$1,000.00.

Staff explained to Mr. Heidenreich 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. Staff offered the option of a 12-month payment plan, and the agreement form was provided. Mr. Heidenreich was not satisfied with this response and elected to appeal the General Manager's decision to the Board requesting full relief of the amount attributed to the leak, as allowed under the Administrative Code. 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. & Mrs. Heidenreich's appeal for a full leak adjustment. Motion passed.

District Comment on the Department of Ecology Draft Puget Sound Nutrient General Permit

In January 2020, the Washington State Department of Ecology (Ecology) announced the initiation of the development of a Nutrient General Permit that would focus on limiting discharge of excess nutrients, particularly nitrogen, to the Puget Sound from domestic wastewater treatment plants (WWTPs). Ecology's development of a general permit is intended reduce nitrogen concentrations in WWTP effluent, which contribute to low oxygen levels in Puget Sound. The City of Bellingham's Post Point WWTP, which treats the District's wastewater through an interlocal agreement, is one of the WWTPs that will be regulated under the General Permit (in addition to an Individual Permit specific to the Post Point WWTP).

The District's interlocal agreement with the City of Bellingham for conveyance to and treatment of wastewater includes a clause that the District is responsible for payment for any capital improvements to the WWTP at its current allocated capacity (4.8%). It is anticipated that implementation of the General Permit and any associated Individual Permit will require significant upgrades to the WWTP. Therefore, though the District does not own or operate a WWTP that will be regulated under the Nutrient General Permit, it will likely be impacted by the actual requirements that are implemented.

As a result, the District submitted comments on the preliminary draft Permit on March 10, 2021. Ecology considered all comments received on the preliminary draft Permit, and issued a revised draft Permit and is accepting public comment through August 16, 2021. Working with WASWD, staff developed a draft letter for the Board's consideration for submittal prior to the August 16, 2021, closure of the public comment period.

Action Taken

Carter moved, McRoberts seconded, to approve the letter as presented and direct the General Manager to send to the Department of Ecology and other listed recipients. Motion passed.

General Manager's Report

Clary updated the Board on several topics, including the District's continued response to the COVID-19 pandemic. The Board decided as a group to postpone the planned August return to in-person meetings and re-

evaluate in November. Clary also provided an update on recent meetings and discussions pertaining to the City of Bellingham's Post Point Wastewater Resource Recovery Project. Discussion followed.

Engineering Department Report

Hunter highlighted several areas, including permit activity and sales, an update on the Dellesta/Edgewater Lift Station project, and upcoming project dates. Discussion followed.

Finance Department Report

Signs reported on the District's 2nd Quarter financials, presenting highlights and affirming that revenues and expenditures are tracking. She also touched on the status of customer accounts in arrears and potential upcoming discussion regarding the end of Governor Inslee's utility late fee and shutoff moratorium. Discussion followed.

Operations & Maintenance Department Report

Winters gave a brief report on field crew operations, including camera work related to inflow and infiltration and new development, supply chain concerns, and District water treatment plant operations. Discussion followed.

With no further business, Abele adjourned the Regular Session 9:22 a.m.



Board President, Laura Abele

Attest: 

Recording Secretary, Rachael Hope

Minutes approved by motion at Regular Special Board Meeting on Aug 11, 2021
Date Minutes Approved