



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

## REGULAR SESSION OF THE BOARD OF COMMISSIONERS

### Minutes

*September 8, 2021*

Board Secretary Todd Citron called the Regular Session to order at 6:34 p.m.

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

**Excused Absences:**                      Commissioner Laura Abele

Also in attendance were District employees Jason Dahlstrom, Jonathan Lydiard, and Kristin Hemenway. 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 August 25, 2021 Regular Board Meeting
- Payroll for Pay Period #18 (08/21/2021 through 09/03/2021) totaling \$47,157.85
- Payroll Benefits for Pay Period #18 totaling \$50,749.00
- Accounts Payable Vouchers totaling \$331,187.55

Motion passed.

#### 2377 Northshore Rd Water Main Extension Application to Establish Developer Extension Agreement

Hunter recalled that during its regularly scheduled meeting held on March 31, 2021, the Board considered a petition to waive or reduce connection requirements regarding the extension of approximately 80-feet of water main across the lot frontage of 2377 North Shore Road. The subject property is a sewer-only customer that draws drinking water directly from Lake Whatcom. The Board declined the petition and upheld the

requirement that a public water main extension across the lot frontage be constructed as a condition for water service.

Subsequently, the District received an application and associated fees to establish a Developer Extension Agreement (DEA) from Mr. Norman Chang to extend approximately 80 feet of public water main across the road frontage of the subject property.

**Action Taken**

**McRoberts moved, Ford seconded, to authorize the General Manager to execute a Developer Extension Agreement with Norman Chang to extend the public water main across the frontage of the property located at 2377 Northshore Road in accordance with the District's Design and Construction Standards, current Water System Comprehensive Plan, and policies that will result in one new water service connection at the subject property. Motion passed.**

**Customer Appeal—Request for Water/Sewer Connection Fees Refund**

Clary explained that through its Administrative Code, the District has set policy on how it administers its services, including collection and management of permit and connection fees and charges. To maintain consistency, District staff implements the Administrative Code as written.

On July 7, 2021 DJ & DJ Contracting paid to the District permit and connection fees associated with development of a single-family home at 16 Bigleaf Lane (\$17,263.00), as well as fees for development of seven other lots in Sudden Valley. In mid-July, DJ & DJ Contracting initiated clearing of 16 Bigleaf Lane for development, prompting an adversarial reaction from the owner of a neighboring property (18 Bigleaf Lane). Mr. Herman contacted the District on July 21 regarding a desire to sell the subject property to the adjacent property owner and receive a refund for the connection. District staff notified Mr. Herman that refund of these fees/charges are not allowed under District Administrative Code.

On August 13, DJ & DJ Contracting sold the 16 Bigleaf Lane property to the concerned neighbor and on August 23 District staff received an email from Mr. Herman with an attached letter disputing the District's refund policy. District Administrative Code Section 3.5.8, Transfers and Refunds, of Section 3.5, Permits and Connection Charges, states "Permits and Pre-Paid Connection Certificates are not transferrable, nor are the fees or charges paid for them refundable." Discussion followed.

**Action Taken**

**McRoberts moved, Ford seconded, to uphold the District Administrative Code as written and implemented by the General Manager, and decline Mr. Herman's appeal for revision of the District's permit and connection fees and charges refund policy. Motion passed.**

**Sewer System Rehabilitation Program Resource Allocation Discussion**

Hunter advised that the District has for a number of years self-conducted video inspection of District sewer mains to identify inflow and infiltration (I&I) as a component of its sewer system rehabilitation program. Recently, additional emphasis been placed on identification and repair of system deficiencies (through allocating additional staff time and increasing annual budgetary allocations to the program).

During the June 30, 2021, Board meeting, return on investment information was presented and discussed, including information indicating that recent I&I repairs have a short payback period of around 1.5 years, and pursuing these types of repairs is a priority. Hunter explained that half of the 69 miles of sewer mains have been inspected during the last 10-years, and half are in need of inspection. He provided options for

completing this work intended for consideration and direction from the Board on the District's plans for tackling I&I deficiencies. Discussion followed.

**Mandatory Vaccination of District Staff Policy Discussion**

Clary apprised the Board that on August 9, 2021, Governor Inslee issued Proclamation No. 21.14, mandating that all State employees become fully vaccinated from COVID-19 by October 18, unless they qualify for a bona fide medical or religious exemption. Following the initial proclamation, a few local governments have also implemented mandatory vaccination policy for their staff, and many more are beginning to consider such a policy. During the board's August 25 meeting, Commissioner Ford raised this issue, and the Board requested inclusion of discussion of adopting a mandatory vaccination policy on a future meeting agenda.

Clary highlighted multiple topics and considerations, including staffing redundancy, current and available protective measures, mandatory subject of bargaining considerations, options for dis-incentivizing remaining unvaccinated, exemptions, and staffing. Discussion followed, including contributions from District employees Jonathan Lydiard, Jason Dahlstrom, and Kristin Hemenway. The Board requested this topic be added to the agenda and a policy drafted by staff for further discussion at the September 29, 2021 regular meeting.

**General Manager's Report**

Clary updated the Board on several topics, including the District's continued response to the COVID-19 pandemic as well as submittal of two FEMA grant pre-applications, Washington State Risk Management Pool coverage for the 2021 Division 30 Transmission Main repair, and the upcoming Washington Association of Sewer and Water Districts fall conference. Discussion followed.

**Executive Session Per RCW 42.30.110(1)(g) Reviewing the Performance of a Public Employee – 30 Minutes**

Citron recessed the Regular Session to Executive Session at 8:36 p.m. It was estimated that the Executive Session would take 30 minutes. The purpose of the Executive Session was to discuss the General Manager's annual performance appraisal by the Board. Citron recessed the Executive Session and reconvened the Regular Session at 8:43 p.m. No action was taken.

With no further business, Citron adjourned the Regular Session 8:43 p.m.

  
Board President, Laura Abele

Attest:   
Recording Secretary, Rachael Hope

Minutes approved by motion at  Regular  Special Board Meeting on 9/29/21  
Date Minutes Approved