



Lake Whatcom Water & Sewer District Board Meeting Access Information

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6:30 pm — 8:30 pm

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ATTENDING A MEETING

How to Participate

MEETINGS ARE HYBRID

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COMMUNICATING WITH US



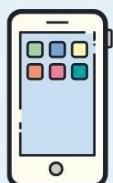
If you wish to make a public comment, you may submit it in written form via email or the contact form on our website, or utilize the public comment periods during the District's regular meetings.

ATTENDING ANONYMOUSLY

If you wish to observe a meeting, but do not plan to actively participate, you may attend anonymously. Turn off your mic & camera, and change display name to "Observation Only."



ACCESS INFORMATION



We use GoTo for virtual access to our meetings. Download the app, sign in through your browser, or use a phone to call in for audio-only participation. Access information for specific meetings is in the meeting packet.

QUESTIONS?

If you have questions about attending an upcoming meeting, please contact Administrative Assistant Rachael Hope at rachael.hope@lwbsd.org or 360-734-9224.



Public Comment Periods

Lake Whatcom Water & Sewer District's Board of Commissioners values feedback, questions, and concerns from our constituents. The public comment period is....



Our Meetings

Regular Meetings of the Board of Commissioners are held on the second Wednesday of each month at 6:30 pm and the last Wednesday of each month at 8:00 am.





LAKE WHATCOM WATER AND SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

REGULAR MEETING OF THE BOARD OF COMMISSIONERS

AGENDA

January 11, 2023

6:30 p.m. – Regular Session

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT OPPORTUNITY
At this time, members of the public may address the Board of Commissioners. Please state your name and address prior to making comments, and limit your comments to three minutes. For the sake of time, each public comment period will be limited to 45 minutes.
4. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA
5. CONSENT AGENDA
6. SPECIFIC ITEMS OF BUSINESS
 - A. Election of Officers
 - B. Appointment of Investment Committee Representatives
 - C. Appointment of Whatcom County Council of Governments and Lake Whatcom Management Program Policy Group Representatives
 - D. Commissioner Social Media Use Policy Discussion
7. OTHER BUSINESS
8. STAFF REPORTS
 - A. General Manager
9. PUBLIC COMMENT OPPORTUNITY
10. ADJOURNMENT



**AGENDA
BILL
Item 5**

Consent Agenda

DATE SUBMITTED:	January 5, 2023	MEETING DATE:	January 11, 2023
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 1.11.2023****

BACKGROUND / EXPLANATION OF IMPACT

- Payroll for Pay Period #26 (12.10.2022 through 12.23.2022) totaling \$53,887.75
- Payroll Benefits for Pay Period #26 totaling \$31,152.81
- 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 2022/23 Budgets.

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.”

CHECK REGISTER

PAYROLL

Lake Whatcom W-S District

Time: 11:52:31 Date: 12/27/2022


12/29/2022 To: 12/29/2022

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
3875	12/29/2022	Payroll	5	EFT		4,743.98	12/10/2022 - 12/23/2022 PR26
3876	12/29/2022	Payroll	5	EFT		2,899.00	12/10/2022 - 12/23/2022 PR26
3877	12/29/2022	Payroll	5	EFT		3,762.22	12/10/2022 - 12/23/2022 PR26
3878	12/29/2022	Payroll	5	EFT		3,150.43	12/10/2022 - 12/23/2022 PR26
3880	12/29/2022	Payroll	5	EFT		2,123.40	12/10/2022 - 12/23/2022 PR26
3881	12/29/2022	Payroll	5	EFT		3,193.12	12/10/2022 - 12/23/2022 PR26
3882	12/29/2022	Payroll	5	EFT		2,130.05	12/10/2022 - 12/23/2022 PR26
3883	12/29/2022	Payroll	5	EFT		4,567.42	12/10/2022 - 12/23/2022 PR26
3884	12/29/2022	Payroll	5	EFT		3,797.59	12/10/2022 - 12/23/2022 PR26
3885	12/29/2022	Payroll	5	EFT		2,727.59	12/10/2022 - 12/23/2022 PR26
3886	12/29/2022	Payroll	5	EFT		2,869.60	12/10/2022 - 12/23/2022 PR26
3887	12/29/2022	Payroll	5	EFT		1,408.66	12/10/2022 - 12/23/2022 PR26
3888	12/29/2022	Payroll	5	EFT		2,708.86	12/10/2022 - 12/23/2022 PR26
3889	12/29/2022	Payroll	5	EFT		3,456.74	12/10/2022 - 12/23/2022 PR26
3890	12/29/2022	Payroll	5	EFT		2,176.80	12/10/2022 - 12/23/2022 PR26
3891	12/29/2022	Payroll	5	EFT		3,103.45	12/10/2022 - 12/23/2022 PR26
3892	12/29/2022	Payroll	5	EFT		2,863.18	12/10/2022 - 12/23/2022 PR26
3879	12/29/2022	Payroll	5	13597		2,205.66	12/10/2022 - 12/23/2022 PR26
						19,419.10	
						34,468.65	
						53,887.75	

53,887.75 Payroll: 53,887.75

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 1/3/2023
 General Manager, Justin Clary

Board Authorization - The duly elected board for this district has reviewed the claims listed and approved the payment by motion at the meeting listed below:

 Board President, Laura Abele

Attest : _____
 Recording Secretary, Rachael Hope

Approved by motion at _____ Regular _____ Special Board Meeting on _____
Date Approved

BENEFITS

CHECK REGISTER

Lake Whatcom W-S District

Time: 10:10:42 Date: 01/03/2023

12/29/2022 To: 12/29/2022

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
3919	12/29/2022	Payroll	5	EFT	UNITED STATES TREASURY	17,251.59	941 Deposit for Pay Cycle(s) 12/29/2022 - 12/29/2022
3920	12/29/2022	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 2	9,392.50	Pay Cycle(s) 12/29/2022 To 12/29/2022 - PERS 2
3921	12/29/2022	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 3	3,216.16	Pay Cycle(s) 12/29/2022 To 12/29/2022 - PERS 3
3922	12/29/2022	Payroll	5	EFT	WA ST SUPPORT ENFORCEMENT REGISTRY	814.47	Pay Cycle(s) 12/29/2022 To 12/29/2022 - SUP ENF
3923	12/29/2022	Payroll	5	13598	WA ST EMPL. SECURITY DEPT PAID FAMILY & MEDICAL LEAVE	312.24	Pay Cycle(s) 12/01/2022 To 12/31/2022 - PFMLA
3924	12/29/2022	Payroll	5	13599	WA ST HEALTH CARE AUTHORITY	165.85	Pay Cycle(s) 12/29/2022 To 12/29/2022 - PEBB ADD LTD
						25,256.12	
						5,896.69	
						<u>31,152.81</u>	Payroll: 31,152.81

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 1/3/2023
General Manager, Justin Clary

Board Authorization - The duly elected board for this district has reviewed the claims listed and approved the payment by motion at the meeting listed below:

Board President, Laura Abele


Attest : _____
Recording Secretary, Rachael Hope

Approved by motion at _____ Regular _____ Special Board Meeting on _____
Date Approved



**AGENDA
BILL
Item 6.A**

Election of Board Officers

DATE SUBMITTED:	December 9, 2022	MEETING DATE:	January 11, 2023
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 checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

The District operates under the authority of [Revised Code of Washington \(RCW\) Title 57](#), Water-Sewer Districts. Under [RCW 57.12.010](#), Commissioners-President and Secretary-Compensation, “the board shall annually elect one of its members as president and another as secretary.” The District has historically fulfilled this statutory obligation during its first meeting of the calendar year.

FISCAL IMPACT

No fiscal impact is anticipated.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Election of board officers supports all ten EUM attributes at various levels.

RECOMMENDED BOARD ACTION

Staff recommends that the Board appoint a president and a secretary from amongst its membership.

PROPOSED MOTION

Recommended motions are:

“I move to appoint Commissioner _____ to serve as District Board president for the 2023 calendar year.”

“I move to appoint Commissioner _____ to serve as District Board secretary for the 2023 calendar year.”



**AGENDA
BILL
Item 6.B**

**Appointment of Board
Representatives to the District's
Investment Committee**

DATE SUBMITTED:	December 9, 2022	MEETING DATE:	January 11, 2023
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 checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

[Chapter 2.14 of the District's administrative code](#) establishes an Investment Committee, which is comprised of the finance manager/treasurer, general manager, and two commissioners. Duties of the committee include, at a minimum, quarterly review of the District's investment portfolio and rate structure (Chapter 2.4) and annual review of the District's investment policy (Chapter 2.14).

FISCAL IMPACT

No fiscal impact is anticipated.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Financial Viability

RECOMMENDED BOARD ACTION

Staff recommends that the Board appoint two representatives from amongst its membership to serve on the District's Investment Committee.

PROPOSED MOTION


A recommended motion is:

"I move to appoint Commissioner _____ and Commissioner _____ to serve as the Board's representatives on the District's Investment Committee for the 2023 calendar year."



**AGENDA
BILL
Item 6.C**

**Appointment of Board
Representatives to the Whatcom
County Council of Governments
and the Lake Whatcom
Management Program Policy Group**

DATE SUBMITTED:	December 9, 2022	MEETING DATE:	January 11, 2023
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 checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

The District annually appoints a representative to serve on the Whatcom County Council of Governments and a representative to serve on the Lake Whatcom Management Program Policy Group.

FISCAL IMPACT

No fiscal impact is anticipated.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Community Sustainability
Water Resource Sustainability
Stakeholder Understanding and Support

RECOMMENDED BOARD ACTION

Staff recommends that the Board appoint representatives from amongst its membership to serve on the Whatcom County Council of Governments and the Lake Whatcom Management Program Policy Group.

PROPOSED MOTION

Recommended motions are:

“I move to appoint Commissioner _____ to serve as the District’s representative on the Whatcom County Council of Governments for the 2023 calendar year.”

“I move to appoint Commissioner _____ to serve as the District’s representative on the Lake Whatcom Management Program Policy Group for the 2023 calendar year.”



**AGENDA
BILL
Item 6.D**

**Commissioner Social Media Use
Policy Discussion**

DATE SUBMITTED:	December 14, 2022	MEETING DATE:	January 11, 2023
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Social Media Program (February 27, 2019)		
	2. Commissioner Protocol Manual (June 29, 2022)		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL /OTHER <input checked="" type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Recognizing that social media tools such as Facebook, Nextdoor, and LinkedIn can improve interactivity between a government agency and the public, the Lake Whatcom Water and Sewer District (District) has steadily increased its use of these tools since it created its first social media accounts in 2019. Prior to creating its social media accounts, the District developed a Social Media Program (attached), which defines how District staff use social media in the effective and timely distribution of information to the public.

At the request of Commissioner Ford, staff reviewed District policy relative to commissioner use of social media related to District business. Recognizing that the Social Media Program is more applicable to staff than commissioners, the Commissioner Protocol Manual (attached) was reviewed. The Manual, however, is silent related specifically to commissioner use of social media (Section 4.01 does provide general requirements of communication from commissioners, which may be interpreted to include social media). Therefore, this subject has been included as an item of business for the Board to discuss if it wishes to develop a policy specific to commissioner use of social media related to District business.

FISCAL IMPACT

No fiscal impact is anticipated.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

- Customer Satisfaction
- Stakeholder Understanding and Support

RECOMMENDED BOARD ACTION

No action is recommended at this time.

PROPOSED MOTION

Not applicable.

SOCIAL MEDIA PROGRAM

LAKE WHATCOM WATER & SEWER DISTRICT



February 27, 2019

LAKE WHATCOM WATER & SEWER DISTRICT
1220 LAKEWAY DRIVE
BELLINGHAM, WASHINGTON 98229

CONTENTS

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APPENDIX A
PRIVACY POLICY

1 PURPOSE

The role of technology in the 21st century workplace is constantly expanding. Social media tools such as Facebook, Nextdoor, and blogs can improve interactivity between government agencies and the public, reaching new and different populations from traditional media sources.

The Lake Whatcom Water & Sewer District (District) uses a combination of traditional and social media that complement each other and distribute information to relevant audiences. This Social Media Program manual is designed to inform employees and the public, and to ensure transparency and consistency when incorporating social media into District communications and outreach efforts.

All District communications, including those made through social media, are public records and must be managed in compliance with public records law.

2 APPLICABILITY

This manual is applicable to District employees that create or contribute to social media on behalf of the District.

3 DEFINITIONS

Brand Standards: Refers to graphics standards and guidelines that govern the use of the Lake Whatcom Water & Sewer District logo, nameplate, color scheme, and visual identity.

Consultants: Refers to individual contractors and employees who work for organizations other than the District, including agencies, partners, stakeholders, and other government entities.

Department Directors: District staff that includes the District Engineer/Assistant General Manager, Finance Manager/Treasurer, and Operations & Maintenance Manager positions.

Mobile Apps: Technologies that can be downloaded to smartphones and tablets and accessed on the go; provides publishing abilities to authorized agents who work at a District worksite or offsite.

Social Media: Online technologies used to communicate, share information, and listen to public feedback. This includes third-party pages such as Facebook and Twitter, as well as vendors such as GovDelivery and OpenGov.

4 ROLES AND RESPONSIBILITIES

General Manager will:

- Maintain a list of approved social media pages that have been recommended and/or reviewed by the Administrative Assistant
- Reinforce brand standards that are representative of the District
- Evaluate and approve all social media channels with input from the Administrative Assistant and department directors
- Have final authority to edit or remove content from District social media pages

Administrative Assistant will:

- Recommend social media pages for use by the District, and review new types of social media for effectiveness, efficiencies, and security
- Work directly with the General Manager and department directors to coordinate social media strategies and tactics, including digital communications for specific events and programs
- Keep up with trends in social media, and share pertinent information with the General Manager and department directors
- Manage the program for documenting authorized personnel, account logins, and passwords for the purpose of emergency management
- Consider records retention and public records issues whenever using social media
- Uphold brand standards and values when representing the District on social media
- Work with the General Manager to employ best management practices for social media
- Monitor and measure social media, analyzing effectiveness and making recommendations to the General Manager for continuous improvement
- Work with the General Manager to identify appropriate retention periods for social media pages based on the legal, fiscal, administrative, and historical value of the information
- Provide best practices and guidelines for managing social media as a public record

Department directors will:

- Support the Administrative Assistant in the generation of content to be posted on District social media pages

5 IMPLEMENTATION

Creating New Social Media Pages

When planning to launch new social media pages, the General Manager and Administrative Assistant will work with department directors, as appropriate, to prepare a social media action plan that addresses key questions/objectives, including:

- Overall vision for social media strategy
- Why a specific social media page is the right fit
- Goals and objectives
- Target audiences
- Resources and staff time needed
- Marketing and public feedback opportunities
- Equity considerations
- Records retention
- Success metrics

Once the social media action plan is completed the General Manager will evaluate and approve, if deemed appropriate, the social media request.

Working with Consultants

The District may work with outside consultants, agencies, partners, stakeholders, and other government entities to promote services and engage in public outreach. While these relationships are crucial to the District's success, consultants will not manage social media pages on behalf of the District due to security and compliance concerns. The General Manager will manage all work with outside consultants and vendors specific to social media content.

6 USE OF SOCIAL MEDIA

Professional Use

Only the General Manager and Administrative Assistant may post content to social media pages on behalf of the District. Confidential or proprietary information acquired by way of their official position with the District shall not be disclosed. This restriction applies whether the information is disclosed on professional or personal social media accounts, or by any other method.

Personal social media accounts shall not be used for work purposes. This is to facilitate compliance with public records law and protect information on personal accounts from public disclosure.

District staff should always consider whether it is appropriate to post an opinion online, commit the District to a course of action, or discuss areas outside of their expertise.

Hourly employees should not work on social media after hours without prior approval. This is considered overtime, and failure to obtain prior authorization may be cause for corrective action.

Inappropriate use of social media in violation of these professional and personal guidelines can be grounds for corrective action, including disciplinary action.

Personal Use

A District email address shall not be used when using social media in personal capacities. For example, a personal Facebook or Twitter account using a name@lwwsd.org email address shall not be created.

If District personnel identify themselves as a District employee when conducting personal social media activities, he or she should consider stating in their profile that their comments are not representative of the Lake Whatcom Water & Sewer District government. Examples include:

- *Twitter bio:* Tweets are my own.
- *Blog or website bio:* While I work for the Lake Whatcom Water & Sewer District, anything I publish is my personal opinion and not necessarily the opinions or position of the Lake Whatcom Water & Sewer District government.

Whether or not District personnel specify on their personal social media accounts that they work for the District, their employment with the District is public record. District personnel should be mindful that whenever issues are discussed online, whether in a personal or professional capacity, those comments can be tied back to employment with the District.

Nothing in this manual is meant to prevent an employee from exercising his or her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt District operations.

7 ENGAGING WITH THE PUBLIC

Social media posts made on behalf of the District should include no form of profanity, obscenity, or threatening language. Staff shall be mindful of the images and content used on social media, and will not violate another's copyright or trademark restrictions.

It is not appropriate to engage in arguments with members of the public who may be critical of the District. Once the District makes comments or posts on social media, those comments/posts can typically be seen by anyone and usually cannot be deleted.

The District will have a plan to address offensive remarks on social media accounts. If there is any question or hesitation regarding the content of a comment or post, the General Manager shall be consulted for a final determination.

District social media pages shall include a terms of use statement. Here is an example:

The Lake Whatcom Water & Sewer District reserves the right to remove posts that include threatening language and those that violate a copyright, trademark, or [social media name]'s terms of service.

Comments Policy

The District will maintain access to its Comments Policy on its social media pages. The District's Comments Policy is:

The Lake Whatcom Water & Sewer District welcomes dialogue with the public. Please be aware your comments are subject to public disclosure laws and we will screen for the following:

- *Potentially libelous comments*
- *Obscene or explicit comments*
- *Hateful or mean-spirited comments*
- *Personal attacks, insults, or threatening language*
- *Plagiarized material, or material that violates intellectual property rights*
- *Private, personal information published without consent*
- *Commercial promotions or spam*
- *Comments that are off-topic or that link to material that is off-topic*
- *Comments that embed images of external sources*
- *Comments that violate any law*

If you have any questions about our comments policies, please do not hesitate to contact us. Comments will be screened periodically during standard business days.

Privacy Policy

The District, as a governmental entity, conducts business and its records are generally available for public review. Nevertheless, the District is committed, to the extent allowable by law, to protect and secure personal information contained in District records. The District's privacy policy is available in Appendix A.

Third-party social media pages such as Facebook and YouTube have their own privacy policies. Please refer to those pages' privacy policies for more information, as these are not a District website and subject to the privacy policy and conditions of that website.

Customer Service

The District will have a documented plan (that includes quality control) for managing customer service on social media pages. The Administrative Assistant will coordinate with applicable department(s) on addressing customer service inquiries. Whenever possible, a comment will be responded to within 24 business hours on the page in which it was originally published. For

example, a question on Facebook should receive a reply on Facebook. It is the Administrative Assistant's responsibility to decide how to address comments on a case-by-case basis.

Social media pages are an increasingly important avenue for the public to provide feedback and engage with the District. Here is an example of a customer service plan for the official Lake Whatcom Water & Sewer District Facebook account:

1. If you don't know the answer to a person's question right away, post a simple response that informs them that you will be helping: "Thank you for your comment. We will look into this issue and get back to you shortly."
2. Forward the social media post and website link to the appropriate department head so it can be documented.
3. Regardless of whether traditional communications are needed (a phone call, for example), the District-assigned representative will provide a response to share with the person on social media within 24 business hours, if possible.

8 PUBLIC RECORDS

Content published on social media pages that relates to the conduct of governmental actions will be retained and managed by the District in compliance with District records retention and Washington State recordkeeping requirements. All privacy settings on all social media pages shall be set to public.

The public may not be aware of the State's public records law, so a statement similar to the following should be included on District social media pages, where applicable:

This is a Lake Whatcom Water & Sewer District government page and all content is a public record and may be subject to public disclosure.

Records Retention

The District should be prepared to treat each comment, post, photo, and list of individuals connected to a social media site as an open record. Do not assume third-party platforms such as Facebook, Twitter, and WordPress will keep accurate records of you content-they are under no obligation to do so.

District staff should keep in mind that social media accounts used for District purposes, including personal accounts, may be subject to the Public Records Act ([Revised Code of Washington 42.56](#)), even if the work was done on personal time and equipment.

Each post to District social media accounts shall be captured in a records retention-compliant image file and saved in one place. Files will be named in a format beginning with the date (year.month.date; e.g., 2019.01.31) and platform (Facebook, Nextdoor) followed by identifying

information. The Administrative Assistant is responsible for capturing posts, comments, and correspondence on a weekly basis and organizing for retention purposes.

9 SECURITY

District staff must follow the District’s password management policy. Passwords associated with District social media accounts should be changed in accordance with District policy, or if the social media site access is suspected to have been compromised. Passwords must also immediately change if either of the social media managers (General Manager or Administrative Assistant) are removed as administrator or leave District employment.

District staff will not use automated login options on social media pages, such as Facebook’s “Keep me logged in” feature.

10 SOCIAL MEDIA TOOLS

Desktop Apps

Third-party applications can help make managing social media pages easier. Hootsuite, for example, is a desktop application that allows users to manage Facebook, Twitter, LinkedIn, and other social media accounts all in one place-this is called a social media dashboard.

As a best practice, District staff should not include professional and personal social media pages on the same dashboard. This helps prevent the accidental posting of personal information on official District social media pages.

Mobile Apps

The General Manager and Administrative Assistant should use different mobile apps for professional and personal use of social media. If an employee uses Twitter’s official mobile app to manage a District page, for example, they should not use the same mobile app to send personal tweets. This helps prevent the accidental posting of personal information on District social media pages.

It is recommended that the General Manager download the Facebook Page Manager mobile app to his/her District-issued smartphone to post information on District pages. This app is different than the popular Facebook mobile app that is typically used to manage personal accounts. The Page Manager mobile app allows for posting to the District’s Facebook page without accessing a personal account. This keeps personal and professional accounts separate and helps prevent the accidental posting of personal information to District social media pages.

APPENDIX A

PRIVACY POLICY

Preface

The Lake Whatcom Water & Sewer District, as a government entity, conducts public business and its records related to the business of the District are generally available for public review.

Nevertheless, the District is committed, to the extent allowable by law, to protect and secure District staff personal information contained in District records. This privacy commitment must be balanced with the rights of public access under Chapter 42.56 RCW (Washington Public Disclosure Act) and consistent with District Administrative Code, and any other applicable federal, state, and local statute or regulation.

Information privacy

The District gathers personal information when it is relevant and necessary, fair and to the extent possible with the knowledge and consent of the individual, to accomplish District business. We only obtain this information through legal means. When the District collects personal information from you, we:

- Tell you why we are collecting this personal information.
- Limit the amount of your personal information that we collect to that which is necessary for the stated purpose for which it was collected.
- Take steps to use your personal information to the stated purpose for which it was collected.
- Take steps to ensure that, at the time of collection, your personal information is accurate, complete and current.
- Provide your personal information only to authorized District employees and private contractors or public organizations on a need-to-know basis and as a result of a public disclosure request as required by the Public Records Act.
- Do not sell or make your personal information available to others without your consent
- except when:
 - Legally required or permitted by law; or
 - Needed to complete your transaction with the District.
- Retain personal information only as long as necessary to conduct District business in accordance with records retention schedules.
- Dispose of personal information in a secure manner that prevents unauthorized disclosure.
- Take organizational, technological, and physical measures to securely safeguard personal information.

Information Specific to the Internet

The District may track information, such as user hits, visits and sessions; however this information cannot be linked to a specific person.

Cookies are another example of anonymous information that we may use. Cookies are small text files that are placed on a user's computer by a Web server. We occasionally use cookies to tailor

information to the needs of a user's specific browser. Our Web server is not able to determine any data about you nor does it do anything with these cookies.

Personal information collected on certain District Web pages is data that you provide to us about yourself. Providing personal information to us on our Web site is purely voluntary. This information is used to better serve you. Should you choose not to provide personal information to the District on a Web site, you may provide this information to us in another way, such as visiting the District office during normal business hours or, for some county services, completing your business by mail or telephone.

When the District collects personal information from children using our Web site, it complies with the Federal Children's Online Privacy Protection Act.

The District's Web site has links to other Web sites, including other government agencies, nonprofit organizations and private businesses. When you link to one of these external Web sites, you are no longer on the District's Web site and this privacy notice no longer applies. Instead, you are subject to the privacy notice or other terms and conditions of that Web site.

Review and correct your personal information

Upon request to the District, you may review your personal information that the agency maintains about you and ask that agency to correct any inaccuracies.

To find out more, contact the District at the e-mail address or telephone number listed below.

Contact Information

For privacy inquiries, please contact the District by e-mail at general.inbox@lwwsd.org or leave a telephone message at 360.734.9224.



COMMISSIONER PROTOCOL MANUAL

LAKE WHATCOM WATER & SEWER DISTRICT

Adopted September 14, 2011
Revised January 11, 2012
Revised April 10, 2019
Revised June 29, 2022

FOREWORD

In the course of serving as a public official, there are a myriad of issues with which you will become involved. This protocol manual attempts to centralize information on common issues related to your role as a member of the Board of Commissioners.

The issues that are addressed in this publication are often complex and subjective. This manual is intended to be a guide and is not a substitute for the counsel, guidance, or opinion of the District's legal counsel.

The Board of Commissioners has formally adopted the protocols included in this reference document. Provisions contained herein will be reviewed as needed. The Board, by majority vote, in its sole discretion, reserves the right to revise this protocol manual at any time, without notice.

Chapter 1—Introduction and Overview

As a member of the Board of Commissioners (Commissioner), you not only establish important and often critical policies for the Lake Whatcom Water and Sewer District (District), you are also a board member of a municipal corporation having an annual operating budget of several million dollars. The scope of services and issues that you will deal with as a Commissioner will go beyond that which is reported publicly. Your service will likely have long term impact on the operations of the District for some time into the future. This document is intended to help you in understanding your role as a steward of the District and its resources.

1.01 Purpose of the Protocol Manual

The District has developed this protocol manual to assist the Board of Commissioners (Board) by documenting accepted practices and clarifying expectations. Administration of District affairs is greatly enhanced by the agreement of the Board and staff to be bound by these practices. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Commissioners in their actions. This protocol manual does not restrict or expand Board authority from the authority granted in state or local law or District resolution.

1.02 Overview of Basic District Documents

This protocol manual provides a summary of important aspects of Board activities. However, it cannot incorporate all material and information necessary for undertaking the business of the District. Many other laws, plans, and documents exist which bind the Board to certain courses of action and practices. The following is a summary of the most notable documents, which establish Board direction.

A. Mission and Goals

Our mission is to provide the best possible water and sewer services to District customers in a cost-efficient manner, and in a way that contributes to protecting Lake Whatcom's water quality.

We strive:

- To provide safe and reliable drinking water with sufficient capacity to meet fire flow requirements and sewage collection to District customers.
- To establish connection charges and utility rates necessary to maintain the District's financial viability.
- To protect the natural resources within the Lake Whatcom watershed through cooperative efforts with other community and governmental organizations.
- To be recognized as an outstanding public utility that is responsive to the diverse expectations of its customers.
- To maintain the District's facilities through effective planning, prevention, and corrective maintenance practices.
- To provide sewer and water service to those portions of the District as may reasonably be served.
- To have an organization environment that is responsive to customer needs, promotes teamwork and a safe work environment, and allows all people to achieve their full potential.

B. District Administrative Code

The administrative code contains District regulations adopted by resolution. In addition to those administrative matters, the administrative code contains a variety of regulations including, but not limited to, health and safety issues and development-related standards.

C. Personnel Policies Manual

It is the policy of the District to uphold, promote, and demand the highest standards of ethics from all of its elected officials and staff. Accordingly, District employees are expected to maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants; and never use their District position or powers for personal gain. The Personnel Policies Manual serves as an overall guideline for staff conduct.

D. Revised Code of Washington

Numerous state statutes and administrative regulations govern the operation of all local governments, including the District. The District is a special purpose district that is vested with the powers set forth in [Title 57 Revised Code of Washington](#) (RCW).

E. Annual Budget

The annual budget is the primary tool and road map for accomplishing the goals of the District. The budget document is the result of one of the most important processes the District undertakes. By adopting the annual budget, the District makes policy decisions, sets priorities, allocates resources, and provides the framework for District operations. The District's financial year runs from January 1 through December 31. The budget should be prepared and adopted by no later than December 31 of the preceding year.

F. Financial Reports

Periodic financial reports include the financial condition of the District as reflected in the balance sheet, the results of operations as reflected in income statements, and related cash and investment reports. The annual financial report includes the financial statements of the District for a calendar year. It includes the financial condition of the District as reflected in the balance sheet, the results of operations as reflected in income statements and related footnotes.

G. Comprehensive Plans

Pursuant to [Chapter 57.16 RCW](#), water and sewer comprehensive plans address the District's long-range planning needs relative to the operation and maintenance of water and sewer infrastructure of the District. Comprehensive plans are reviewed on an ongoing basis and revised as required by State law.

H. Six-year Capital Improvement Plan

The Six-year Capital Improvement Plan serves as a guide for determining priorities, planning, financing, and constructing capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of the District. The Capital Improvement Plan also serves as the basis for the District's long-range planning and comprehensive plans.

1.03 Orientation of New Commissioners

It is important for Commissioners to gain an understanding of the full range of services and programs provided by the District. As new members join the Board, the General Manager will host an orientation program that provides an opportunity for Commissioners to tour District facilities and meet with key staff within the first quarter of taking office. Training opportunities for new

Commissioners include the Washington Association of Water and Sewer Districts-sponsored annual Commissioner Workshop (typically offered each January) and Open Public Meetings Act training available online (see section 7.09.D). At any time, if there are facilities or programs about which you would like more information, arrangements will be made to increase your awareness of these operations and opportunities.

Chapter 2—Board of Commissioners General Powers and Responsibilities

2.01 Board of Commissioners

Fundamentally, the powers of the Board are to be utilized for the good of the District’s ratepayers. The Board is the policy making body of the District. State law, in particular [Title 57 RCW](#), and District resolutions establish the powers and responsibilities of the Board.

It is important to note that the Board acts as a body. No member has any extraordinary powers beyond those of other members. When it comes to establishing policies, voting, and in other significant areas, all members are equal. It is also important to note that policy is established by a majority vote of the Board. While individual members may disagree with decisions of the majority, a decision of the majority binds the Board and District to a course of action. Commissioners must respect adopted Board policy. In turn, it is staff’s responsibility to ensure the policy of the Board is upheld and carried out.

Actions of staff to pursue the policy direction established by a majority of the Board do not reflect any bias against Commissioners who held a minority opinion on an issue.

In order to uphold the integrity of the Board, and to provide proper checks and balances, Commissioners must refrain from becoming directly involved in the administrative affairs of the District. As the Board is the policy making body and the adopter of resolutions, its involvement in the day-to-day operations of the District or the enforcement of resolutions through other than legislative means would only damage the credibility of the system.

The Board and its members shall not give orders to any subordinate of the General Manager and will deal with the staff through the General Manager or their designee. While it may hold executive sessions to discuss and review certain personnel matters, the Board is not prohibited, during open session, from fully and freely discussing with the General Manager anything pertaining to appointments and removals of District employees. See also Chapter 5, below.

2.02 Role of Commissioners

Commissioners are collectively responsible for establishing policy, adopting an annual budget, and providing vision and goals to the General Manager. The following outline is a brief description of the various duties of Commissioners. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the Board.

Summary of Board Duties and Responsibilities

1. Establish Policy
 - a) Adopt goals and objectives
 - b) Establish priorities
 - c) Approve/amend the operating and capital budgets
 - d) Approve contracts
 - e) Adopt resolutions

2. Supervision of General Manager
 - a) Appoint the General Manager
 - b) Evaluate the performance of the General Manager
3. Provide Public Leadership
 - a) Promote representative governance
 - b) Mediate conflicting interests while building a consensus
 - c) Communicate the District's vision and goals to ratepayers
 - d) Represent the District's interest at regional, county, state, and federal levels
4. Decision-Making
 - a) Study problems
 - b) Review alternatives
 - c) Determine best course of public policy

2.03 Organization of the Board

Each year at the first meeting in January, the Board shall select one Commissioner to serve as the President of the Board and one Commissioner to serve as Secretary of the Board. The President of the Board serves as the presiding officer and acts as chair at all meetings of the Board. The President of the Board may participate in all deliberations of the Board in the same manner as any other member and may vote unless a conflict of interest exists. The President of the Board does not possess any power of veto. The President of the Board may not move an action but may second a motion where it could affect the outcome of the proceedings.

2.04 Absence of Commissioners

In the absence of the President of the Board, the Secretary of the Board shall perform the duties of the President of the Board. If any Commissioners are absent from the District for more than 15 days, they shall notify the other Commissioners and the General Manager. See also section 6.09, below.

2.05 Resignation of a Commissioner

If a Commissioner resigns from the Board before their term of office is up, a new Commissioner will be appointed to fill the vacated position as provided by [Section 57.12.020 RCW](#), as amended.

2.06 Emergency Response

In the event of an emergency, the Board, under advisement of the General Manager and when practically possible, shall adopt a declaration of emergency by resolution. This allows staff to waive or bypass bidding requirements. An "emergency" occurs when the public health, safety, or welfare is being immediately affected.

2.07 Appointment of General Manager

The Board is responsible for appointing one position within the District organization, which is the General Manager. The General Manager serves at the pleasure of the Board. The General Manager is responsible for all personnel within the District organization.

Chapter 3—Financial Matters

3.01 Board Compensation

Commissioners are compensated per [RCW 57.12.010](#) and Board compensation is either increased or decreased per that statute as amended. Compensation is given for each day or portion of a day spent in attendance at a Board meeting or in performance of other official duties. The maximum annual compensation for a Commissioner shall be the maximum annual compensation allowed by state law. See Resolution No. 725.

The Board, through the adoption of a resolution, may set the compensation below the level set by the state if desired. [RCW 57.12.010](#) also permits individual Commissioners to waive all or any portion of their compensation and provides a procedure for doing so.

3.02 Financial Disclosure

Pursuant to [Chapter 42.17A RCW](#), candidates for the office of District Commissioner are required to file a financial disclosure statement with the State Public Disclosure Commission within two weeks of filing a nomination paper. When appointed to fill a vacancy on the Board, the appointee is required to file a financial disclosure statement with the State Public Disclosure Commission, covering the preceding 12-month period, within two weeks of being so appointed. Current Commissioners are required to file a financial disclosure statement with the State Public Disclosure Commission on an annual basis after January 1 and before April 15 of each year covering the previous calendar year. Current Commissioners whose terms expire on December 31 shall file the statement for the year that ended on that December 31. Statements filed in any of the above cases will be available for public inspection.

The filing of such disclosure statements is the responsibility of each individual Commissioner, not the District. Failure to file a disclosure statement or filing incorrect information in the disclosure statement may result in a civil penalty or criminal prosecution.

3.03 Travel Policy

Commissioners are subject to the following travel policy:

A. Approved Travel

The General Manager must approval all travel expenditures a Commissioner seeks to have reimbursed. The General Manager shall only authorize reimbursement of travel expenses for matters related directly to the Commissioner's official duties as a Commissioner for the District.

B. Travel Involving an Overnight Stay

All reasonable transportation expenses for approved travel will be reimbursed. Any travel involving an overnight stay should have the prior approval of the General Manager. Commissioners should endeavor to attend training and conferences in the state whenever possible if such training or conference is of comparable value to that offered out of state.

C. Reimbursement of Travel Expenses

A fully itemized claim for expense reimbursement must be submitted to the General Manager, or their designee, within 15 calendar days of return from travel along with documentation of attendance in the form of a copy of the cover sheet of the program or agenda for the event attended.

D. Individual Meals

Reasonable costs of necessary meals while conducting District business are reimbursable.

1. Detailed receipts must accompany all reimbursement claims.
2. Reimbursement will not be paid for alcoholic beverages.
3. Reimbursement will not be paid for expenses for spouses, guests, non-employees, or other persons not authorized to receive reimbursement under this policy or State regulations.
4. One person may claim reimbursement for several employees or officials eating together, as long as all the names are listed on the reimbursement claim.
5. All out of town lodging arrangements should be charged to the District credit card whenever possible.

E. Use of Personal Vehicles

Mileage for the use of personal vehicles will be reimbursed at the current IRS allowable mileage rate. Reimbursement shall only be made to the owner of the vehicle.

F. Cancellation

Commissioners shall adhere to cancellation deadlines when canceling training, conferences, and related travel. Except in the case of a personal or family emergency or in the event the cancellation was a District business decision, a Commissioner may not be reimbursed for expenses relating to a training, conference, or other event they did not attend and shall reimburse the District for any pre-paid expenses.

Chapter 4—Communications

4.01 Communication from Commissioners

The President of the Board is generally responsible for communicating the Board's position on policy matters to entities outside of the District on the Board's behalf, provided that the Board may in its discretion direct that another Commissioner handle communication on its behalf on particular a matter. The General Manager may assist the President of the Board, or such other Commissioner as needed. The Board may also request the assistance of the District's legal counsel in preparing such communication.

On occasion, one or more Commissioners may wish to correspond on an issue on which the Board has yet to take a position or, has no position. In these circumstances, Commissioners should clearly indicate that they are not speaking for the Board as a whole, but for themselves as one member of the Board.

District letterhead and staff support may not be used for personal or political purposes.

4.02 State Public Records Act and Open Public Meetings Act

To ensure that business communications submitted to and by Commissioners comply with the State Public Records Act, [RCW 42.56](#), and the State Open Public Meetings Act, [RCW 42.30](#), the following is set forth:

A. General Communications

All writings including without limitation letters, memoranda, interactive computer communications, and phone text messages, involving Commissioners, the subject of which relates to the conduct of the Board or the performance of any District function, with few exceptions as stated by the Public

Records Act, are public records. Records stored on a personal computer or cell phone may also be public records subject to public disclosure. All requests for District records by the public should be directed to the General Manager, or their designee.

B. Written Communications

Written letters and memoranda received by the District and addressed to a Commissioner or the Board as a body will be photocopied and provided to all Commissioners. A copy shall be kept according to the District's Records Retention Schedule.

C. Electronic Communications

Commissioners are strongly encouraged to use the District's e-mail system and District-provided equipment when conducting District business.

E-mail communications that are intended for review by all Commissioners, whether concurrently or serially must be considered in light of the Open Public Meetings Act. If the intended purpose of the e-mail is to have a discussion that should be held at an open meeting, the electronic discussion should not occur. The use of e-mail communication to form a collective decision of the Board is inappropriate and could be a violation of the Open Public Meetings Act.

E-mail should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other "confidential" District business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system. Confidential e-mail communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.

E-mail between Commissioners and between Commissioners and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the General Manager.

No e-mail address with the District's website, lwwsd.org, as the domain may be used for personal use.

All of the foregoing information applicable to e-mails is also applicable to text messages sent by cell phone.

4.03 Electronic Devices

To enhance Commissioners' service to the ratepayers and their ability to communicate with staff and the public, the District provides electronic devices, such as tablets, for official District business. The District information technology service provider will ensure that all appropriate software/applications are installed and up to date and will provide an orientation in the use of the device and related software/applications. Commissioners shall not install additional software on their District-issued devices. Should a Commissioner desire a particular software program or application, the Commissioner shall request that the General Manager as the District's information technology service provider to install it if appropriate.

Commissioners must adhere to all policies under the District's security policies.

Virus protection software and other security protocols must never be disabled or weakened at any time for any reason.

Personal media and programs may not be stored on District-owned devices. Non-District-issued programs or media found during audits will be removed.

When individual Commissioners have completed their term of office, District-owned equipment will be returned upon leaving office.

District-owned equipment is subject to audit at any time. A violation of the policies described in this chapter or in the District's security policies may result in the District confiscating the device.

Chapter 5—Conflicts of Interest, Appearance of Fairness Doctrine, and Liability of Elected Officials

5.01 Conflicts of Interest

The conflict of interest law is one of the most complicated laws on the books. To understand its effect on a Commissioner's actions, it is suggested that members discuss the law and potential conflicts with a private attorney or the District's legal counsel. It is imperative that Commissioners identify in advance their conflicts and potential conflicts.

It is illegal to fail to declare a conflict of interest, or to participate or otherwise be involved in discussions on issues or contracts where such an interest exists. Violations of the conflict of interest law may result in significant penalties, including criminal prosecution and forfeiture of office.

In circumstances where only a "remote interest" (see below) exists, after disclosure of the interest to other Commissioners and in the meeting minutes, the Board may approve the contract to which a Commissioner has a remote interest, absent participation in the deliberation and voting process by the Commissioner with the remote interest, but only if the Commissioner refrains from any attempt to influence other members to approve the contract.

A. Applicability

All District officers, elected and appointed, are subject to the conflict of interest law in [Chapter 42.23 RCW](#).

B. Remote Interests

Remote Interests are so minor that they do not constitute illegal conflicts of interest. Remote interests exist when a District official is:

- A non-salaried officer or member of a nonprofit corporation doing business or requesting money from the District. Therefore, being such an officer or member would not constitute a conflict.
- An employee or agent of a contracting party, where the compensation of such employee or agent consists entirely of fixed wages or salary (e.g., the Commissioner does not receive commissions or a year-end bonus).
- The landlord or tenant of a contracting party. For instance, a Commissioner may lease office space to a party that has a private interest in a public matter without it resulting in a conflict of interest.
- The owner of less than one percent of the shares of corporation or a cooperative doing business with the District.
- Being reimbursed only for actual and necessary expenses incurred in performance of official duties.

C. Acts Not Constituting a Conflict of Interest

- Receiving District services on the same terms and conditions as if not a District official. Thus, when a Commissioner who owns a business within the District votes for or against an increase in the District's general permit fees or user rates, a conflict would not exist because this action would apply to all businesses within the District's boundaries.
- An officer or employee of another political subdivision or public agency unless it is the same governmental entity being served who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. For example, a Commissioner who is a schoolteacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary or benefit increase, upon the Commissioner.
- A member of a trade, business, occupation, profession, or class of persons and has no greater interest than the other members of that trade, business, occupation, or class of persons. A class must consist of at least ten members to qualify the interest as remote.

D. Declaration of a Conflict

When a conflict of interest exists, a District official must declare that a conflict of interest exists and make it known in the official records of the District and refrain from voting or in any way influencing a decision of the Board. Should a situation arise wherein a majority of the Board or a majority of a quorum of those present at a Board meeting have a conflict of interest, state law provides that if the conflict of interest statutes prevent the Board from acting as required by law in its official capacity, such action shall be allowed if the Commissioners with the apparent conflicts of interest make them known.

E. District Legal Counsel Opinions

A Commissioner's request for an opinion from the District's legal counsel concerning conflict of interest is confidential. However, formal final legal opinions on conflicts of interest may be a matter of public record and must be filed with the General Manager. This filing requirement does not apply to verbal communications between Commissioners and the District's legal counsel.

Commissioners may seek advice from a private attorney, at their own expense, concerning potential conflicts. In such cases, no disclosure policy would apply.

F. Filing of Disclosures

The General Manager maintains a special file for all disclosures and legal opinions of conflicts of interest.

G. Prohibited Acts (RCW 42.23.070)

- No Commissioner may use their position to secure special privileges or exemptions for themselves or others.
- No Commissioner may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
- No Commissioner may accept employment or engage in business or professional activity that the Commissioner might reasonably expect would require or induce them by reason of their official position to disclose confidential information acquired by reason of their official position.

- No Commissioner may disclose confidential information gained by reason of the Commissioner’s position, nor may the Commissioner otherwise use such information for their personal gain or benefit.

H. Appearance of Fairness Doctrine

The appearance of fairness doctrine is set forth in [Chapter 42.36 RCW](#) and the common law of the State of Washington. To satisfy the appearance of fairness doctrine, the District proceeding or hearing must appear fair and impartial for all parties to a “reasonably prudent and disinterested observer.” The appearance of fairness doctrine applies to quasi-judicial actions only.

A quasi-judicial matter is one in which the Board determines the legal rights, duties, or privileges of a specific party or parties in a hearing or contested case proceeding. Examples include a public hearing on the special benefit provided to property by a utility local improvement district (ULID), an appeal of a decision by the General Manager regarding “denial” of service, or a ratepayer request to the Board for a billing adjustment. The appearance of fairness doctrine does not apply to legislative matters, which would include actions like comprehensive water or sewer plan updates, administrative code amendments, or budgetary decisions.

Quasi-judicial proceedings must be conducted so as to give the appearance of fairness and impartiality by decision makers. A violation of the appearance of fairness doctrine may result in the hearing and decision being found void. Ex parte communications are prohibited in quasi-judicial proceedings. An ex parte communication occurs when one party to the hearing or contested case, or a supporter thereof, communicates with one or more Commissioners about the case outside of the hearing. If an ex parte communication between a Commissioner and a party to the contested case occurs outside the hearing, the Commissioner must excuse themselves unless said member:

1. Places on the record the substance of any written or oral ex parte communications concerning the decision to be made; and
2. Makes a public announcement of the content of the ex parte communication and provides for the parties’ right to rebut the substance of the ex parte communication at each hearing where action is considered or taken on the subject to which the communication is related.

[RCW 42.36.060](#). If the above steps are taken, the Commissioner may continue to hear the quasi-judicial matter.

In the event of a challenge to a Commissioner which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged Commissioner shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision.

5.02 Liability

The District must always approach its responsibilities in a manner that reduces risk to all involved, but risk cannot be eliminated. The District participates in the Water and Sewer Risk Management Pool to help manage risk.

It is important to note that violations of certain laws and regulations by individual Commissioners may result in the member being personally liable for damages which would not be covered by the District’s insurance. Examples may include intentional acts, discrimination, harassment, fraud, or criminal activity.

Chapter 6—Interaction with District Staff/Officials

6.01 Overview

Board policy is implemented by dedicated and professional staff. It is critical that the relationship between the Board and staff be well understood by all parties so policies and programs may be implemented successfully. To support effective relationships, it is important that roles are clearly recognized.

6.02 General Manager

The Board's role is to establish District policies and priorities. The Board appoints a General Manager to implement those policies and undertake the administration of the organization.

The General Manager is appointed by the Board to enforce its resolutions and regulations, to direct the daily operations of the District, to prepare and monitor the budget, and to implement the policies and programs initiated by the Board. The General Manager is responsible to the Board, rather than to individual Commissioners, and directs and coordinates the various departments. The General Manager is responsible for appointing all department managers and authorizing the appointment of all other personnel positions. The Board authorizes positions through the budget process; based upon that authorization, the General Manager makes the appointments. The powers and duties of the General Manager include but are not limited to the following:

- General supervision over the administrative affairs of the District
- Appoint and remove at any time all department managers and employees
- Attend all meetings of the Board at which the Manager's attendance may be required by that body
- See that all regulations and resolutions are faithfully executed, subject to the authority granted by the Board
- Recommend for adoption by the Board such measures as the Manager may deem necessary or expedient
- Prepare and submit to the Board such reports as may be required by that body, or as deemed advisable to submit
- Keep the Board fully advised of the financial condition of the District and its future needs
- Prepare and submit to the Board a proposed budget for the fiscal year, and to be responsible for its administration upon adoption
- Perform such other duties as the Board may determine by motion or resolution
- Implement and administer Board policies
- Represent the District when dealing with other public or private agencies
- Other such duties as described in the General Manager's position description

6.03 Board Non-interference

The Board is to work through the General Manager when dealing with the administrative staff of the District.

In no manner, either directly or indirectly, should a Commissioner become involved in, or attempt to influence, personnel matters that are under the direction of the General Manager. Nor shall the Board be involved in, or influence, the purchase of any supplies beyond the requirements of the District procurement procedures.

Except for the purposes of inquiry, the Board and its members should deal with the staff through the General Manager or designee and should not give orders to any subordinate of the General Manager. Subject to [RCW 42.30.110](#) and [RCW 42.30.140](#), the Board may, while in open session, fully and freely discuss with the General Manager anything pertaining to appointments and removals of District employees and any other District affairs.

6.04 Board/General Manager Relationship

The employment relationship between the Board and the General Manager honors the fact that the General Manager is the chief executive of the District. All dealings with the General Manager, whether in public or private, should respect the authority of the General Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the General Manager.

The General Manager respects and is sensitive to the policy responsibilities of the Board and acknowledges that the final responsibility for establishing the policy direction of the District is held by the Board.

The Board is to evaluate the General Manager on an annual basis to ensure that both the Board and the General Manager are in agreement about performance and goals based upon mutual trust and common objectives. The General Manager's performance is evaluated in the following areas: leadership, teamwork, job knowledge, attitude, accountability, empowerment, communication, problem-solving skills, quality of service, safety/risk taking, and implementation and administration of adopted Board policy.

6.05 Board/Staff Relationship

Commissioner contact with District staff members, inclusive of the General Manager, will be during regular business hours, except in the case of an emergency.

6.06 Board/District Legal Counsel Relationship

The Board should make provision for obtaining legal counsel for the District through a reasonable contractual arrangement for such professional services. The District Legal Counsel is an independent contractor retained by the Board. The Board may request the assistance and recommendations of the General Manager in the selection or retention of District Legal Counsel. The District's Legal Counsel is the legal advisor for the Board, the General Manager, and all District employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the District. The general legal responsibilities of the District Legal Counsel are to:

1. Provide legal assistance necessary for formulation and implementation of policies and projects;

2. Provide general advice and counsel on matters of District business upon request;
3. Represent the District's interest, as determined by the Board, in litigation, administrative hearings, negotiations, and similar proceedings;
4. Prepare or approve as to form resolutions, regulations, contracts, and other legal documents to best reflect and implement the purposes and intentions of the Board; and
5. Keep the Board and staff apprised of court rulings and legislation affecting the legal interests of the District.

It is important to note that the District Legal Counsel does not represent individual members of the Board, but rather the Board and the District as a whole.

6.07 Roles and Information Flow

A. Board of Commissioners Roles

The full Board retains the authority to accept, reject, or amend the staff recommendation on policy matters.

Commissioners must avoid intrusion into those areas that are the responsibility of the staff. Individual Commissioners may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the Board as a whole. This is necessary to protect staff from undue influence and pressure from individual Commissioners, and to allow staff to execute priorities given by management and the Board as a whole without fear of reprisal. If a Commissioner wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the Board to do so as a matter of Board policy.

B. Access to Information

The General Manager is the information liaison between the Board and District staff. Requests for information from Commissioners shall be directed to the General Manager or designee and will be responded to promptly. The information requested will be copied to all members of the Board so that each member may be equally informed. The sharing of information with the Board is one of the General Manager's highest priorities. A variety of methods are used to share information with the Board. E-mail is often an effective and appropriate method for disseminating information. Work sessions are held to provide detailed presentations of matters, while retreats serve to focus on topics and enhance information exchange. The General Manager's open-door policy allows individual Commissioners to meet with the General Manager on an impromptu or one-on-one basis.

There are limited restrictions when information cannot be provided. The District is legally bound not to release certain confidential personnel information.

C. Staff Roles

The Board recognizes the primary functions of staff as executing Board policy and actions taken by the Board and in keeping the Board informed. Staff is obligated to take guidance and direction only from the General Manager or their direct supervisor. This direction follows the policy guidance of the Board as a whole. Staff is directed to reject any attempts of individual Commissioners to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

District staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Commissioners through the General Manager or

designee. The General Manager reserves the right to determine that the request for information would be more appropriately assigned to staff through the direction of the full Board due to the request's magnitude either in terms of workload or policy.

6.08 Restrictions on the Political Involvement of Staff

The District is a nonpartisan local government. Professional staff formulates recommendations in compliance with Board policy for the good of the District, not influenced by political factors. For this reason, it is very important to understand the restrictions of the political involvement of staff.

By working for the District, staff members do not surrender rights to be involved in political activities. Employees may publicly express their personal opinions. They may register to vote, belong to a political party, sign nominating or recall petitions and vote in any election.

6.09 Board Attendance Policy

A Board position shall become vacant if the Commissioner fails to attend three consecutive meetings of the Board without being excused by the Board. An absent Commissioner who has called the General Manager's office a minimum of one hour prior to the start of the meeting to advise of such absence will be deemed excused unless a majority of the Board determines otherwise.

Chapter 7—Board Meetings

The Board's collective policy and regulatory powers are put into action during Board meetings. It is here that the Board conducts its business. The opportunity for ratepayers to be heard, the availability of Commissioners to District ratepayers, and the openness of Board meetings all lend themselves to the essential democratic nature of local government.

7.01 Meeting Schedule

Regular meetings are held on the second Wednesday of each month at 6:30 p.m. and the last Wednesday of the month at 8:00 a.m. at the District office, 1220 Lakeway Drive, Bellingham, Washington. The Board meeting agenda typically provides time during the meeting for public comment. Audience participation is allowed at other times if permitted by the consent of a majority of the Board present.

7.02 Public Notice of Hearings

Except where a specific means of notifying the public of a public hearing is otherwise provided by law, notice of upcoming public hearings before the Board shall be sent to local media containing the time, place, date, and subject in the District's official newspaper of record at least 24 hours before the date set for the hearing.

7.03 Special Meetings

Special meetings may be called by either the President of the Board or at the written request of a majority of the Board. Notice of a special meeting will be sent to local media that has made a written request to the District for such special meeting notices, and such notice shall be posted on the District office front door and on the District's website at least 24 hours before the time of such meetings as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. At special meetings, only those matters noted upon the agenda may be discussed or acted upon.

Pursuant to [RCW 42.30.080\(4\)](#), the notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical, and increase the likelihood of such injury or damage.

7.04 Work Sessions

Following proper public notice, the Board may meet informally in a work session. The work session is the forum used by the Board to review forthcoming programs of the District, to receive progress reports on current issues, or to receive similar information from the General Manager and others. All discussions and conclusions held during a work session are of an informal nature. No final action is taken while in a work session. However, work sessions are open public meetings which must be held in compliance with the Open Public Meetings Act.

7.05 The Agenda

A. Agenda Online

Pursuant to [RCW 42.30.077](#), the agenda for each regular meeting of the Board will be posted on the District's website at least twenty-four hours in advance of the published start time of the meeting.

B. Agenda Planning

All matters to be presented to the Board at its regular meetings are reviewed and placed on the agenda by the General Manager.

C. Board

A Commissioner may request an item be considered for an upcoming agenda by making an oral request at a Board meeting or submitting a request to the General Manager. Based upon the nature of the request, the General Manager may at their discretion submit the request to the Board before placing it on the agenda. The majority of the Board may direct the General Manager to formally include or exclude the item from the agenda of an upcoming meeting.

D. Members of the Public

Public comments are a separate agenda item and are invited at that point in time on the Board meeting agenda. Public comment is appropriate on any matter within the jurisdiction of the Board. Comment shall be limited to three minutes per individual, with each public comment period per agenda item not exceeding 45 minutes in duration. Members of the public wishing to address the Board are encouraged, but not required, to provide their name and address prior to providing comment.

A member of the public may request an item be placed on a future agenda while addressing the Board during a regular meeting and/or by submitting a request in writing to the Board, through the General Manager's office. In order to allow sufficient time for the Board to review and staff to research the matter, the request should be submitted at least ten (10) working days prior to the meeting for which the item is requested to be placed on the agenda. Once the issue has been placed on the agenda, the General Manager will notify the requester so that they may plan to attend the meeting.

E. Emergency Items

Emergency items may be added to an agenda in accordance with state law. Emergency items are only those matters immediately affecting the public health, safety and welfare of the District. The

reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and the issue shall be included in the minutes of the meeting.

7.06 Audio Recording of Meetings

The General Manager, or designee, shall make and keep digital recordings of all regular and special meetings of the Board, except those meetings or portions of meetings conducted in Executive Session. Recordings and related records of all Board meetings, except as referenced above, shall be retained by the District in accordance with the State of Washington Records Retention Schedule.

7.07 Executive Session

At the call of the presiding officer, or with a majority vote, the Board may recess to Executive Session to privately discuss and consider matters authorized under [RCW 42.30.110](#) and [RCW 42.30.140](#), as amended, or other applicable state law.

Before convening in Executive Session, the presiding officer shall publicly announce the lawful purpose for excluding the public from the meeting place, and the time when the Executive Session will be concluded, and whether action is expected to be taken following the executive session. An Executive Session may be extended to a stated later time by announcement of the presiding officer.

7.08 General Procedures

A. Signing of Documents

The Board President shall sign resolutions, contracts and other documents that have been adopted by the Board and require an official signature; except when the General Manager has been authorized by the Board to sign documents.

B. Quorum

A majority of the Board shall constitute a quorum and are necessary for the transaction of District business.

C. Minutes

The Board Secretary or designee shall take minutes at all regular and special Board meetings; such minutes shall be made available for public inspection once approved by Board action. Minutes shall be retained by the District in accordance with the State of Washington records retention schedule.

Unless a member of the Board requests a reading of the minutes of a Board meeting, such minutes may be approved without reading, if each Commissioner is furnished with a copy thereof.

7.09 Open Meeting Law

A. Applicability

The open public meeting law, [Chapter 42.30 RCW](#), applies to the Board, all quasi-judicial bodies, and all standing, special or advisory boards, committees or subcommittees of, or appointed by, the Board.

B. Meetings

All meetings of the Board shall be open to the public, except in the special instances as provided in [RCW 42.30.110](#) and [RCW 42.30.140](#), as hereafter amended. A meeting takes place when a quorum (a majority of the total number of Commissioners) is present (whether physically or via phone/video technology) and information concerning District business is received, discussed, and/or acted upon.

C. Actions

Only the Board has the authority to take action, and said action must be taken in an open public meeting. No vote or action of the Board may take place while in executive session. At a Special Meeting, action can be taken only on those items appearing on the posted agenda, except for emergency items as defined in Section 7.05. At a Regular Meeting of the Board, the Board is free to take action on non-agenda items as “Other Business.”

D. Training

All Commissioners are required by state law (Open Government Trainings Act) to complete an approved training course on the Open Public Meetings Act and must receive “refresher” training thereon not less than once every four (4) years. Commissioners should provide documentation of completion of such trainings from forms available online, or by other means, to the General Manager to keep on file at the District office. More information on training requirements, on online resources, and an online training course, is available on the website of the Washington State Attorney General (<http://www.atg.wa.gov/opengovernmenttraining.aspx>).

7.10 Attendance via Available Phone or Video Technology

From time to time, a Commissioner will not be able to be physically present at a Board meeting but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Commissioner to attend a Board meeting remotely via available phone or video technology are as follows:

A. Remote Attendance¹

Any or all Commissioners may attend a meeting of the Board remotely via phone or video technology. Regardless of Commissioner attendance status (virtual or in-person), the meeting shall also be held at the physical location specified in Section 7.01 so that the public may observe and participate in the meeting. Said physical meeting location is required, unless operating under an emergency declaration, in which case the meeting may be held fully remotely.

B. Notification

If a Commissioner wishes to attend a Board meeting via available phone or video technology, the Commissioner should notify the General Manager or their designee as soon as possible prior to the Board meeting for which they wish to attend remotely.


Attendance via the technology used will be reflected in the minutes. Commissioners attending a Board meeting remotely will be eligible for compensation consistent with those that attended the meeting in person, as defined in Section 3.01 of this Manual.

¹ This section has been updated to reflect revision to Chapter 42.30 RCW, as amended by ESHB 1329 adopted during the 2022 session of the Washington State Legislature.



**AGENDA
BILL
Item 8.A**

**General Manager's
Report**

DATE SUBMITTED:	January 5, 2023	MEETING DATE:	January 11, 2023	
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, January 11, 2023 – 6:30 p.m.

Important Upcoming Dates

Lake Whatcom Water & Sewer District			
Regular Board Meeting	Wed Jan 25, 2023	8:00 a.m.	Board Room/Hybrid
Employee Staff Meeting	Thu Jan 12, 2023	8:00 a.m.	Board Room/Hybrid Commissioner Ford to attend
Investment Comm. Meeting	Wed Jan 25, 2023	10:00 a.m.	Board Room/Hybrid
Safety Committee Meeting	Wed Jan 26, 2023	8:00 a.m.	Board Room/Hybrid
Lake Whatcom Management Program			
Policy Group Meeting	Wed Feb 8, 2023	3:00 p.m.	City of Bellingham Fireplace Room 625 Halleck Street/Hybrid
Joint Councils Meeting	Wed Mar 29, 2023	6:00 p.m.	Bellingham City Council Chambers 210 Lottie Street
Other Meetings			
WASWD Section III Meeting	Tue Jan 10, 2023	6:00 p.m.	Bob’s Burgers 8822 Quil Ceda Pkwy, Tulalip, WA
Whatcom Water Districts Caucus Meeting	Wed Jan 18, 2023	2:00 p.m.	Remote Attendance
Whatcom County Council of Governments Board Meeting	Wed Jan 18, 2022	3:00 p.m.	Council of Governments Offices 314 E Champion Street/Hybrid

Committee Meeting Reports

Safety Committee:

- The committee met on December 22; discussion included completion of facility-specific fall protection work plans; recently completed facility safety audits and inspections; scheduled certifications/trainings; and an incident with operation of the vac truck that occurred on December 16.

Investment Committee:

- No committee meeting has been held since last board meeting.

Upcoming Board Meeting Topics

- Assigned capital reserve policy development
- Water reservoir coating assessment presentation
- Voluntary billing suspension policy review
- Facility security risk assessment contract award
- City of Bellingham Post Point Resource Recovery Project shift implications on District
- Glen Cove Water Association assumption consideration

2023 Initiatives Status

Administration and Operations

Performance Management

- Explore various approaches to performance management (PerformanceStat, Lean/Six Sigma, etc.) for implementation in coming years (Six-Year Strategic Business Plan goal).
To be initiated.

Operations Manager Support

- To facilitate the success of Jason Dahlstrom in his new role as O&M Manager, devote more time to coordinating and assisting Mr. Dahlstrom than has been recently provided to this position.
Monthly one-on-one check-in meetings have been scheduled throughout 2023; additional support will be provided as identified/needed.

Records Management System Overhaul

- Implement new records management system (Six-Year Strategic Business Plan goal).
The District has executed a personal services agreement with an enterprise content management (ECM) expert to assist in identifying the most-applicable records management system for the District.

Safety Program Update

- Continue systematic review and revision of District's safety programs by updating eight programs in 2023.
The safety committee is reviewing the hand and power tools program.

Capital Improvement Program Support

- Support the Engineering Department through management of specific capital improvement project(s).
Due to workload issues within the Engineering Department, the general manager has taken on a support role (either in the form of project manager or providing technical support) for several District capital improvement projects.

Emergency Response/System Security

Emergency Readiness

- Continue use of Whatcom County Department of Emergency Management services to hold tabletop and/or field emergency response field exercises.
To be initiated.

Cybersecurity Assessment

- Hire an IT-service provider to perform a third-party assessment of the District's vulnerability to cybercriminal attack.
A USEPA-provided confidential cybersecurity assessment of the District's systems was completed in 2022; implementation of recommendations from that assessment is underway. A third-party consultant will then be hired to complete a vulnerability assessment following implementation of the 2022 assessment recommendations.

Business Continuity Plan

- Develop a District-specific business continuity plan following FEMA guidance that leads District transition from emergency response (District Emergency Response Plan) to return to normal operation following a disruptive event.
A draft of the plan is under preparation.

Community/Public Relations

General

- Website
The District's web content is reviewed and updated on a regular basis.
- Social Media
Posts are made to District Facebook, LinkedIn, and Nextdoor (new) pages regularly; Nextdoor is also regularly monitored for District-related posts.
- Press Releases
No press releases have been issued year-to-date.

Intergovernmental Relations

- *J Clary attended the WASWD small districts committee meeting on December 21.*
- *J Clary met with Senator Shewmake on January 3.*
- *J Clary is scheduled to meet with the Sudden Valley Community Association general manager, Jo Anne Jensen, on January 6.*
- *J Clary is scheduled to attend the WASWD Section III meeting on January 10.*
- *J Clary is scheduled to meet with City of Bellingham public works department management on January 12.*

Lake Whatcom Water Quality

Lake Whatcom Management Program

- Participate in meetings of Lake Whatcom Management Program partners.
J Clary is scheduled to attend the data group meeting on January 12.