



# Lake Whatcom Water & Sewer District Board Meeting Access Information

Next Meeting:

Wed August 9, 2023  
6:30 pm to 8:30 pm

Join the meeting from your computer, tablet smartphone: <https://meet.goto.com/lwwsd/boardmeeting>  
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## ATTENDING A MEETING

*How to Participate*

### MEETINGS ARE HYBRID

Our meetings are held in a hybrid format. You may attend in person at our administrative office or virtually through the GoTo platform.



### COMMUNICATING WITH US



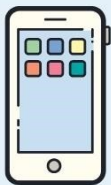
If you wish to make a public comment, you may submit it in written form via email or the contact form on our website, or utilize the public comment periods during the District's regular meetings.

### 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@lwwsd.org](mailto:rachael.hope@lwwsd.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....



### Questions?

Contact us at [general.inbox@lwwsd.org](mailto:general.inbox@lwwsd.org) or 360-734-9224

### 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

*August 9, 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. Resolution No. 894—Utility Bill Payment Period Policy Revision
  - B. Overview of District Water Rights Presentation
7. OTHER BUSINESS
8. STAFF REPORTS
  - A. General Manager
9. PUBLIC COMMENT OPPORTUNITY
10. ADJOURNMENT



**AGENDA  
BILL  
Item 5**

**Consent Agenda**

DATE SUBMITTED:	August 7, 2023	MEETING DATE:	August 9, 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 08.09.2023\*\***

**BACKGROUND / EXPLANATION OF IMPACT**

- Payroll taxes for 2023 Q2 totaling \$12,213.60
- Payroll for Pay Period #16 (07.22.2023 through 08.04.23) total to be added
- Benefits for Pay Period #16 total to be added
- Accounts Payable Vouchers total to be added

**FISCAL IMPACT**

Fiscal impact is as indicated in the payroll/benefits/accounts payable quantities defined above. All costs are within the Board-approved 2023 Budget.

**RECOMMENDED BOARD ACTION**

Staff recommends the Board approve the Consent Agenda.

**PROPOSED MOTION**

A recommended motion is:

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

**CHECK REGISTER**

Lake Whatcom W-S District


Time: 12:02:19 Date: 07/27/2023

07/27/2023 To: 07/27/2023

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2291	07/27/2023	Payroll	5	14321	EMPLOYMENT SECURITY DEPARTMENT	1,868.64	2nd Quarter Unemployment: 04/01/2023 - 06/30/2023
2292	07/27/2023	Payroll	5	14322	WA ST EMPL. SECURITY DEPT PAID FAMILY & MEDICAL LEAVE	2,929.38	Pay Cycle(s) 04/06/2023 To 04/06/2023 - PFMLA; Pay Cycle(s) 04/20/2023 To 04/20/2023 - PFMLA; Pay Cycle(s) 05/04/2023 To 05/04/2023 - PFMLA; Pay Cycle(s) 05/18/2023 To 05/18/2023 - PFMLA; Pay Cycle(s)
2293	07/27/2023	Payroll	5	14323	WA ST DEPT OF LABOR AND IND	7,415.58	2ND Quarter L&I: 04/01/2023 - 06/30/2023
						8,743.86	
						3,469.74	
						12,213.60	Payroll: 12,213.60

I do hereby certify, under penalty of perjury, that the above is an unpaid, just, and due obligation as described herein, and that I am authorized to certify this claim.

Sign  Date 7/27/2023  
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, Todd Citron


Attest : \_\_\_\_\_  
Recording Secretary, Rachael Hope

Approved by motion at \_\_\_\_\_ Regular \_\_\_\_\_ Special Board Meeting on \_\_\_\_\_  
Date Approved



**AGENDA  
BILL  
Item 6.A**

**Resolution No. 894  
Utility Bill Payment Period  
Policy Revision**

DATE SUBMITTED:	July 31, 2023	MEETING DATE:	August 9, 2023
TO: BOARD OF COMMISSIONERS	FROM: Jenny Signs, Finance Manager/Treasurer		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Draft Resolution No. 894		
TYPE OF ACTION REQUESTED	RESOLUTION <input checked="" type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

**BACKGROUND / EXPLANATION OF IMPACT**

District Administrative Code Section 2.10.3, Water and Sewer Service Billing, defines District policy. Specifically, Paragraph 2 states:

*Bills are due on the 20th of the month following the date of the bill. A five calendar day grace period for overdue payment is granted before a late charge as listed on the current Master Fees and Charges Schedule of the total past-due utility services balance is assessed. Late charges are refundable if the late payment is a result of District staff error or circumstances beyond the customer's control, subject to the General Manager's approval. Payments must be received at the District office by the close of business on the 25th of the month to avoid a late charge, regardless of the date postmarked.*

Further in Paragraph 3 states:

*For those accounts where water service charges are not paid within 60 days after the billing date, the District will issue a shut-off notice citing the date on which service suspension will occur if the outstanding payment is not received. If the bill is not paid within the allotted time stated on the notice, service may be suspended and the meter padlocked. Service will remain suspended until the bill is paid in full, including charges associated with processing the notice and shutting off the water, unless a payment plan is approved in advance of service suspension in accordance with Section 2.8.*

The utility bill payment period policy was reviewed and discussed by the Board of Commissioners during its regularly scheduled meeting held on July 26, 2023. During that meeting, the Board directed staff to revise the policy to reflect a shortened bill payment period from 50 days to 25 days to pay. Revisions to Title 2, Fiscal Management Policies, Section 2.10.3 of the District's Administrative Code are reflected in the attached Exhibit A with deletions in strikethrough and additions underlined in effect making the due date the 25<sup>th</sup> of the month in which bills are issued rather than the 20<sup>th</sup> of the following month with

disconnections taking place for water accounts that are not paid within 60 days after the billing date.

**FISCAL IMPACT**

None anticipated.

**APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)**

Financial Viability

Customer Satisfaction

**RECOMMENDED BOARD ACTION**

Staff recommends adoption of Resolution No. 894.

**PROPOSED MOTION**

A recommended motion is:

“I move to adopt Resolution No. 894 as presented.”

**LAKE WHATCOM WATER AND SEWER DISTRICT  
RESOLUTION NO. 894**

A Resolution of the Board of Commissioners of the Lake Whatcom Water and Sewer District,  
Whatcom County, Washington, Amending Policies related to Water and Sewer Service Billing  
Within Administrative Code Title 2, Fiscal Management Policies

**WHEREAS**, the Lake Whatcom Water and Sewer District ("District") is a special purpose district located in Washington State authorized under Title 57 Revised Code of Washington; and

**WHEREAS**, the District is responsible for planning, improvements, maintenance, and operation of comprehensive water and sewer systems capable of providing reliable service to District ratepayers; and

**WHEREAS**, the District Board of Commissioners ("Board") has previously set fiscal management policies, currently codified under Title 2 of the District Administrative Code, to ensure the long-term fiscal health and effective management of District resources in accordance with applicable laws; and

**WHEREAS**, the current Section 2.10.3 of Title 2 of the District Administrative Code sets the District's policy for water and sewer service billing; and

**WHEREAS**, the Board recognizes that the billing period established under the current Section 2.10.3 provides a significantly longer payment period compared to other water and sewer utilities in the vicinity; and

**WHEREAS**, the Board wishes to revise the District's current billing period to more closely align with neighboring water and sewer utilities; and

**WHEREAS**, the District Board has considered this matter and determined it appropriate to revise Section 2.10.3 of Title 2 of the Administrative Code; and

**WHEREAS**, the contemplated revisions to Section 2.10.3 are reflected in **Exhibit A**, attached hereto for reference purposes only, with deletions in strikethrough and additions underlined; and

**WHEREAS**, the foregoing recitals are a material part of this Resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Lake Whatcom Water and Sewer District, Whatcom County, Washington as follows:

**Section 1.** The current Section 2.10.3 of Title 2 of the Administrative Code is hereby repealed and replaced with the new Section 2.10.3 of Title 2 contained in the attached **Exhibit B**, which is fully incorporated herein by reference.

**Section 2.** Any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this Resolution.

**Section 3.** If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this Resolution and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original resolution or resolutions shall be in full force and effect.

**Section 4.** This Resolution shall be effective January 1, 2024.

**ADOPTED** by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington, at a regular meeting thereof, on the 9<sup>th</sup> day of August 2023.

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Todd Citron, President, Board of Commissioners

Attest:

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Rachael Hope, Recording Secretary

Approved as to form:

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Robert Carmichael, Attorney for the District



## EXHIBIT A

### 2.10.3 Water and Sewer Service Billing

The District's policy in setting rates is that they shall be fair, equitable, understandable, and provide for the prudent financial management of the District. The District shall use the following procedures for billing:

1. District regular billing for water and sewer (if applicable) service and surcharges will commence or recommence as of the date the curb stop valve is unlocked and/or reopened.
2. ~~The District will issue bills on or about the first business day of each month.~~ Bills are due on the ~~25th~~<sup>20th</sup> of the month ~~in which they are issued~~<sup>following the date of the bill</sup>. A five-calendar day grace period for overdue payment is granted before a late charge as listed on the current Master Fees and Charges Schedule of the total past-due utility services balance is assessed. Late charges are refundable if the late payment is a result of District staff error or circumstances beyond the customer's control, subject to the General Manager's approval. Payments must be received at the District office by the close of business ~~following the end of the grace period on the 25th of the month~~ to avoid a late charge, regardless of the date postmarked.
3. For those accounts where water service charges are not paid within 60 days after the billing date, the District will issue a shut-off notice citing the date on which service suspension will occur if the outstanding payment is not received. If the bill is not paid within the allotted time stated on the notice, service may be suspended and the meter padlocked. Service will remain suspended until the past due bill is paid in full, including charges associated with processing the notice and shutting off the water, unless a payment plan is approved in advance of service suspension in accordance with Section 2.8.
4. Regular bi-monthly billing may be suspended while service is interrupted and the District padlocks the curb stop valve whether the interruption is voluntary or not. Regular billing will continue whether service is voluntarily or involuntarily interrupted, until the curb stop valve is closed and locked. When the curb stop valve is closed and locked for any reason, the District will suspend all prospective water and sewer (if applicable) billing and surcharges.
5. All unpaid water and sewer service charges when delinquent for ~~60~~<sup>90</sup> days or more shall be a lien against the property being served. In the event the customer fails to bring the account current within six months, the account may be referred to the District's legal counsel to begin formal foreclosure proceedings against the property.
6. See the current Master Fees and Charges Schedule for all fees and charges associated with billing. [Resolution Nos. 820, 861, 870, 894]

## **EXHIBIT B**

### **2.10.3 Water and Sewer Service Billing**


The District's policy in setting rates is that they shall be fair, equitable, understandable, and provide for the prudent financial management of the District. The District shall use the following procedures for billing:

1. District regular billing for water and sewer (if applicable) service and surcharges will commence or recommence as of the date the curb stop valve is unlocked and/or reopened.
2. The District will issue bills on or about the first business day of the month. Bills are due on the 25th of the month in which they are issued. A five-calendar day grace period for overdue payment is granted before a late charge as listed on the current Master Fees and Charges Schedule of the total past-due utility services balance is assessed. Late charges are refundable if the late payment is a result of District staff error or circumstances beyond the customer's control, subject to the General Manager's approval. Payments must be received at the District office by the close of business following the end of the grace period to avoid a late charge, regardless of the date postmarked.
3. For those accounts where water service charges are not paid within 60 days after the billing date, the District will issue a shut-off notice citing the date on which service suspension will occur if the outstanding payment is not received. If the bill is not paid within the allotted time stated on the notice, service may be suspended and the meter padlocked. Service will remain suspended until the past due bill is paid in full, including charges associated with processing the notice and shutting off the water, unless a payment plan is approved in advance of service suspension in accordance with Section 2.8.
4. Regular bi-monthly billing may be suspended while service is interrupted and the District padlocks the curb stop valve whether the interruption is voluntary or not. Regular billing will continue whether service is voluntarily or involuntarily interrupted, until the curb stop valve is closed and locked. When the curb stop valve is closed and locked for any reason, the District will suspend all prospective water and sewer (if applicable) billing and surcharges.
5. All unpaid water and sewer service charges when delinquent for 90 days or more shall be a lien against the property being served. In the event the customer fails to bring the account current within six months, the account may be referred to the District's legal counsel to begin formal foreclosure proceedings against the property.
6. See the current Master Fees and Charges Schedule for all fees and charges associated with billing. [Resolution Nos. 820, 861, 870, 894]



**AGENDA  
BILL  
Item 6.B**

**District Water  
Rights Overview**

DATE SUBMITTED:	July 27, 2023	MEETING DATE:	August 9, 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 type="checkbox"/>	INFORMATIONAL /OTHER <input checked="" type="checkbox"/>

**BACKGROUND / EXPLANATION OF IMPACT**

The Lake Whatcom Water and Sewer District (District) owns and operates three Group A and one Group B water systems. Two of the Group A water systems (South Shore and Agate Heights) rely on District-owned water rights, which are regulated by the Washington State Department of Ecology (Ecology). The District is in Water Resource Inventory Area (WRIA) 1 (commonly referred to as the Nooksack River Basin), which has a long history of disputed water right claims.

In 2020, Ecology identified WRIA 1 as a priority for water right adjudication, which is a process to determine the legality of each water right on a source, how much water may be used under that right, and its priority relative to other rights. With the State Legislature's subsequent funding of WRIA 1 adjudication, Ecology has initiated the early stages of the adjudication process, which is anticipated to take up to 20 years to complete. Though the most contentious claims in WRIA 1 focus on rights specific to the Nooksack River, the District's rights in the Lake Whatcom Watershed will also be adjudicated. Staff will provide the Board with an overview of the District's water rights, anticipated water needs, and its role in the adjudication process.

**FISCAL IMPACT**

None.

**APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)**

Product Quality

Water Resource Sustainability

**RECOMMENDED BOARD ACTION**

None.


**PROPOSED MOTION**

Not applicable.



**AGENDA  
BILL  
Item 8.A**

**General Manager's  
Report**

DATE SUBMITTED:	August 3, 2023	MEETING DATE:	August 9, 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, August 9, 2023 – 6:30 p.m.

#### Important Upcoming Dates

Lake Whatcom Water & Sewer District			
Regular Board Meeting	Wed Aug 30, 2023	8:00 a.m.	Board Room/Hybrid
Employee Staff Meeting	Thu Aug 10, 2023	8:00 a.m.	Board Room/Hybrid Commissioner Carter to attend
Investment Comm. Meeting	Wed Nov 29, 2023	10:00 a.m.	Board Room/Hybrid
Safety Committee Meeting	Thur Aug 24, 2023	8:00 a.m.	Board Room/Hybrid
Lake Whatcom Management Program			
Policy Group Meeting	Wed Sep 6, 2023	3:00 p.m.	City of Bellingham Fireplace Room 625 Halleck Street/Hybrid
Joint Councils Meeting	March 2024	TBD	TBD
Other Meetings			
WASWD Section III Meeting	Tue Sep 12, 2023	6:00 p.m.	Bob's Burgers 8822 Quil Ceda Pkwy, Tulalip, WA
Whatcom Water Districts Caucus Meeting	Wed Aug 16, 2023	2:00 p.m.	Remote Attendance
Whatcom County Council of Governments Board Meeting	Wed Oct 11, 2022	3:00 p.m.	Council of Governments Offices 314 E Champion Street/Hybrid

#### Committee Meeting Reports

##### Safety Committee:

- The committee met on July 27; discussion included review of SWFA's SCBA training, findings of jobsite inspections conducted over the past month, and status of safety programs currently under review.

##### Investment Committee:

- The committee met on July 26; discussion included review of the District's cash balance and investments, and review of proposed revisions to Administrative Code sections 2.13 (investment policy) and 2.14 (investment committee).

#### Upcoming Board Meeting Topics

- Cash handling policy consideration
- Administrative Code housekeeping revisions
- 2023-24 Budget Amendment No. 1 adoption

## 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).  
*J Clary is in the process of conducting calls with other local government managers that have implemented performance management processes to gain lessons learned prior to initiating the District's analysis.*

#### 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 are scheduled throughout 2023; attended the Evergreen Rural Water Assoc. annual conference; registered to participate in the NW Public Works Institution program; approval granted to pursue personnel management training through the APWA emerging leaders academy.*

#### Records Management System Overhaul

- Implement new records management system (Six-Year Strategic Business Plan goal).  
*The District contracted with an enterprise content management (ECM) expert that identified the most-applicable records management system for the District. Executed interlocal agreement for purchase of preferred system WISPC; procurement meetings with FreeDoc consultant were held on May 25 and June 7. Staff is considering project scoping relative to available funding.*

#### Safety Program Update

- Continue systematic review and revision of District's safety programs by updating eight programs in 2023.  
*The safety committee has finalized updates to four (4) programs (hand & power tools, flagging & traffic control, securing loads, and accident investigation programs) and is reviewing the construction equipment 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.  
*A field exercise was conducted May 17 (facilitated by Whatcom County personnel). Staff attended a meeting on July 27 with DOH and Whatcom County regarding facilitation of county-wide emergency response coordination relative to potable water supply.*

#### 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. J Clary met with the District's IT consultant on July 26 to discuss progress in recommendation implementation.*

#### 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  
*Press releases were issued on January 26 (District's clean audit), March 29 (Commissioner Abele's resignation), April 13 (Commissioner Holland's appointment), May 11 (Kevin Cook's Commitment to Excellence award), and July 20 (Lake Louise Rd forcemain wastewater overflow).*

#### Intergovernmental Relations

- *J Clary attended a meeting with DOH and Whatcom County staff at the County emergency operations center regarding coordination of future countywide emergency response relative to potable water supply.*
- *J Clary is scheduled to attend the WASWD general managers' quarterly meeting on August 9.*

### **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 August 10.*