



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

## REGULAR SESSION OF THE BOARD OF COMMISSIONERS

### Minutes *February 9, 2022*

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

**Attendees:**

Commissioner Laura Abele	General Manager Justin Clary
Commissioner Todd Citron	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

Also in attendance were District constituents Kim Koyamatsu, Patti Ramsey, Trang Worline, Ryan Heathers, and Maureen & Brian Sullivan.

**Excused Absences:** Commissioner John Carter

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.

#### **Change to Agenda**

Commissioner Citron suggested moving item 7C – Customer Appeal – to the beginning of section 7, Specific Items of Business. The Board agreed.

#### **Consent Agenda**

##### **Action Taken**

Citron moved, McRoberts seconded, approval of:

- Meeting Minutes for the 01.12.22 Regular Board Meeting
- Meeting Minutes for the 01.26.22 Regular Board Meeting
- Payroll for Pay Period #03 (01/22/2022 through 02/04/2022) totaling \$43,193.05
- Payroll Benefits for Pay Period #03 totaling \$50,095.56
- Accounts Payable Vouchers totaling \$73,142.35

Motion passed.

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

Signs summarized that the District received a letter from Trang & Corby Worline dated February 2, 2022, requesting an appeal to the Board for relief from water consumption charges. The Worline's appeal is associated with water utility charges incurred as a result of leak in the water service in the crawl space that occurred during the bimonthly billing period of December 2021 – January 2022.

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 does not qualify for an adjustment under section 2.10.8 due to the location of the break.

Staff explained to Mrs. Worline 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. Mrs. Worline was not satisfied with this response and elected to appeal the General Manager's decision to the Board, as allowed under the Administrative code; requesting additional relief to reduce the amount owing from \$6725.02 to \$300. Discussion followed, including contribution from Mrs. Worline, who was in attendance.

#### **Action Taken**

**Citron moved, McRoberts seconded, to uphold the District Administrative Code as written and implemented by the General Manager, and decline Mr. & Mrs. Worline's appeal for a full leak adjustment. Motion passed.**

Following the motion, further discussion ensued in which the Board decided to rescind their decision in order to consider the leak adjustment policy as a whole at the next scheduled Board meeting before making a final decision about the Worline's appeal.

#### **Action Taken**

**McRoberts moved, Ford seconded, to rescind the previous decision of the Board regarding Mr. & Mrs. Worline's appeal and table the issue for further consideration at a future meeting. Motion passed.**

### **Interlocal Agreement with Whatcom Conservation District for Water Conservation Public Outreach Support Services**

Clary explained that the Washington State Legislature passed the Municipal Water Law in 2003, which includes requirements for municipal water suppliers to adopt water supply efficiency measures. Subsequently, in 2007 the Water Use Efficiency rule became effective, requiring municipal water suppliers to develop and implement water conservation measures in their water system comprehensive plans. The District's Water Use Efficiency Plan was updated and adopted by the Board in December 2021.

Recognizing that greater success can be achieved through common messaging and economies of scale, coupled with the significant focus on water use and rights in Water Resource Inventory Area (WRIA) No. 1, Whatcom County reconvened the Whatcom Water Alliance (WWA) in 2019 and hired the Whatcom Conservation District to facilitate development of an enhanced countywide water conservation program. The WWA is partnership of Whatcom County water utilities that has developed a multi-year program that focusses efforts on priorities communicated by the member organizations. The Board formerly approved submittal of a letter in September 2020 to the Whatcom County executive supporting the multi-year program, which includes development of a website, media kit and water conservation how-to videos, and new for 2022, a voluntary rebate program. Though Whatcom County continues to finance the bulk of the Whatcom Conservation

District's WWA support efforts, consistent with the District's September 2020 letter of support, staff presented the Board with the interlocal agreement committing the District to \$1,716 (\$0.30 per connection, plus a \$396 overhead charge) in 2022.

**Action Taken**

**Citron moved, McRoberts seconded, to authorize the general manager to execute the Interlocal Agreement with the Whatcom Conservation District for water conservation public outreach support services, as presented. Motion passed.**

**Hazard Mitigation Grant Agreement for FEMA Funding Supporting the Division 7 Reservoir Replacement Project**

Clary recalled that a 2016 structural analysis of the District's Division 7 Water Reservoir found significant deficiencies in its ability to meet existing earthquake code. The 2017 Water System Plan also analyzed the capacity of the Division 7 reservoir and found it to be significantly oversized. Following review of technical memoranda prepared by Wilson Engineering LLC in 2018 and 2020, staff recommended replacing the existing welded steel 1-million gallon Division 7 reservoir with two smaller concrete 185,000 gallon reservoirs.

In 2018, the District submitted a FEMA Hazard Mitigation Grant application to replace the Division 7 Reservoir with two new reservoirs constructed to meet seismic standards, and to implement ShakeAlert (earthquake early warning system) on the new reservoirs. The grant application was developed in conjunction with Washington State Emergency Management Division (WA-EMD) of the Washington State Military Department and the Federal Emergency Management Agency (FEMA) as a Hazard Mitigation project. The cost sharing is as follows: FEMA 75% (\$1,710,750), WA-EMD 12.5% (\$285,125), and Lake Whatcom Water and Sewer District 12.5% (\$285,125).

Staff presented the Board with an agreement providing for receipt of Phase 1 funding, which is administered through the Washington State Military Department (\$393,709.75 in federal funding with a District match of \$56,244.25). Hunter and the Board recognized Rich Munson's contribution to ensuring the District's receipt of this grant.

**Action Taken**

**Ford moved, McRoberts seconded, to authorize the general manager to execute the Hazard Mitigation Grant Agreement with the Washington State Military Department to enable receipt of federal funds supporting Phase I of the Division 7 Reservoir Replacement Project as presented. Motion passed.**

**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 the retirement of the District's Accounts Receivable Technician, upcoming discussion regarding commissioner redistricting following the 2020 census, and upcoming meetings and conferences. Discussion followed.

**Public Comment**

District constituents Brian & Maureen Sullivan inquired as to whether the Board had made any decisions at the previously held work session regarding the Eagleridge Booster Pump Station project. Commissioner Abele provided information about the work session and noted the Sullivan's questions as written correspondence received by the Board would be responded to at an upcoming meeting.

With no further business, Abele adjourned the Regular Session 7:34 p.m.

  
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Board President, Laura Abele

Attest:   
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Recording Secretary, Rachael Hope

Minutes approved by motion at  Regular  Special Board Meeting on Feb 23, 2022  
Date Minutes Approved