



Lake Whatcom Water & Sewer District Board Meeting Access Information

Next Meeting: Wed November 29, 2023
8:00 am - 10:00 am

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

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Call: [+1 \(224\) 501-3412](tel:+12245013412) Access Code: 596-307-141 Press *6 to mute/unmute your microphone

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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 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

November 29, 2023

8:00 a.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. Dupont Aqueous Film-forming Foams Product Liability Class Action Lawsuit Settlement
 - B. 3M Aqueous Film-forming Foams Product Liability Class Action Lawsuit Settlement
 - C. Wilson Engineering 2024 On-call Rates Approval
 - D. Division 7 Reservoir Replacement Project Tree Falling Public Works Contract Closeout
7. OTHER BUSINESS
8. STAFF REPORTS
 - A. General Manager
 - B. Engineering Department
 - C. Finance Department
 - D. Operations Department
9. PUBLIC COMMENT OPPORTUNITY
10. EXECUTIVE SESSION
Executive Session per RCW 42.30.110(1)(g): To review the performance of a public employee (General Manager performance evaluation) – 30 minutes

11. ADJOURNMENT



**AGENDA
BILL
Item 5**

Consent Agenda

DATE SUBMITTED:	November 22, 2023	MEETING DATE:	November 29, 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 11.28.2023****

BACKGROUND / EXPLANATION OF IMPACT

- Minutes for the 11.08.2023 Regular Board Meeting
- Payroll for Pay Period #23 (10.28.2023 through 11.10.2023) totaling \$49,462.09
- Benefits for Pay Period #23 totaling \$56,124.74
- 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.”



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

REGULAR SESSION OF THE BOARD OF COMMISSIONERS Minutes

November 8, 2023

Board President Todd Citron called the Regular Session to order at 6:30 p.m.

Attendees: Commissioner Todd Citron General Manager Justin Clary
Commissioner John Carter (v) Engineering Manager Greg Nicoll
Commissioner Bruce Ford Finance Manager Jenny Signs
Commissioner Jeff Knakal District Legal Counsel Bob Carmichael
Commissioner David Holland Recording Secretary Rachael Hope

No public were in attendance. Attendees noted with (v) attended the meeting virtually.

Changes to Agenda

Staff requested the addition of item 6.B. Discussion of Per- and Polyfluoroalkyl Substances (PFAS) Class Action Settlements with Dupont and 3M. The board agreed.

Consent Agenda

Action Taken

Ford moved, Knakal seconded, approval of:

- **Minutes for the 10.11.2023 Regular Board Meeting**
- **Minutes for the 10.25.2023 Regular Board Meeting**
- **Payroll for Pay Period #22 (10.14.2023 through 10.27.2023) totaling \$46,701.69**
- **Benefits for Pay Period #22 totaling \$52,789.95**
- **Accounts Payable Vouchers totaling \$98,111.25**

Motion passed.

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

Clary explained that in February of 2022, the District entered into a FEMA Hazard Mitigation Grant Agreement (D22-018) for Phase I work on the Division 7 Reservoir Replacement Project. The grant application was developed in conjunction with Washington State Emergency Management Division (WA-EMD) of the Washington State Military Department and the Federal Emergency Management Agency (FEMA) as a hazard mitigation project. The cost sharing is as follows: FEMA 75% (\$1,710,750), WA-EMD 12.5% (\$285,125), and Lake Whatcom Water and Sewer District 12.5% (\$285,125).

WA-EMD has recently revised its standard grant agreement necessitating replacement of the existing agreement with a new agreement, which was presented for Board approval. Discussion followed.

Action Taken

Ford moved, Knakal seconded, to authorize the general manager to execute the Hazard Mitigation Grant Agreement No. D24-016 with the Washington State Military Department to enable receipt of federal funds supporting the Division 7 Reservoir Replacement Project as presented. Motion passed.

Per- and Polyfluoroalkyl Substances (PFAS) Class Action Settlements with Dupont and 3M

Clary recalled that at the June 28, 2023 regularly scheduled board meeting, he provided an overview presentation about per- and polyfluoroalkyl substances (PFAS). Since then, two of the primary manufacturers of PFAS, E.I. DuPont de Nemours and Company (Dupont) and 3M Company (3M), have reached class action settlement agreements. As the operator of a public water system required to monitor for PFAS under EPA’s Unregulated Contaminants Monitoring Rule (UCMR) 5, the District has been identified as a potential Settlement Class Member, subject to the terms of the settlement. However, the settlement does allow the District to opt out, thus preserving its rights for future litigation against Dupont and 3M, should the District identify PFAS in its treated water at some point in the future. The District has not identified PFAS in its water systems sources to date. Eligibility for relief under the settlement is dependent upon the detection and concentration of specific PFAS compounds, and the production rate of the water treatment plant. District counsel Bob Carmichael provided the board with information about each settlement agreement, as well as general information. Discussion followed.

Manager’s Report

Clary updated the Board on several topics, including an October 31, 2023 sewer overflow in Sudden Valley due to a blockage caused by a sand based cementitious material, challenges with chlorine residual concentrations in the Eagleridge Water System, and an October 28 visit to the District by Congressman Rick Larsen. Discussion followed.

Executive Session Per RCW 42.30.110(1)(g): To review the performance of a public employee

Citron recessed the Regular Session to Executive Session at 7:50 p.m. It was estimated that the Executive Session would take about 30 minutes and end at 8:20 p.m. The purpose of the Executive Session was to review the performance of a public employee (General Manager performance evaluation). No action was taken, and Citron recessed the Executive Session and reconvened the Regular Meeting at 8:20 p.m.

With no further business, Citron adjourned the Regular Session at 8:21 p.m.

Board President, Todd Citron

Attest: _____
Recording Secretary, Rachael Hope

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

PAYROLL

CHECK REGISTER

Lake Whatcom W-S District

Time: 14:51:52 Date: 11/13/2023

11/16/2023 To: 11/16/2023

Page: 1

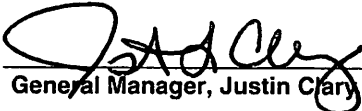
Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
3418	11/16/2023	Payroll	5	EFT		233.00	10/28/2023 - 11/10/2023 PR 23
3419	11/16/2023	Payroll	5	EFT		582.48	10/28/2023 - 11/10/2023 PR 23
3420	11/16/2023	Payroll	5	EFT		3,624.78	10/28/2023 - 11/10/2023 PR 23
3421	11/16/2023	Payroll	5	EFT		3,871.11	10/28/2023 - 11/10/2023 PR 23
3422	11/16/2023	Payroll	5	EFT		3,157.90	10/28/2023 - 11/10/2023 PR 23
3424	11/16/2023	Payroll	5	EFT		1,912.20	10/28/2023 - 11/10/2023 PR 23
3426	11/16/2023	Payroll	5	EFT		1,935.25	10/28/2023 - 11/10/2023 PR 23
3427	11/16/2023	Payroll	5	EFT		3,064.12	10/28/2023 - 11/10/2023 PR 23
3428	11/16/2023	Payroll	5	EFT		351.71	10/28/2023 - 11/10/2023 PR 23
3429	11/16/2023	Payroll	5	EFT		2,452.47	10/28/2023 - 11/10/2023 PR 23
3430	11/16/2023	Payroll	5	EFT		2,438.77	10/28/2023 - 11/10/2023 PR 23
3431	11/16/2023	Payroll	5	EFT		465.99	10/28/2023 - 11/10/2023 PR 23
3432	11/16/2023	Payroll	5	EFT		2,952.88	10/28/2023 - 11/10/2023 PR 23
3433	11/16/2023	Payroll	5	EFT		2,527.15	10/28/2023 - 11/10/2023 PR 23
3434	11/16/2023	Payroll	5	EFT		3,090.15	10/28/2023 - 11/10/2023 PR 23
3435	11/16/2023	Payroll	5	EFT		1,905.33	10/28/2023 - 11/10/2023 PR 23
3436	11/16/2023	Payroll	5	EFT		1,732.38	10/28/2023 - 11/10/2023 PR 23
3437	11/16/2023	Payroll	5	EFT		3,339.06	10/28/2023 - 11/10/2023 PR 23
3438	11/16/2023	Payroll	5	EFT		3,478.71	10/28/2023 - 11/10/2023 PR 23
3439	11/16/2023	Payroll	5	EFT		2,669.91	10/28/2023 - 11/10/2023 PR 23
3417	11/16/2023	Payroll	5	14706		1,969.73	10/28/2023 - 11/10/2023 PR 23
3423	11/16/2023	Payroll	5	14707		233.00	10/4/2023, 10/25/2023
3425	11/16/2023	Payroll	5	14708		1,474.01	10/28/2023 - 11/10/2023 PR 23

401 Water Fund
402 Sewer Fund

12,532.07
36,930.02

49,462.09 Payroll: 49,462.09

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 11/13/2023
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

BENEFITS

CHECK REGISTER

Lake Whatcom W-S District

Time: 15:03:24 Date: 11/13/2023

11/16/2023 To: 11/16/2023

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
3440	11/16/2023	Payroll	5	EFT	DEPARTMENT OF RETIREMENT SYSTEMS	5,256.00	Pay Cycle(s) 11/16/2023 To 11/16/2023 - DCP; Pay Cycle(s) 11/16/2023 To 11/16/2023 - ROTH DCP
3441	11/16/2023	Payroll	5	EFT	UNITED STATES TREASURY	18,655.29	941 Deposit for Pay Cycle(s) 11/16/2023 - 11/16/2023
3442	11/16/2023	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 2	8,999.71	Pay Cycle(s) 11/16/2023 To 11/16/2023 - PERS 2
3443	11/16/2023	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 3	3,218.36	Pay Cycle(s) 11/16/2023 To 11/16/2023 - PERS 3
3444	11/16/2023	Payroll	5	EFT	WA ST SUPPORT ENFORCEMENT REGISTRY	871.89	Pay Cycle(s) 11/16/2023 To 11/16/2023 - SUP ENF
3445	11/16/2023	Payroll	5	14709	AFLAC	354.85	Pay Cycle(s) 11/16/2023 To 11/16/2023 - AFLAC PRE-TAX; Pay Cycle(s) 11/16/2023 To 11/16/2023 - AFLAC POST-TAX
3446	11/16/2023	Payroll	5	14710	AFSCME LOCAL	356.07	Pay Cycle(s) 11/16/2023 To 11/16/2023 - UNION DUES; Pay Cycle(s) 11/16/2023 To 11/16/2023 - UNION FUND
3447	11/16/2023	Payroll	5	14711	HRA VEBA TRUST (PAYEE)	590.00	Pay Cycle(s) 11/16/2023 To 11/16/2023 - VEBA
3448	11/16/2023	Payroll	5	14712	WA ST HEALTH CARE AUTHORITY	17,822.57	Pay Cycle(s) 11/16/2023 To 11/16/2023 - PEBB MEDICAL; Pay Cycle(s) 11/16/2023 To 11/16/2023 - PEBB ADD LTD; Pay Cycle(s) 11/16/2023 To 11/16/2023 - PEBB SMK Surcharge; Pay Cycle(s) 11/16/2023 To 11/16
						41,258.85	
						14,865.89	
						<u>56,124.74</u>	Payroll: 56,124.74

BENEFITS

CHECK REGISTER

Lake Whatcom W-S District


Time: 15:03:24 Date: 11/13/2023

11/16/2023 To: 11/16/2023

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
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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 11/13/2023
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**

**Dupont Aqueous Film-forming
Foams Product Liability Class
Action Lawsuit Settlement**

DATE SUBMITTED:	November 15, 2023	MEETING DATE:	November 29, 2023
TO: BOARD OF COMMISSIONERS		FROM: Justin Clary, General Manager	
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS		Class Action Settlement MDL No. 2:18-mn-02873	
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 Lake Whatcom Water and Sewer District (District) owns and operates three Group A water systems. Of the three systems, the District’s South Shore water system, which serves Sudden Valley and Geneva, is required to test for per- and polyfluoroalkyl substances (PFAS) in 2025 under the U.S. Environmental Protection Agency’s (USEPA) Unregulated Contaminant Monitoring Rule (UCMR) 5. Labeled “forever chemicals” PFAS are a group of manmade chemicals that have been used in a variety of products since the 1940s but have relatively recently been identified as harmful to human health and the environment. Though the District has not tested for PFAS in its South Shore system source (Lake Whatcom) to-date, the City of Bellingham has, but has not identified PFAS above laboratory detection limits.

One of the primary manufacturers of PFAS was E.I. DuPont de Nemours and Company (Dupont). Based upon the liability created by Dupont’s manufacture and distribution of PFAS, the City of Camden, New Jersey, (among others) filed suit against Dupont in the Charleston Division of the South Carolina U.S. District Court. A class action settlement was reached on June 30, 2023, for a total of \$1.185 billion. As the operator of a public water system required to monitor for PFAS under UCMR 5, the District has been identified as a potential Settlement Class Member, subject to the terms of the settlement. However, the settlement does allow the District to opt out of the settlement, thus preserving its rights for future litigation against Dupont, should the District identify PFAS in its source water at some point in the future. The deadline to request an exclusion from the settlement is December 4, 2023.

FISCAL IMPACT

The District has not identified PFAS in its water systems sources to-date. Eligibility for relief under the settlement is dependent upon the detection (and concentration) of specific PFAS compounds, and the production rate of the water treatment plant. As such, actual fiscal impact is unknown.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Product Quality
Financial Viability

RECOMMENDED BOARD ACTION

Staff recommends requesting exclusion from the class action settlement to preserve the District’s right to pursue appropriate relief, should PFAS be detected in the District’s systems in the future.

PROPOSED MOTION

Recommended motion is:

“I move to file a request for exclusion (“to opt out”) from the Class Action Settlement MDL No. 2:18-mn-02873 with E.I. DuPont de Nemours and Company and to authorize the District General Manager and Attorney to sign and submit on behalf of the District any and all documents necessary to opt out.”

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No. 2:18-mn-02873

**This document relates to *City of Camden,
et al., v. E.I. DuPont de Nemours and
Company, et al.*, No. 2:23-cv-03230-RMG**

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND
COURT APPROVAL HEARING**

TO: All Public Water Systems in the United States of America that draw or otherwise collect from any Water Source that, on or before June 30, 2023, was tested or otherwise analyzed for PFAS and found to contain any PFAS at any level; and

All Public Water Systems in the United States of America that, as of June 30, 2023, are (i) subject to the monitoring rules set forth in UCMR 5 (i.e., “large” systems serving more than 10,000 people and “small” systems serving between 3,300 and 10,000 people), or (ii) required under applicable state or federal law to test or otherwise analyze any of their Water Sources or the water they provide for PFAS before the UCMR 5 Deadline.

All capitalized terms not otherwise defined herein shall have the meanings set forth in the Settlement Agreement and the Allocation Procedures, available for review at www.PFASWaterSettlement.com.

A FEDERAL COURT APPROVED THIS NOTICE. PLEASE READ THIS NOTICE CAREFULLY, AS THE PROPOSED SETTLEMENT DESCRIBED BELOW MAY AFFECT YOUR LEGAL RIGHTS AND PROVIDE YOU WITH POTENTIAL BENEFITS. THIS IS *NOT* A NOTICE OF A LAWSUIT AGAINST YOU OR A SOLICITATION FROM A LAWYER.

I. WHAT IS THE PURPOSE OF THIS NOTICE?

The purpose of this Notice is (i) to advise you that a proposed settlement (referred to as the “Settlement”) has been reached with the defendants The Chemours Company, The Chemours Company FC, LLC, DuPont de Nemours, Inc., Corteva, Inc., and E.I. DuPont de Nemours and Company n/k/a EIDP, Inc. (each, a “Settling Defendant” and collectively, “Settling Defendants”) in the above-captioned lawsuit (the “Action”) pending in the United States District Court for the District of South Carolina (the “Court”); (ii) to summarize your rights in connection with the Settlement; and (iii) to inform you of a Court hearing to consider whether to grant final approval of the Settlement, to be held on December 14, 2023 at 10:00 a.m. EST, before the Honorable Richard M. Gergel, United States District Judge of the United States District Court for the District of South Carolina, located at 85 Broad Street, Charleston, South Carolina 29401.

If you received this Notice about the proposed Settlement in the mail, then you have been identified as a potential Settlement Class Member according to the Parties’ records. Please read this Notice carefully.

II. WHAT IS THE ACTION ABOUT?

Class Representatives are Public Water Systems that have filed actions against Settling Defendants and other defendants, which actions are currently pending in the above-captioned multi-district litigation, In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873 (D.S.C.) (the “MDL”).

Class Representatives have alleged that they have suffered harm resulting from the presence of PFAS in Drinking Water and/or are required to monitor for the presence of PFAS in Drinking Water and that Settling Defendants are liable for damages and other forms of relief to compensate for such harm and costs.

In addition to the MDL, certain other cases are pending against Settling Defendants asserting Released Claims (collectively with the MDL, all pending litigation brought by or on behalf of a Releasing Person against a Released Person involved Released Claims shall be referred to as the “Litigation”).

There are numerous defendants in addition to Settling Defendants in the MDL and the cases comprising the Litigation. Those other defendants are not part of this Settlement Agreement. The Class Representatives and Settlement Class Members will remain able to seek separate and additional PFAS-related recoveries from those other defendants in addition to the Settlement Amount here. The Parties agree, and Class Counsel have a reasonable basis to believe, that the Settling Defendants collectively comprise a very small share of MDL defendants’ total alleged PFAS-related liabilities, on the order of approximately 3-7% or less.

The Settling Defendants deny the allegations in the Litigation and all other allegations relating to the Released Claims and deny that they have any liability to Class Representatives, the Settlement Class, or any Settlement Class Member for any Claims of any kind, and would assert a number of legal and factual defenses against such Claims if they were litigated to conclusion (including against certification of any purported class for litigation purposes).

This Notice should not be understood as an expression of any opinion by the Court as to the merits of the Class Representatives’ claims or the Settling Defendants’ defenses.

III. WHO IS PART OF THE PROPOSED SETTLEMENT?

The Class Representatives and Settling Defendants have entered into the Settlement Agreement to resolve Claims relating to PFAS contamination of Public Water Systems. The Court has preliminarily approved the Settlement Agreement as fair, reasonable, and adequate. The Court will hold a Final Fairness Hearing, as described below, to consider whether to make the Settlement final.

The Settlement Class consists of each of the following:

(a) All Public Water Systems in the United States of America that draw or otherwise collect from any Water Source that, on or before June 30, 2023, was tested or otherwise analyzed for PFAS and found to contain any PFAS at any level;

AND

(b) All Public Water Systems in the United States of America that, as of June 30, 2023, are (i) subject to the monitoring rules set forth in UCMR 5 (i.e., “large” systems serving more than 10,000 people and “small” systems serving between 3,300 and 10,000 people), or (ii) required under applicable state or federal law to test or otherwise analyze any of their Water Sources or the water they provide for PFAS before the UCMR 5 Deadline.

Not all Public Water Systems are potential Settlement Class Members: specifically, Public Water Systems that are owned and operated by a State or the federal government, and cannot sue or be sued in their own name, as well as certain other systems set forth below, are expressly excluded from the Settlement Class. In addition, Public Water Systems that do not fall within the Settlement Class definition set forth above are not Settlement Class Members.

The following are excluded from the Settlement Class:

- a) Any Public Water System that is located in Bladen, Brunswick, Columbus, Cumberland, New Hanover, Pender, or Robeson counties in North Carolina; provided, however, that any such system will be included within the Settlement Class if it so requests.
- b) Any Public Water System that is owned and operated by a State government and cannot sue or be sued in its own name, as listed in Exhibit I to the Settlement Agreement.
- c) Any Public Water System that is owned and operated by the federal government and cannot sue or be sued in its own name, as listed in Exhibit J to the Settlement Agreement.
- d) Any privately owned well or surface water system that is not owned by, used by, or otherwise part of, and does not draw water from, a Public Water System within the Settlement Class.

“UCMR 5” means the United States Environmental Protection Agency’s (“U.S. EPA”) fifth Unregulated Contaminant Monitoring Rule, published at 86 Fed. Reg. 73131.

“UCMR 5 Deadline” means (i) December 31, 2025, or (ii) such later date to which the deadline for completion of sample collection under UCMR 5 may be extended by the U.S. EPA.

“Water Source” means any groundwater well, surface water intake, and any other intake point from which a Public Water System draws or collects Drinking Water, including water it provides or collects, treats or stores for distribution to customers or users.¹

IV. WHAT ARE THE KEY TERMS OF THE PROPOSED SETTLEMENT?

The key terms of the proposed Settlement are as follows.

1. **Settlement Amount.** Settling Defendants have agreed to pay the total and maximum dollar amount of one billion one hundred eighty-five million dollars (\$1,185,000,000) (the “Settlement Amount”), subject to final approval of the Settlement by the Court and certain other conditions specified in the Settlement Agreement. In no event shall the Settling Defendants be required under the Settlement Agreement to pay any amounts above the Settlement Amount. Any fees, costs, expenses, or incentive awards payable under the Settlement Agreement shall be paid out of, and shall not be in addition to, the Settlement Amount.

2. **Settlement Benefit.** Each Settlement Class Member who has not excluded itself from the Settlement Class will be eligible to receive a settlement check(s) from the Claims Administrator based on the Allocation Procedures developed by Class Counsel, which are subject to final approval by the Court as fair and reasonable. Each Settlement Class Member’s settlement amount will be based on information submitted by Settlement Class Members in their Claims Forms and will depend on each Impacted Water Source’s flow rate and level of concentration as compared to all other Settlement Class Members’ Impacted Water Sources. The allocation process is described below. Precisely how much each Settlement Class Member will receive is unknown at this time because it depends on all the information submitted by all Settlement Class Members.

3. **Settlement Administration.** The Court has appointed a Special Master and Claims Administrator pursuant to Rule 53 of the Federal Rules of Civil Procedure (FRCP) to oversee the allocation of the Settlement Funds. They will adhere to their duties set forth herein and in the Settlement Agreement. The Special Master will generally oversee the Claims Administrator and make any final decision(s) related to any appeals by Qualifying Settlement Class Members and any ultimate decision(s) presented by the Claims Administrator. The Claims Administrator will perform the actual modeling, allocation and payment distribution functions. The Claims Administrator will seek assistance from the Special Master when needed. The Claims Administrator may seek the assistance of the Plaintiffs’ Executive Committee (“PEC”) consultants who assisted in providing guidance in designing the Allocation Procedures.

¹ Other capitalized terms have the meaning given those terms in the Settlement Agreement.

Allocation Procedures Overview

The Allocation Procedures were designed to fairly and equitably allocate the Settlement Funds among Qualifying Settlement Class Members to resolve PFAS contamination of Public Water Systems in such a way that reflects factors used in designing a water treatment system in connection with such contamination. Both the volume of contaminated water and the degree of contamination are the main factors in calculating the cost of treating PFAS contamination; the Allocation Procedures use scientific and EPA- derived formulas to arrive at Allocated Amounts that proportionally compensate Qualifying Settlement Class Members for PFAS-related treatment. The Allocation Procedures are appended as Exhibit C to the Settlement Agreement.

1. *Claims Form Process.* The Claims Administrator will verify that each Entity that submits a Claims Form is a Qualifying Settlement Class Member and will confirm the category into which the Settlement Class Member falls.

- Settlement Class Members fall into one of two categories: Phase One Qualifying Settlement Class Members or Phase Two Qualifying Settlement Class Members. Phase One Qualifying Settlement Class Members will be allocated 55% of the Settlement Funds and Phase Two Qualifying Class Members will be allocated 45% of the Settlement Funds.²
 - o A Phase One Qualifying Settlement Class Member is a Public Water System that draws or otherwise collects from any Water Source that tested or otherwise analyzed on or before June 30, 2023 and found to contain any PFAS at any level. The Claims Administrator will establish five separate payment sources from which Phase One Qualifying Settlement Class Members may receive Settlement Funds. Such Settlement Class Members will be eligible for compensation from at least one and potentially more of the payment sources. These sources, and the criteria the Claims Administrator will use to determine the amount each Phase One Qualifying Settlement Class Member will receive from them, are described below and fully in the Allocation Procedures.
 - o A Phase Two Qualifying Settlement Class Member is a Public Water System that is not a Phase One Qualifying Settlement Class Member and is subject to the monitoring rules set forth in UCMR 5 or other applicable state or federal law. The Claims Administrator will establish five separate payment sources from which Phase Two Qualifying Settlement Class Members may receive Settlement Funds. Such Settlement Class Members will be eligible for compensation from at least one and potentially more of these payment sources, one of which will be to offset the costs of PFAS testing. These sources, and the criteria the Claims Administrator will use to determine the amount each Phase Two Qualifying Settlement Class Member will receive from them, are described below and fully in the Allocation Procedures.

The initial step for establishing Settlement Class Membership and eligibility for compensation from any of the Settlement Funds is the completion of the Claimant Information Form. After a Person completes the Public Water System Settlement Claims Form, the Settlement Class Member will be provided with additional relevant Claims Form(s) for the payment sources for which the Settlement Class Member may be eligible. The term "Claims Form" may refer to any of seven separate forms:

1. Phase One Public Water System Claims Form;
2. Phase One Supplemental Fund Claims Form;
3. Phase One Special Needs Fund Claims Form;
4. Phase Two Testing Claims Form;
5. Phase Two Public Water System Claims Form;
6. Phase Two Supplemental Fund Claims Form; and
7. Phase Two Special Needs Fund Claims Form.

² This allocation between Phase One and Phase Two is subject to adjustment by the Court.

These Claims Forms will be available online and can be submitted to the Claims Administrator electronically or on paper. The Claims Forms will vary depending on the applicable Settlement Class Membership category (Phase One or Phase Two) and on the specific sources from which compensation is sought. The Claims Forms are appended as Exhibit D to the Settlement Agreement.

The Claims Administrator will review each Claims Form, verify the completeness of the data it contains, and follow up as appropriate, including to notify Settlement Class Members of the need to cure deficiencies in their submission(s), if any. Based on this data, the Claims Administrator will then confirm whether each Settlement Class Member is a Phase One Qualifying Settlement Class Member or Phase Two Qualifying Settlement Class Member and determine the amount each Settlement Class Member is owed from each payment source from which the Settlement Class Member seeks compensation. Should any portion of the Settlement Funds remain following the completion of the Claims process, they will be distributed to certain Qualifying Settlement Class Members in a pro rata fashion in proportion to their respective Allocated Amounts. None of any such remaining Settlement Funds shall be returned to the Settling Defendants.

4. Payment of Settlement Amount. Within ten (10) Business Days after Preliminary Approval, Settling Defendants shall pay or cause to be paid the Settlement Amount in full, in accordance with the payment terms set forth in the Settlement Agreement. If the Settlement does not become final, Settling Defendants are entitled to a refund of the unused Settlement Funds, and no distribution to Settlement Class Members will occur.

5. Release. All Settlement Class Members who have not excluded themselves from the Settlement Class will release certain Claims against the Settling Defendants, their affiliates, certain predecessors and successors, and other persons as set forth in the Settlement Agreement. This is referred to as the "Release." Generally speaking, the Release will prevent any Settlement Class Member from bringing any lawsuit against the Settling Defendants or making any claims resolved by the Settlement Agreement.

The Release, as set forth in Paragraphs 12.1 through 12.9 of the Settlement Agreement, will be effective as to every Settlement Class Member who has not excluded itself from the Settlement Class, regardless of whether or not that Settlement Class Member files a Claims Form or receives any distribution from the Settlement.

6. Attorney Fee/Litigation Cost and Class Representative Awards. The Court will determine the amounts of attorneys' fees and expenses to award to Class Counsel from the Settlement Amount for investigating the facts and law in the Action, the massive amount of litigation surrounding the Action, the trial preparations, and negotiating the proposed Settlement. Class Counsel will request an award of all attorneys' fees and expenses in the amounts due under the Holdback Provisions set forth in CMO No. 3. Class Counsel will make their request in a motion for attorneys' fees and costs in accordance with Section 11.2 of the Settlement Agreement. Class Counsel intend to file a motion for an award of attorneys' fees and costs that will request that amounts due under the Holdback Provisions set forth in Case Management Order No. 3, private attorney/client contracts, and fees of Class Counsel all be paid from the Qualified Settlement Fund. Class Counsel intend to file such motion with the Court no later than October 15, 2023 as ordered by the Court. After the motion for attorneys' fees and costs is filed, copies will be available from Class Counsel, the Settlement website (www.PFASWaterSettlement.com), or from the Court docket for *City of Camden, et al., v. E.I. DuPont de Nemours and Company, et al.*, No. 2:23-cv-03230-RMG.

Any attorneys' fees, costs, and expenses approved by the Court will be paid from the Settlement Amount.

7. Settlement Administration. All fees, costs, and expenses incurred in the administration and/or work by the Notice Administrator, including fees, costs, and expenses of the Notice Administrator, as well as the costs of distributing the Notice, shall be paid from the Settlement Amount. All fees, costs, and expenses incurred in the administration and/or work by the Claims Administrator, including fees, costs, and expenses of the Claims Administrator, shall be paid from the Settlement Amount. All fees, costs, and expenses incurred in the administration and/or work by the Special Master, including fees, costs, and expenses of the Special Master, shall be paid from the Settlement Amount. Settling Defendants shall have no obligation to pay any such fees, costs, and expenses other than the Settlement Amount.

8. Dismissal of the Litigation. If the Settlement is approved by the Court and becomes final, all pending Litigation will be dismissed with prejudice to the extent it contains Released Claims. If the Settlement is not approved by the Court or does not become final for any reason, the Litigation will continue, and Class Members will not be entitled to receive any Settlement Benefit.

THE PARAGRAPHS ABOVE PROVIDE ONLY A GENERAL SUMMARY OF THE TERMS OF THE PROPOSED SETTLEMENT. YOU CAN REVIEW THE SETTLEMENT AGREEMENT ITSELF FOR MORE INFORMATION ABOUT THE EXACT TERMS OF THE SETTLEMENT. THE SETTLEMENT AGREEMENT IS AVAILABLE AT WWW.PFASWATERSETTLEMENT.COM.

V. HOW WILL SETTLEMENT FUNDS BE DIVIDED AMONG CLASS MEMBERS?

1. Baseline Testing. Phase One and Phase Two Settlement Class Members must perform “Baseline Testing” – that is, Settlement Class Members must test every Water Source they own for PFAS. By performing Baseline Testing to determine which Water Sources have current PFAS detections, each Settlement Class Member will be able to submit Claims Forms, have its Water Sources scored, and receive Allocated Awards based on those scores.

Baseline Testing requires that each Water Source be analyzed for at least the 29 PFAS chemicals required under UCMR 5, using a methodology consistent with the requirements of UCMR 5 or applicable State requirements (if stricter). Any Water Source tested before December 7, 2021 that did not result in a PFAS detection must retest. Any Water Source that tested before June 30, 2023 that did result in a PFAS detection does NOT need to retest. However, you would still be required to test any other Water Sources that have not previously had a detection.

Baseline Testing is different from what the EPA requires for UCMR 5. Under UCMR 5, a Public Water System is required to test for PFAS only at the entry points to its distribution system, but Baseline Testing requires Settlement Class Members to test every Water Source. Because Baseline Testing requires more testing than UCMR 5, Phase Two Settlement Class Members will be compensated out of the Settlement Funds for the costs of testing each Water Source to meet Baseline Testing requirements. **Baseline Testing Claims Forms for Phase Two Settlement Class Members must be received by no later than January 1, 2026.**

Baseline Testing may be performed by any laboratory accredited by a state government or federal regulatory agency for PFAS analysis that uses any state- or federal agency-approved PFAS analytical method that is consistent with (or stricter) than the requirements of UCMR 5.

Class Counsel has arranged for discounted testing with the following laboratory to assist Settlement Class Members with Baseline Testing. The listed laboratory will forward the test results to the Claims Administrator. There is no requirement to use the listed laboratories.

Eurofins

Telephone Number: 916-374-4499

Website: <https://www.eurofinsus.com/environment-testing/pfas-testing/pfas-water-provider-settlement/>

2. Base Scores for Water Sources. The Allocation Procedures are designed to allocate money based on factors that dictate the costs of water treatment. It is well documented in the scientific literature and well known throughout the public water industry that the costs associated with water treatment consist of 1) capital costs and 2) operation and maintenance costs. Capital costs are mainly driven by the Impacted Water Source’s flow rate. Operation and maintenance costs are mainly driven by the levels of PFAS in the water. The Allocation Procedures utilize capital costs and operation and maintenance costs to generate a score for each Impacted Water Source. The Claims Administrator will input the flow rates and PFAS concentrations from the Claims Forms into an EPA-derived formula that calculates a Base Score for each Impacted Water Source.

3. Adjusted Base Scores. Certain Class Members will be eligible for increased scores. Based on the Claims Forms submitted, the Claims Administrator will determine if a Settlement Class Member is eligible for three available enhancements to the score: the Litigation Bump, the Bellwether Bump, and the Regulatory Bump. A Settlement Class Member may qualify for none, one, or multiple bumps.

The Litigation Bump will apply to Settlement Class Members with a pending lawsuit against the Settling Defendants alleging PFAS contaminated Drinking Water. The Bellwether Bump will apply to the ten Settlement Class Members that served as the Public Water Provider Bellwether plaintiffs. The Regulatory Bump will apply when an Impacted Water Source exceeds an applicable state Maximum Contaminant Level (MCL) or the proposed federal MCL as of March 14, 2023.

After the Claims Administrator applies the appropriate bumps to each Impacted Water Source, the Claims Administrator will use the new Adjusted Base Scores to determine how much of the Settlement Funds each Impacted Water Source will receive.

4. *Very Small Public Water System Payments.* All Phase One and Phase Two Settlement Class Members that are listed in the Safe Drinking Water Information System (SDWIS) as Transient Non-Community Water Systems (TNCWS) and Non-Transient Non-Community Water Systems (NTNCWS) serving less than 3,300 people may apply for Phase One or Phase Two Very Small Public Water System Payments. Phase One Public Water System Claims Forms for Very Small Public Water Systems are due no later than 60 days after the Effective Date, and Phase Two Public Water System Claims Forms for Very Small Public Water Systems are due by June 30, 2026. The Claims Administrator will issue a payment of \$1,250 to the TNCWS and \$1,750 to the NTNCWS serving less than 3,300 people.

5. *Allocated Amounts.* The information required to calculate Allocated Amounts is not publicly available and is only obtainable through the Claims Forms submitted by Settlement Class Members. Thus, the Allocated Amount that each Settlement Class Member will receive is not determinable until the Claims Administrator analyzes all the Claims Forms submitted by the Claims Form deadlines.

6. *Special Needs Funds.* Special Needs Funds will be established by the Claims Administrator for Phase One and Phase Two Settlement Class Members that have expended monetary resources on extraordinary efforts to address PFAS contamination in their Impacted Water Sources. Settlement Class Members can file a Special Needs Fund Claims Form to be considered for reimbursement of these expenditures.

7. *Supplemental Funds.* The Claims Administrator will also establish Phase One and Phase Two Supplemental Funds so that Settlement Class Members who did not initially exceed a state or federal MCL when it submitted its Claims Form can request additional funds if it later exceeds a state or federal MCL.

VI. WHO REPRESENTS THE SETTLEMENT CLASS?

The Court has appointed the attorneys from the following law firms to act as counsel for the Class (referred to as “Class Counsel” or “Plaintiffs’ Counsel”) for purposes of the proposed Settlement:

<p>Scott Summy Baron & Budd, P.C. 3102 Oak Lawn Ave., Ste. 1100 Dallas, Texas 75219</p>	<p>Michael A. London Douglas & London 59 Maiden Lane, 6th Floor New York, NY 10038</p>	<p>Paul J. Napoli Napoli Shkolnik 1302 Av. Ponce de Leon San Juan, Puerto Rico 00907</p>
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<p>Elizabeth A. Fegan Fegan Scott LLC 150 S. Wacker Drive, 24th Floor Chicago, IL 60606</p>	<p>Joseph F. Rice Motley Rice 28 Bridgeside Blvd. Mount Pleasant, SC 29464</p>
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VII. WHAT ARE THE REASONS FOR THE PROPOSED SETTLEMENT?

Class Counsel, Class Representatives, and Settling Defendants have engaged in extensive, arm's-length negotiations, including negotiations facilitated by a Court-appointed mediator, and have, subject to the Preliminary and Final Approval of the Court, reached an agreement to settle and release all Released Claims, on the terms and conditions set forth in the Settlement Agreement.

Class Representatives and Class Counsel have concluded, after a thorough investigation and after carefully considering the relevant circumstances, including the Claims asserted, the legal and factual defenses thereto, the applicable law, the burdens, risks, uncertainties, and expense of litigation, as well as the fair, cost-effective, and assured method of resolving the Claims, that it would be in the best interests of Settlement Class Members to participate in the Settlement in order to avoid the uncertainties of litigation and to assure that the benefits reflected herein are obtained for Settlement Class Members. Further, Class Representatives and Class Counsel consider the Settlement set forth herein to be fair, reasonable, and adequate and in the best interests of Settlement Class Members.

The Settling Defendants, while continuing to deny any violation, wrongdoing, or liability with respect to any and all Claims asserted in the Litigation and all other Released Claims, either on their part or on the part of any of the Released Persons, entered into the Settlement Agreement to avoid the expense, inconvenience, and distraction of further litigation.

VIII. WHAT DO YOU NEED TO DO NOW?

YOU CAN PARTICIPATE IN THE SETTLEMENT. You must file a Claims Form to be eligible to receive a payment under the Settlement Agreement. You can submit your Claims Form online at www.PFASWaterSettlement.com, or you can download, complete and mail your Claims Form to the Claims Administrator at AFFF Public Water System Claims, PO Box 4466, Baton Rouge, Louisiana 70821. The deadline for a Phase One Settlement Class Member to submit a Phase One Public Water System Claims Form is 60 days following the Effective Date, and the deadline for a Phase Two Settlement Class Member to submit a Phase Two Public Water System Claims Form is June 30, 2026.

Regardless of whether you file a Claims Form or receive any distribution under the Settlement, unless you timely opt out as described below, you will be bound by any judgment or other final disposition of the Settlement, including the Release set forth in the Settlement Agreement, and will be precluded from pursuing claims against the Settling Defendants separately if those Claims are within the scope of the Release.

YOU CAN OPT OUT OF THE SETTLEMENT. If you do not wish to be a Settlement Class Member, and do not want to participate in the Settlement and receive a Settlement Benefit Check, you may exclude yourself from the Settlement Class by completing and mailing a notice of intention to opt-out (referred to as an "Opt-Out"). Any Person within the Settlement Class who wishes to opt out of the Settlement Class and Settlement must file a written and signed statement entitled "Request for Exclusion" with the Notice Administrator and provide service on all Parties in accordance with Federal Rule of Civil Procedure 5.

To be treated as valid, the Request for Exclusion must be sent via certified or first-class mail to the Notice Administrator, Counsel for the Settling Defendants, and Class Counsel at the addresses below.

Counsel for the Settling Defendants:

Jeffrey M. Wintner Graham W. Meli Wachtell, Lipton, Rosen & Katz 51 West 52nd Street New York, NY 10019	Kevin T. Van Wart Kirkland & Ellis LLP 300 North LaSalle Chicago, IL 60654	Michael T. Reynolds Cravath, Swaine & Moore LLP 825 Eighth Avenue New York, NY 10019
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Class Counsel:

<p>Scott Summy Baron & Budd, P.C. 3102 Oak Lawn Ave., Ste. 1100 Dallas, Texas 75219</p>	<p>Michael A. London Douglas & London 59 Maiden Lane, 6th Floor New York, NY 10038</p>	<p>Paul J. Napoli Napoli Shkolnik 1302 Av. Ponce de Leon San Juan, Puerto Rico 00907</p>
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<p>Elizabeth A. Fegan Fegan Scott LLC 150 S. Wacker Drive, 24th Floor Chicago, IL 60606</p>	<p>Joseph F. Rice Motley Rice 28 Bridgeside Blvd. Mount Pleasant, SC 29464</p>
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Notice Administrator:

<p>In re: Aqueous Film-Forming Foams Products Liability Litigation c/o Notice Administrator 1650 Arch Street, Suite 2210 Philadelphia, PA 19103</p>

The Request for Exclusion must be received by the Notice Administrator no later than December 4, 2023.

The Request for Exclusion must certify, under penalty of perjury in accordance with 28 U.S.C. § 1746, that the filer has been legally authorized to exclude the Person from the Settlement and must provide:

- an affidavit or other proof of the Settlement Class Member's standing;
- the filer's name, address, telephone, facsimile number and email address (if available);
- the name, address, telephone number, and e-mail address (if available) of the Person whose exclusion is requested; and

The Request for Exclusion must be received by the Notice Administrator no later than December 4, 2023.

Any Person that submits a timely and valid Request for Exclusion shall not (i) be bound by any orders or judgments effecting the Settlement; (ii) be entitled to any of the relief or other benefits provided under this Settlement Agreement; (iii) gain any rights by virtue of this Settlement Agreement; or (iv) be entitled to submit an Objection.

If you own or operate more than one Public Water System and are authorized to determine whether to submit Requests for Exclusion on those Public Water Systems' behalf, you may submit a Request for Exclusion on behalf of some of those Public Water Systems but not the other(s). You must submit a Request for an Exclusion on behalf of each such Public Water System that you wish to opt out of the Settlement Class. Any Public Water System that is not specifically identified in a Request for Exclusion will remain in the Settlement Class.

Any Settlement Class Member that does not submit a timely and valid Request for Exclusion submits to the jurisdiction of the Court and, unless the Settlement Class Member submits an Objection that complies with the provisions of the Settlement Agreement, shall waive and forfeit any and all objections the Settlement Class Member may have asserted.

YOU CAN OBJECT OR TAKE OTHER ACTIONS. Any Settlement Class Member who has not successfully excluded itself ("opted out") may object to the Settlement. Any Settlement Class Member who wishes to object to the Settlement or to an award of fees or expenses to Class Counsel must file a written and signed statement designated "Objection" with the Clerk of the Court and provide service on Counsel for the Settling Defendants and Class Counsel at the addresses below in accordance with Federal Rule of Civil Procedure 5. Objections submitted by any Settlement Class Member to incorrect locations shall not be valid.

Clerk of the Court:

Clerk, United States District Court for the District of South Carolina 85 Broad Street Charleston, SC 29401
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Counsel for the Settling Defendants:

Jeffrey M. Wintner Graham W. Meli Wachtell, Lipton, Rosen & Katz 51 West 52nd Street New York, NY 10019	Kevin T. Van Wart Kirkland & Ellis LLP 300 North LaSalle Chicago, IL 60654	Michael T. Reynolds Cravath, Swaine & Moore LLP 825 Eighth Avenue New York, NY 10019
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Class Counsel:

Scott Summy Baron & Budd, P.C. 3102 Oak Lawn Ave., Ste. 1100 Dallas, Texas 75219	Michael A. London Douglas & London 59 Maiden Lane, 6th Floor New York, NY 10038	Paul J. Napoli Napoli Shkolnik 1302 Av. Ponce de Leon San Juan, Puerto Rico 00907
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Elizabeth A. Fegan Fegan Scott LLC 150 S. Wacker Drive, 24th Floor Chicago, IL 60606	Joseph F. Rice Motley Rice 28 Bridgeside Blvd. Mount Pleasant, SC 29464
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All Objections must certify, under penalty of perjury in accordance with 28 U.S.C. § 1746, that the filer has been legally authorized to object on behalf of the Settlement Class Member and must provide:

- an affidavit or other proof of the Settlement Class Member’s standing;
- the filer’s name, address, telephone, facsimile number and email address (if available);
- the name, address, telephone, facsimile number and email address (if available) of the Person whose Objection is submitted;
- all objections asserted by the Settlement Class Member and the specific reason(s) for each objection, including all legal support and evidence the Settlement Class Member wishes to bring to the Court’s attention;
- an indication as to whether the Settlement Class Member wishes to appear at the Final Fairness Hearing; and
- the identity of all witnesses the Settlement Class Member may call to testify. The deadline to submit an Objection is November 4, 2023.

Settlement Class Members may object either on their own or through any attorney hired at their own expense. If a Settlement Class Member is represented by counsel, the attorney must file a notice of appearance with the Clerk of Court no later than November 4, 2023, the date ordered by the Court for the filing of Objections, and serve such notice on all Parties in accordance with Federal Rule of Civil Procedure 5 within the same time period.

Any Settlement Class Member who fully complies with the provisions for objecting may, at the Court's discretion, appear at the Final Fairness Hearing to object to the Settlement or to the award of fees and costs to Class Counsel. Any Settlement Class Member who fails to comply with the provisions of the Settlement Agreement for objecting shall waive and forfeit any and all objections the Settlement Class Member may have asserted.

IX. WHAT WILL HAPPEN AT THE FINAL FAIRNESS HEARING?

Before deciding whether to grant final approval to the Settlement, the Court will hold the Final Fairness Hearing in Hon. Sol Blatt, Jr., Courtroom of the U.S. Courthouse, 85 Broad Street, Charleston, South Carolina 29401, on December 14, 2023, at 10:00 a.m. EST. At that time, the Court will determine, among other things, (i) whether the Settlement should be granted final approval as fair, reasonable, and adequate, (ii) whether the Released Claims should be dismissed with prejudice pursuant to the terms of the Settlement Agreement, (iii) whether the Settlement Class should be conclusively certified, (iv) whether Settlement Class Members should be bound by the Release set forth in the Settlement Agreement, (v) the amount of attorneys' fees and costs to be awarded to Class Counsel, if any, and (vi) the amount of the award to be made to the Class Representatives for their services, if any. The Final Fairness Hearing may be postponed, adjourned, or continued by Order of the Court without further notice to the Class.

X. HOW CAN YOU GET ADDITIONAL INFORMATION ABOUT THE ACTION, THE PROPOSED SETTLEMENT, THE SETTLEMENT AGREEMENT, OR THE NOTICE?

The descriptions of the Action, the Settlement, and the Settlement Agreement in this Notice are only a general summary. In the event of a conflict between this Notice and the Settlement Agreement, the terms of the Settlement Agreement control. All papers filed in this case, including the full Settlement Agreement, are available for you to inspect and copy (at your cost) at the office of the Clerk of Court, the Settlement website, or online through PACER. A copy of the Settlement Agreement may also be obtained from Class Counsel by contacting them at the addresses or telephone numbers set forth above. Any questions concerning this Notice, the Settlement Agreement, or the Settlement may be directed to Class Counsel. You may also seek the advice and counsel of your own attorney, at your own expense, if you desire.

DO NOT WRITE OR TELEPHONE THE COURT, THE CLERK'S OFFICE, OR DEFENDANT WITH ANY QUESTIONS ABOUT THIS NOTICE, THE SETTLEMENT, OR THE SETTLEMENT AGREEMENT.

XI. WHAT ARE THE ADDRESSES YOU MAY NEED?

Counsel for the Settling Defendants:

<p>Jeffrey M. Wintner Graham W. Meli Wachtell, Lipton, Rosen & Katz 51 West 52nd Street New York, NY 10019</p>	<p>Kevin T. Van Wart Kirkland & Ellis LLP 300 North LaSalle Chicago, IL 60654</p>	<p>Michael T. Reynolds Cravath, Swaine & Moore LLP 825 Eighth Avenue New York, NY 10019</p>
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If to the Class Representatives, Class Counsel, or Settlement Class Members:

<p>Scott Summy Baron & Budd, P.C. 3102 Oak Lawn Ave., Ste. 1100 Dallas, Texas 75219</p>	<p>Michael A. London Douglas & London 59 Maiden Lane, 6th Floor New York, NY 10038</p>	<p>Paul J. Napoli Napoli Shkolnik 1302 Av. Ponce de Leon San Juan, Puerto Rico 00907</p>
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<p>Elizabeth A. Fegan Fegan Scott LLC 150 S. Wacker Drive, 24th Floor Chicago, IL 60606</p>	<p>Joseph F. Rice Motley Rice 28 Bridgeside Blvd. Mount Pleasant, SC 29464</p>
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If to the Notice Administrator:

In re: Aqueous Film-Forming Foams Products
Liability Litigation
c/o Notice Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

If to the Claims Administrator:

AFFF Public Water System Claims
PO Box 4466
Baton Rouge, Louisiana 70821

XII. WHAT YOU MUST INCLUDE IN ANY DOCUMENT YOU SEND REGARDING THE ACTION.

In sending any document to the Notice Administrator, Claims Administrator, the Court, Class Counsel, or Settling Defendants' Counsel, you must include the following case name and identifying number on any documents and on the outside of the envelope:

In re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18- mn-2873 (D.S.C.), this document relates to: City of Camden, et al., v. E.I. DuPont de Nemours and Company, et al., No. 2:23-cv-03230-RMG.

You must also include your full name, address, email address, and a telephone number where you can be reached.

XIII. WHAT IMPORTANT DEADLINES YOU NEED TO KNOW.

Deadline Description	Deadline Date
Deadline to submit Objections	11/4/2023
Deadline to submit Requests for Exclusion	12/4/2023
Court's Final Fairness Hearing	12/14/2023 at 10:00 AM EST
Phase One Public Water System Claims Form	60 Days after the Effective Date
Phase One Special Needs Claims Form	45 Days after the Phase One Public Water System Claims Form Deadline
Phase Two Testing Claims Form	1/1/2026
Phase Two Public Water System Claims Form	6/30/2026
Phase Two Special Needs Claims Form	8/1/2026
Phase One Supplemental Fund Claims Form	12/31/2030
Phase Two Supplemental Fund Claims Form	12/31/2030



**AGENDA
BILL
Item 6.B**

**3M Aqueous Film-forming
Foams Product Liability Class
Action Lawsuit Settlement**

DATE SUBMITTED:	November 15, 2023	MEETING DATE:	November 29, 2023
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	Class Action Settlement MDL No. 2:18-mn-2873-RMG		
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 Lake Whatcom Water and Sewer District (District) owns and operates three Group A water systems. Of the three systems, the District’s South Shore water system, which serves Sudden Valley and Geneva, is required to test for per- and polyfluoroalkyl substances (PFAS) in 2025 under the U.S. Environmental Protection Agency’s (USEPA) Unregulated Contaminant Monitoring Rule (UCMR) 5. Labeled “forever chemicals” PFAS are a group of manmade chemicals that have been used in a variety of products since the 1940s but have relatively recently been identified as harmful to human health and the environment. Though the District has not tested for PFAS in its South Shore system source (Lake Whatcom) to-date, the City of Bellingham has, but has not identified PFAS above laboratory detection limits.

One of the primary manufacturers of PFAS was 3M Company (3M). Based upon the liability created by 3M’s manufacture and distribution of PFAS, the City of Camden, New Jersey, (among others) filed suit against 3M in the Charleston Division of the South Carolina U.S. District Court. A class action settlement was reached on June 22, 2023, for a total of \$12.5 billion. As the operator of a public water system required to monitor for PFAS under UCMR 5, the District has been identified as a potential Settlement Class Member, subject to the terms of the settlement. However, the settlement does allow the District to opt out of the settlement, thus preserving its rights for future litigation against 3M, should the District identify PFAS in its source water at some point in the future. The deadline to request an exclusion from the settlement is December 11, 2023.

FISCAL IMPACT

The District has not identified PFAS in its water systems sources to-date. Eligibility for relief under the settlement is dependent upon the detection (and concentration) of specific PFAS compounds, and the production rate of the water treatment plant. As such, actual fiscal impact is unknown.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Product Quality
Financial Viability

RECOMMENDED BOARD ACTION

Staff recommends requesting exclusion from the class action settlement to preserve the District’s right to pursue appropriate relief, should PFAS be detected in the District’s systems in the future.

PROPOSED MOTION

Recommended motion is:

“I move to file a request for exclusion (“to opt out”) from the Class Action Settlement MDL No. 2:18-mn-2873-RMG with 3M Company and to authorize the District General Manager and Attorney to sign and submit on behalf of the District any and all documents necessary to opt out.”

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No. 2:18-mn-2873-RMG

This Document relates to:

City of Camden, et al., v. 3M Company,
No. 2:23-cv-03147-RMG

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND
COURT APPROVAL HEARING**

TO: All Active Public Water Systems in the United States of America that have one or more Impacted Water Sources as of June 22, 2023; **and** all Active Public Water Systems in the United States that do not have one or more Impacted Water Sources as of June 22, 2023, and (i) are required to test for certain PFAS under UCMR-5, or (ii) serve more than 3,300 people.

A FEDERAL COURT APPROVED THIS NOTICE. PLEASE READ THIS NOTICE CAREFULLY, AS THE PROPOSED SETTLEMENT DESCRIBED BELOW MAY AFFECT YOUR LEGAL RIGHTS AND PROVIDE YOU WITH POTENTIAL BENEFITS. THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU OR A SOLICITATION FROM A LAWYER.

All capitalized terms not otherwise defined herein shall have the meanings set forth in the Settlement Agreement, available for review at www.PFASWaterSettlement.com.

I. WHAT IS THE PURPOSE OF THIS NOTICE?

The purpose of this Notice is (i) to advise you of a proposed settlement (referred to as the "Settlement") that has been reached with the defendant, 3M Company ("3M" or "Defendant"), in the above-captioned lawsuit (the "Action") pending in the multi-district litigation in the United States District Court for the District of South Carolina (the "Court"); (ii) to summarize your rights in connection with the Settlement; and (iii) to inform you of a Court hearing to consider whether to grant final approval of the Settlement, to be held on **February 2, 2024 at 10:00 a.m. EST in Charleston Courtroom #1, J. Waties Waring Judicial Center**, before the Honorable Richard M. Gergel, United States District Judge of the United States District Court for the District of South Carolina, located at 83 Meeting Street, Charleston, South Carolina 29401.

If you received this Notice about the proposed Settlement in the mail, then you have been identified as a potential Settlement Class Member according to the Parties' records. Please read this Notice carefully.

II. WHAT IS THE ACTION ABOUT?

Class Representatives are Public Water Systems that have filed actions against 3M and other defendants, which actions are currently pending in the above-referenced multi-district litigation ("MDL").

Class Representatives have alleged that they have suffered harm resulting from the presence of PFAS in Drinking Water and/or the need to monitor for the presence of PFAS in Drinking Water, and that 3M is liable for damages and other forms of relief to compensate for such harm and costs.

In addition to the MDL, certain other cases asserting Released Claims are pending against 3M (collectively with the MDL, the "Litigation").

There are numerous defendants in addition to 3M in the MDL and the cases that comprise the Litigation. Those other defendants are not part of this Settlement Agreement. The Class Representatives and Settlement Class Members will remain able to seek separate and additional PFAS-related recoveries from those other defendants in addition to the Settlement Amount here.

3M denies the allegations in the Litigation and all other allegations relating to the Released Claims; denies that it has any liability to Class Representatives, the Settlement Class, or any Settlement Class Member for any Claim of any kind; and would assert a number of legal and factual defenses against such Claims if they were litigated to conclusion (including against certification of any purported class for litigation purposes).

This Notice should not be understood as an expression of any opinion by the Court as to the merits of the Class Representatives' Claims or the Defendant's defenses.

III. WHO IS PART OF THE PROPOSED SETTLEMENT?

The Class Representatives and 3M have entered into the Settlement Agreement to resolve Claims relating to PFAS contamination of Drinking Water in Public Water Systems. The Court has preliminarily approved the Settlement Agreement as fair, reasonable, and adequate. The Court will hold a Final Fairness Hearing, as described below, to consider whether to grant final approval of the Settlement.

The Settlement Class is defined as follows:

All Active Public Water Systems in the United States of America that have one or more Impacted Water Sources as of June 22, 2023.

AND

All Active Public Water Systems in the United States that do not have one or more Impacted Water Sources as of June 22, 2023, and (i) are required to test for certain PFAS under UMCR-5, or (ii) serve more than 3,300 people, according to SDWIS.

Exhibits E and F to the Settlement Agreement, available for review at www.PFASWaterSettlement.com, list all Eligible Claimants known to Interim Class Counsel and 3M's Counsel. Not all Public Water Systems are potential Settlement Class Members; specifically excluded from the Settlement Class are:

- i. Non-Transient Non-Community Water Systems serving 3,300 or fewer people;
- ii. Transient Non-Community Water Systems of any size;
- iii. The Public Water Systems listed in Exhibit G to the Settlement Agreement, which are associated with a specific PFAS-manufacturing facility owned by 3M;
- iv. Any Public Water System that is owned by a State government, is listed in SDWIS as having as its sole "Owner Type" a "State government" (as set forth in Exhibit H to the Settlement Agreement), and lacks independent authority to sue and be sued;
- v. Any Public Water System that is owned by the federal government, is listed in SDWIS as having as its sole "Owner Type" the "Federal government" (as set forth in Exhibit I to the Settlement Agreement), and lacks independent authority to sue and be sued;
- vi. The Public Water Systems that are listed in Exhibit J to the Settlement Agreement and have previously settled their PFAS-related Claims against 3M; and
- vii. Any privately owned well that provides water only to its owner's (or its owner's tenant's) individual household and any other system for the provision of water for human consumption that is not a Public Water System.

An Eligible Claimant must submit a timely notice if it believes it has been erroneously listed in any of the above-referenced Exhibits.

Per the Settlement Agreement, "Public Water System" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year, consistent with the use of that term in the Safe Drinking Water Act, 42 U.S.C. § 300f(4)(A), and 40 C.F.R. Part 141. The term "Public Water System" includes (i) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (ii) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Solely for purposes of the Settlement Agreement, the term "Public Water System" refers to a Community Water System of any size or a Non-Transient Non-Community Water System that serves more than 3,300 people, according to SDWIS; or any Person (but not any financing or lending institution) that has legal authority or responsibility (by statute, regulation, other law, or contract) to fund or incur financial obligations for the design, engineering, installation, operation, or maintenance of any facility or equipment that treats, filters, remediates, or manages water that has entered or may enter Drinking Water or any Public Water System; but does not refer to a Non-Transient Non-Community Water System that serves 3,300 or fewer people, according to SDWIS, or to a Transient Non-Community Water System of any size. It is the intention of the Settlement Agreement that the definition of "Public Water System" be as broad, expansive, and inclusive as possible.

Non-Transient Non-Community Water System means a Public Water System that is not a Community Water System and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year, consistent with the use of that term in 40 C.F.R. Part 141.

Transient Non-Community Water System means a Public Water System that is not a Community Water System and that does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year, consistent with the use of that term in 40 C.F.R. Part 141.

SDWIS means the U.S. EPA Safe Drinking Water Information System Federal Reporting Services system, as of June 22, 2023.

IV. WHAT ARE THE KEY TERMS OF THE PROPOSED SETTLEMENT?

The key terms of the proposed Settlement are as follows.

1. **Settlement Amount.** 3M has agreed to pay an amount not less than \$10,500,000,000 and not more than \$12,500,000,000 (the "Settlement Amount"), subject to final approval of the Settlement by the Court and certain other conditions specified in the Settlement Agreement. 3M shall additionally pay up to \$5,000,000 to cover costs incurred by the Notice Administrator in the course of executing the Notice Plan. Together, these payments from 3M constitute the "Settlement Funds." Payments to Qualifying Class Members will be referred to as "Settlement Awards." In no event shall 3M be required under the Settlement Agreement to pay any amounts above the Settlement Funds. Any fees, costs, expenses, or incentive awards payable under the Settlement Agreement shall be paid out of, and shall not be in addition to, the Settlement Funds.

2. **Settlement Benefit.** Each Settlement Class Member that has not excluded itself from the Settlement Class will be eligible to receive a settlement check(s) from the Claims Administrator based on the Allocation Procedures developed by Class Counsel, which are subject to final approval by the Court as fair and reasonable.

3. **Settlement Administration.** The Court has appointed a Special Master and Claims Administrator pursuant to Rule 53 of the Federal Rules of Civil Procedure (FRCP) to oversee the allocation of the Settlement Funds. They will adhere to their duties set forth herein and in the Settlement Agreement. The Special Master will generally oversee the Claims Administrator and make any final decision(s) related to any appeals by Qualifying Class Members or 3M and any ultimate decision(s) presented by the Claims Administrator. The Claims Administrator will perform the actual modeling, allocation, and payment distribution functions. The Claims Administrator will seek assistance from the Special Master when needed. The Claims Administrator may also seek the assistance of the Interim Class Counsel's consultants who assisted in providing guidance in designing the Allocation Procedures.

4. **Allocation Procedures Overview.** The Allocation Procedures (attached as Exhibit Q to the Settlement Agreement) were designed to fairly and equitably allocate the Settlement Amount among Qualifying Class Members to resolve PFAS contamination of Drinking Water in Public Water Systems in such a way that reflects factors used in designing a water treatment system in connection with such contamination. The volume of impacted water and the degree of impact are the main factors in calculating the cost of treating PFAS; the Allocation Procedures use formulas to arrive at the amounts due, to equitably compensate Qualifying Class Members for PFAS-related treatment. There will also be a Settlement website, available at www.PFASWaterSettlement.com, which will allow putative Class Members to access information about the Settlement, including Court documents and an Estimated Allocation Range Table that will allow Class Members to determine a good faith estimate of their potential award.

5. **Claims Form Process.** The Claims Administrator will verify that each entity that submits a Claim Form is a Qualifying Class Member and will confirm the category into which the Class Member falls.

- Qualifying Class Members fall into one of two categories: Phase One Qualifying Class Members or Phase Two Qualifying Class Members. Phase One Qualifying Class Members will be allocated \$6,875,000,000. Phase Two Qualifying Class Members' allocation will be between \$3,625,000,000 and \$5,625,000,000, depending on the factors and process set forth in the Allocation Procedures.
 - A Phase One Qualifying Class Member is an Active Public Water System in the United States that has one or more Impacted Water System as of June 22, 2023. Each Phase One Qualifying Class Member must test each of its Water Sources for PFAS; request from the laboratory that performs the analyses all analytical results, including the actual numeric values of all analytical results; and submit or cause the testing laboratory to submit detailed PFAS test results to the Claims Administrator on a Claims Form(s) by dates specified below and on the Settlement website, available at www.PFASWaterSettlement.com. The Claims Administrator will establish three separate funds for the benefit of Phase One Qualifying Class Members. Such Settlement Class Members will be eligible for compensation from at least one and potentially more of these funds. These funds and the criteria the Claims Administrator will use to determine the amount each Phase One Qualifying Class Member will receive from them are fully described in the Allocation Procedures in Exhibit Q to the Settlement Agreement.

- o A Phase Two Qualifying Class Member is an Active Public Water System in the United States that does not have one or more Impacted Water Sources as of June 22, 2023, and (i) is required to test for certain PFAS under UCMR-5 or (ii) serves more than 3,300 people. Each Phase Two Qualifying Class Member must test each of its Water Sources for PFAS; request from the laboratory that performs the analyses all analytical results, including the actual numeric values; and submit or cause the testing laboratory to submit detailed PFAS test results to the Claims Administrator on a Claims Form within forty-five (45) calendar days after receiving the test results, absent what the Claims Administrator deems in writing to be an extraordinary circumstance, and no later than July 1, 2026. The Claims Administrator will establish four separate funds for the benefit of Phase Two Qualifying Class Members. These funds and the criteria the Claims Administrator will use to determine the amount each Phase Two Settlement Class Member will receive from them are fully described in the Allocation Procedures.

The initial step for establishing Settlement Class membership and eligibility for compensation from the Settlement Amount is the completion of the relevant Claims Form. The term "Claims Form" may refer to any of seven separate forms:

1. Phase One Public Water System Settlement Claims Form;
2. Phase One Supplemental Fund Claims Form;
3. Phase One Special Needs Fund Claims Form;
4. Phase Two Testing Compensation Claims Form;
5. Phase Two Action Fund Claims Form;
6. Phase Two Supplemental Fund Claims Form; and
7. Phase Two Special Needs Fund Claims Form.

These Claims Forms will be available online at the Settlement website and can be submitted to the Claims Administrator electronically or on paper. The Claims Forms will vary depending on the applicable Settlement Class membership category (Phase One or Phase Two) and on the specific fund or funds from which compensation is sought.

The Claims Administrator will review each Claims Form, verify the completeness of the data it contains, and follow up as appropriate, including to notify Settlement Class Members of the need to cure deficiencies in their submission(s), if any. Based on the data in the Claims Forms, the Claims Administrator will then confirm Settlement Class membership and category and determine the amount each Settlement Class Member is owed from each fund from which the Settlement Class Member seeks compensation. Should any portion of the Settlement Amount remain following the completion of the Claims Forms process, it will be distributed to Qualifying Class Members on a pro rata basis as explained in the Settlement Agreement and Allocation Procedures. None of any such remaining Settlement Amount shall be returned to 3M.

5. Payment of Settlement Amount. 3M shall pay or cause to be paid the Settlement Funds in accordance with the payment terms set forth in the Settlement Agreement and the Payment Schedule in Exhibit K to that Agreement. If the Settlement does not become final, 3M is entitled to a refund of the unused Settlement Amount, and no distribution to Settlement Class Members will occur.

6. Release. All Settlement Class Members that have not excluded themselves from the Settlement Class will release certain Claims against 3M, its affiliates, predecessors, and successors, and certain other Persons and entities as set forth in the Settlement Agreement. This is referred to as the "Release." Generally speaking, the Release will prevent any Settlement Class Member from bringing any lawsuit against 3M or making any Claims resolved by the Settlement Agreement. In addition, all Settlement Class Members release any and all Claims for punitive damages.

The Release, as set forth in Section 11 of the Settlement Agreement, will be effective as to every Settlement Class Member that has not excluded itself from the Settlement Class, regardless of whether or not that Settlement Class Member files a Claims Form or receives any distribution from the Settlement.

7. Attorney Fee/Litigation Cost and Class Representative Awards. The Court will determine the amounts of attorneys' fees and expenses to award to Class Counsel from the Settlement Amount for investigating the facts and law in the Action, the massive amount of litigation surrounding the Action, the trial preparations, and negotiating the proposed Settlement. Class Counsel will request an award of attorneys' fees and costs. Class Counsel will make their request in a motion for attorneys' fees and costs in accordance with Section 8.8 of the Settlement Agreement. Class Counsel intend to file a motion for an award of attorneys' fees and costs that will request that amounts due under the Common-Benefit Holdback Assessment provisions in Case Management Order No. 3, private attorney/client contracts, and fees of Class Counsel all be paid from the Qualified Settlement Fund.

Class Counsel will make their request in a motion to be filed with the Court not less than twenty (20) calendar days before Objections are due pursuant to Paragraphs 8.4, 8.7, and 8.8 of the Settlement Agreement. After the motion is filed, copies will be available from Class Counsel, the Settlement website (www.PFASWaterSettlement.com), or the Court docket for *City of Camden, et al., v. 3M Company*, No. 2:23-cv-03147-RMG.

Any attorneys' fees, costs, and expenses approved by the Court will be paid from the Settlement Amount.

8. Settlement Administration. All fees, costs, and expenses incurred in the administration and/or work by the Notice Administrator, including fees, costs, and expenses of the Notice Administrator, as well as the costs of distributing notice, shall be paid from the Settlement Funds. All fees, costs, and expenses incurred in the administration and/or work by the Claims Administrator, including fees, costs, and expenses of the Claims Administrator, shall be paid from the Settlement Amount. All fees, costs, and expenses incurred in the administration and/or work by the Special Master, including fees, costs, and expenses of the Special Master, shall be paid from the Settlement Amount. 3M shall have no obligation to pay any such fees, costs, and expenses other than the Settlement Funds.

9. Dismissal of the Litigation. If the Settlement is approved by the Court and becomes final, all pending Litigation will be dismissed with prejudice to the extent it contains Released Claims. If the Settlement is not approved by the Court or does not become final for any reason, the Litigation will continue, and Class Members will not be entitled to receive any Settlement Award.

THE PARAGRAPHS ABOVE PROVIDE ONLY A GENERAL SUMMARY OF THE TERMS OF THE PROPOSED SETTLEMENT. YOU CAN REVIEW THE SETTLEMENT AGREEMENT ITSELF FOR MORE INFORMATION ABOUT THE EXACT TERMS OF THE SETTLEMENT. THE SETTLEMENT AGREEMENT IS AVAILABLE AT WWW.PFASWATERSETTLEMENT.COM.

V. HOW WILL THE SETTLEMENT AMOUNT BE DIVIDED AMONG CLASS MEMBERS?

1. Baseline Testing.

Phase One Qualifying Class Members

Each Phase One Qualifying Class Member must perform Baseline Testing. Baseline Testing requires each Phase One Qualifying Class Member to test each of its Water Sources for PFAS; request from the laboratory that performs the analyses all analytical results, including the actual numeric values of all analytical results; and submit or cause the testing laboratory to submit detailed PFAS test results to the Claims Administrator on a Claims Form(s) by dates specified below.

Any Water System tested on or before June 22, 2023, using a state- or federal-approved methodology and found to contain a Measurable Concentration of PFAS, does not need to be tested again for purposes of Baseline Testing.

Any Water Source tested prior to January 1, 2019, that did not result in a Measurable Concentration of PFAS, must retest to meet Baseline Testing requirements. If a Water Source tested January 1, 2019, or later, and it did not result in a Measurable Concentration of PFAS, no further testing of that Water Source is required.

Baseline Testing requires the following:

- i. PFAS tests must be conducted at a minimum for PFAS analytes for which UCMR-5 requires testing, and
- ii. The PFAS test results must report any Measurable Concentration of PFAS, regardless of whether the level of PFAS detected in the water is above or below UCMR-5's relevant minimum reporting level.

Each Phase One Qualifying Class Member will verify in its Claims Form that it has tested all its Water Sources for PFAS. Failure to test and submit Qualifying Test Results for Water Sources (e.g., each groundwater well/each surface-water source) will disqualify Water Sources from consideration for present and future payments.

Phase Two Qualifying Class Members

Each Phase Two Qualifying Class Member must perform Baseline Testing. Baseline Testing requires each Phase Two Qualifying Class Member to test each of its Water Sources for PFAS; request from the laboratory that performs the analyses all analytical results, including the actual numeric values of all analytical results; and submit or cause the testing laboratory to submit detailed PFAS test results to the Claims Administrator on a Claims Form within forty-five (45) calendar days after receiving the test results, absent what the Claims Administrator deems in writing to be an extraordinary circumstance, and no later than July 1, 2026.

Baseline Testing requires the following:

- i. PFAS tests must be conducted at a minimum for PFAS analytes for which UCMR-5 requires testing, and
- ii. the PFAS test results must report any Measurable Concentration of PFAS, regardless of whether the level of PFAS detected in the water is above or below UCMR-5's relevant minimum reporting level.

Each Phase Two Qualifying Class Member will verify in its Claims Form that it has tested all its Water Sources for PFAS. Failure to test and submit Qualifying Test Results for Water Sources will disqualify Water Sources from consideration for present and future payments.

A Phase Two Qualifying Class Member that does not fully and timely satisfy these Phase Two Baseline Testing requirements shall be presumed to lack any Impacted Water Source and thus may be declared by the Claims Administrator to be ineligible to receive further payment from Phase Two.

Baseline Testing may be performed by any laboratory accredited or certified by a state government or federal regulatory agency for PFAS analysis that uses any state or federal agency-approved or -validated PFAS analytical method that is consistent with (or stricter) than the requirements of UCMR-5.

Class Counsel has arranged for discounted testing with the following laboratory to assist Class Members with Baseline Testing. The listed laboratory will forward the test results to the Claims Administrator. There is no requirement to use the listed laboratory.

Eurofins

Telephone Number: 916-374-4499

Website: <https://www.eurofinsus.com/environment-testing/pfas-testing/pfas-water-provider-settlement/>

2. Base Scores for Water Sources. The Allocation Procedures are designed to allocate money based on factors that dictate the costs of water treatment. It is well documented in the scientific literature and well known throughout the public water industry that the costs associated with water treatment consist of 1) capital costs and 2) operations and maintenance costs. Capital costs are mainly driven by the Impacted Water Source's flow rate. Operations and maintenance costs are mainly driven by flow rate and the levels of PFAS in the water. The Allocation Procedures utilize proxies for capital costs and operations and maintenance costs to generate a Base Score for each Impacted Water Source. The Claims Administrator will input the flow rates and PFAS concentrations from the Claims Forms into an EPA-derived formula that calculates a Base Score for each Impacted Water Source.

3. Adjusted Base Scores. Certain Class Members will be eligible for increases, or bumps, to their Base Scores. Based on the Claims Forms submitted, the Claims Administrator will determine if a Class Member is eligible for three available enhancements to the score: the Litigation Bump, the Public Water Provider Bellwether Bump (or Bellwether Bump), and the Regulatory Bump. A Class Member may qualify for none, one, or multiple bumps.

The Litigation Bump applies to all Qualifying Class Members that have a pending lawsuit filed in a state or federal court asserting Claims against 3M related to alleged PFAS contamination of Drinking Water in Public Water Systems. The Bellwether Bump applies to the Impacted Water Sources that are owned or operated by Qualifying Class Members that served as one of the ten Public Water Provider Bellwether Plaintiffs. The Regulatory Bump will apply when an Impacted Water Source exceeds (i) an applicable state Maximum Contaminant Level (MCL) for a PFAS analyte or (ii) the proposed federal MCL for a PFAS analyte. The Claims Administrator will consider all Proposed Federal PFAS MCL and existing state MCLs for PFAS chemicals existing on the date the Court issues a Final Approval to determine if an Impacted Water Source has ever exceeded any applicable standard during the Class Period.

After the Claims Administrator applies the appropriate bumps to each Impacted Water Source, the Claims Administrator will use the new Adjusted Base Scores to determine how much of the Settlement Amount each Impacted Water Source will receive.

4. Settlement Awards. The information required to calculate Settlement Awards is not publicly available and is only obtainable through the Claims Forms submitted by Class Members. Thus, the Settlement Awards that each Class Member will receive are not determinable until the Claims Administrator analyzes all the Claims Forms submitted by the Claims Form deadline. The Settlement website will offer information that will allow all putative Class Members to see a good-faith estimate for an allocation range for each Impacted Water Source.

5. Special Needs Funds. Special Needs Funds will be established by the Claims Administrator for Phase One and Phase Two Qualifying Class Members that have expended monetary resources on extraordinary efforts to address PFAS detections in their Impacted Water Sources. Class Members can file a Special Needs Fund Claims Form to be considered for reimbursement of these expenditures.

6. Supplemental Funds. The Claims Administrator will also establish Phase One and Phase Two Supplemental Funds so that a Qualifying Class Member that did not initially exceed a state or federal MCL when it submitted its Claims Form can request additional funds if it later exceeds a state or federal MCL, and so that a Qualifying Class Member with a Water Source that initially did not have a Qualifying Test Result showing a Measurable Concentration of PFAS and later had such a Qualifying Test Result can request additional funds.

VI. WHO REPRESENTS THE SETTLEMENT CLASS?

The Court has appointed the attorneys from the following law firms to act as counsel for the Class (referred to as "Class Counsel" or "Plaintiffs' Counsel") for purposes of the proposed Settlement:

<p>Scott Summy Baron & Budd, P.C. 3102 Oak Lawn Ave., Ste. 1100 Dallas, Texas 75219</p>	<p>Michael A. London Douglas & London 59 Maiden Lane, 6th Floor New York, NY 10038</p>	<p>Paul J. Napoli Napoli Shkolnik 1302 Av. Ponce de Leon San Juan, Puerto Rico 00907</p>
<p>Elizabeth A. Fegan Fegan Scott LLC 150 S. Wacker Drive, 24th Floor Chicago, IL 60606</p>	<p>Joseph F. Rice Motley Rice LLC 28 Bridgeside Blvd. Mt. Pleasant, SC 29464</p>	

VII. WHAT ARE THE REASONS FOR THE PROPOSED SETTLEMENT?

Class Counsel, Class Representatives, and 3M have engaged in extensive, arm's-length negotiations, including negotiations facilitated by a Court-appointed mediator, and have, subject to the Preliminary and Final Approval of the Court, reached an agreement to settle and release all Released Claims, on the terms and conditions set forth in the Settlement Agreement.

Class Representatives and Class Counsel have concluded, after a thorough investigation and after carefully considering the relevant circumstances, including the Claims asserted, the legal and factual defenses thereto, the applicable law, the burdens, risks, uncertainties, and expense of litigation, as well as the fair, cost-effective, and assured method of resolving the Claims, that it would be in the best interests of Settlement Class Members to participate in the Settlement in order to avoid the uncertainties of litigation and to ensure that the benefits reflected herein are obtained for Settlement Class Members. Further, Class Representatives and Class Counsel consider the Settlement set forth herein to be fair, reasonable, and adequate and in the best interests of Settlement Class Members.

3M, while continuing to deny any violation, wrongdoing, or liability with respect to any and all Claims asserted in the Litigation and all Released Claims, either on its part or on the part of any of the Released Parties, entered into the Settlement Agreement to avoid the expense, inconvenience, and distraction of further litigation.

VIII. WHAT DO YOU NEED TO DO NOW?

YOU CAN PARTICIPATE IN THE SETTLEMENT. You must file a Claims Form to be eligible to receive a payment under the Settlement Agreement. You can submit your Claims Form online at www.PFASWaterSettlement.com, or you can download, complete, and mail your Claims Form to the Claims Administrator at AFFF Public Water System Claims, PO Box 4466, Baton Rouge, Louisiana 70821. The deadline for a Phase One Settlement Class Member to submit a Phase One Public Water System Settlement Claims Form is 60 days following the Effective Date, and the deadline for a Phase Two Settlement Class Member to submit a Phase Two Action Fund Claims Form is **July 31, 2026**.

Regardless of whether you file a Claims Form or receive any distribution under the Settlement, unless you timely opt out as described below, you will be bound by the Settlement and any judgment or other final disposition related to the Settlement, including the Release set forth in the Settlement Agreement, and will be precluded from pursuing Claims against 3M separately if those Claims are within the scope of the Release.

YOU CAN OPT OUT OF THE SETTLEMENT. If you do not wish to be a Settlement Class Member, and do not want to participate in the Settlement and receive funds from the Settlement, you may exclude yourself from the Settlement Class by completing and mailing a notice of intention to opt-out (referred to as a "Request for Exclusion" or an "Opt-Out"). Anyone within the Settlement Class that wishes to opt out of the Settlement Class and Settlement must file a written and signed statement entitled "Request for Exclusion" with the Notice Administrator, provide service in accordance with Federal Rule of Civil Procedure 5, and comply with all Opt-Out provisions of the Settlement Agreement.

To be treated as valid, the Request for Exclusion must be served on the Notice Administrator, the Special Master, the Claims Administrator, Counsel for 3M, and Class Counsel at the addresses below.

Notice Administrator:

In re: Aqueous Film-Forming Foams Products
Liability Litigation
c/o 3M Notice Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

Special Master:

Matthew Garretson
Wolf/Garretson LLC
P.O. Box 2806
Park City, UT 84060

Claims Administrator:

AFFF Public Water System Claims
PO Box 4466
Baton Rouge, LA 70821

Counsel for 3M:

<p>Kevin H. Rhodes Executive Vice President and Chief Legal Affairs Officer Legal Affairs Department 3M Company 3M Center, 220-9E-01 St. Paul, MN 55144-1000</p>	<p>Thomas J. Perrelli Jenner & Block LLP 1099 New York Avenue, N.W., Suite 900 Washington, DC 20001-4412</p>	<p>Richard F. Bulger Mayer Brown LLP 71 South Wacker Drive Chicago, Illinois 60606</p>
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Class Counsel:

<p>Scott Summy Baron & Budd, P.C. 3102 Oak Lawn Ave., Ste. 1100 Dallas, Texas 75219</p>	<p>Michael A. London Douglas & London 59 Maiden Lane, 6th Floor New York, NY 10038</p>	<p>Paul J. Napoli Napoli Shkolnik 1302 Av. Ponce de Leon San Juan, Puerto Rico 00907</p>
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<p>Elizabeth A. Fegan Fegan Scott LLC 150 S. Wacker Drive, 24th Floor Chicago, IL 60606</p>	<p>Joseph F. Rice Motley Rice LLC 28 Bridgeside Blvd. Mt. Pleasant, SC 29464</p>
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The Request for Exclusion must be received by the Notice Administrator no later than **December 11, 2023**.

The Request for Exclusion must certify, under penalty of perjury in accordance with 28 U.S.C. § 1746, that the filer has been legally authorized to exclude the Person from the Settlement and must provide:

- an affidavit or other proof of the Settlement Class Member’s standing;
- the filer’s name, address, telephone, facsimile number and email address (if available); and
- the name, address, telephone number, and e-mail address (if available) of the Person whose exclusion is requested.

Any Person that submits a timely and valid Request for Exclusion shall not (i) be bound by any orders or judgments effecting the Settlement; (ii) be entitled to any of the relief or other benefits provided under the Settlement Agreement; (iii) gain any rights by virtue of the Settlement Agreement; or (iv) be entitled to submit an Objection.

If you own or operate more than one Public Water System and are authorized to determine whether to submit Requests for Exclusion on those Public Water Systems' behalf, you may submit a Request for Exclusion on behalf of some of those Public Water Systems but not the other(s). You must submit a Request for an Exclusion on behalf of each such Public Water System that you wish to opt out of the Settlement Class. Any Public Water System that is not specifically identified in a Request for Exclusion will remain in the Settlement Class.

Any Settlement Class Member that does not submit a timely and valid Request for Exclusion submits to the jurisdiction of the Court and, unless the Settlement Class Member submits an Objection that complies with the provisions of the Settlement Agreement, shall waive and forfeit any and all objections the Settlement Class Member may have asserted.

YOU CAN OBJECT OR TAKE OTHER ACTIONS. Any Settlement Class Member who has not successfully excluded itself ("opted out") may object to the Settlement. Any Settlement Class Member that wishes to object to the Settlement or to an award of fees or expenses to Class Counsel must file a written and signed statement designated "Objection" with the Clerk of the Court, provide service on 3M's Counsel and Class Counsel at the addresses below in accordance with Federal Rule of Civil Procedure 5, and comply with all Objections provisions of the Settlement Agreement. Objections submitted by any Settlement Class Member to incorrect locations shall not be valid.

Clerk of the Court:

Clerk, United States District Court for the
District of South Carolina
85 Broad Street
Charleston, SC 29401

Counsel for 3M:

<p>Kevin H. Rhodes Executive Vice President and Chief Legal Affairs Officer Legal Affairs Department 3M Company 3M Center, 220-9E-01 St. Paul, MN 55144-1000</p>	<p>Thomas J. Perrelli Jenner & Block LLP 1099 New York Avenue, N.W., Suite 900 Washington, DC 20001-4412</p>	<p>Richard F. Bulger Mayer Brown LLP 71 South Wacker Drive Chicago, Illinois 60606</p>
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Class Counsel:

<p>Scott Summy Baron & Budd, P.C. 3102 Oak Lawn Ave., Ste. 1100 Dallas, Texas 75219</p>	<p>Michael A. London Douglas & London 59 Maiden Lane, 6th Floor New York, NY 10038</p>	<p>Paul J. Napoli Napoli Shkolnik 1302 Av. Ponce de Leon San Juan, Puerto Rico 00907</p>
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<p>Elizabeth A. Fegan Fegan Scott LLC 150 S. Wacker Drive, 24th Floor Chicago, IL 60606</p>	<p>Joseph F. Rice Motley Rice LLC 28 Bridgeside Blvd. Mt. Pleasant, SC 29464</p>
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All Objections must certify, under penalty of perjury in accordance with 28 U.S.C. § 1746, that the filer has been legally authorized to object on behalf of the Settlement Class Member and must provide:

- an affidavit or other proof of the Settlement Class Member's standing;
- the filer's name, address, telephone, facsimile number and email address (if available);
- the name, address, telephone, facsimile number and email address (if available) of the Person whose Objection is submitted;
- all objections asserted by the Settlement Class Member and the specific reason(s) for each objection, including all legal support and evidence the Settlement Class Member wishes to bring to the Court's attention;
- an indication as to whether the Settlement Class Member wishes to appear at the Final Fairness Hearing; and
- the identity of all witnesses the Settlement Class Member may call to testify.

The deadline to submit an Objection is **November 11, 2023**.

Settlement Class Members may object either on their own or through any attorney hired at their own expense. If a Settlement Class Member is represented by counsel, the attorney must file a notice of appearance with the Clerk of Court no later than **November 11, 2023**, the date ordered by the Court for the filing of Objections, and serve such notice in accordance with Federal Rule of Civil Procedure 5 within the same time period.

Any Settlement Class Member that fully complies with the provisions for objecting may, at the Court's discretion, appear at the Final Fairness Hearing to object to the Settlement or to the award of fees and costs to Class Counsel. Any Settlement Class Member that fails to comply with the provisions of the Settlement Agreement for objecting shall waive and forfeit any and all objections the Settlement Class Member may have asserted.

IX. WHAT WILL HAPPEN AT THE FINAL FAIRNESS HEARING?

Before deciding whether to grant final approval to the Settlement, the Court will hold the Final Fairness Hearing in Charleston Courtroom #1, J. Waties Waring Judicial Center, 85 Broad Street, Charleston, South Carolina 29401, on **February 2, 2024, at 10:00 a.m. EST**. At that time, the Court will determine, among other things, (i) whether the Settlement should be granted final approval as fair, reasonable, and adequate, (ii) whether the Action should be dismissed with prejudice pursuant to the terms of the Settlement Agreement, (iii) whether the Settlement Class should be conclusively certified for settlement purposes only, (iv) whether Settlement Class Members should be bound by the Release set forth in the Settlement Agreement, (v) the amount of attorneys' fees and costs to be awarded to Class Counsel, if any, and (vi) the amount of the award to be made to the Class Representatives for their services, if any. The Final Fairness Hearing may be postponed, adjourned, or continued by Order of the Court without further notice to the Class.

X. HOW CAN YOU GET ADDITIONAL INFORMATION ABOUT THE ACTION, THE PROPOSED SETTLEMENT, THE SETTLEMENT AGREEMENT, OR THE NOTICE?

The descriptions of the Action, the Settlement, and the Settlement Agreement in this Notice are only a general summary. In the event of a conflict between this Notice and the Settlement Agreement, the terms of the Settlement Agreement control. All papers filed in this case, including the full Settlement Agreement, are available for you to inspect and copy (at your cost) at the office of the Clerk of Court, the Settlement website, or online through the Court's electronic docket. A copy of the Settlement Agreement may also be obtained from Class Counsel by contacting them at the addresses or telephone numbers set forth above. Any questions concerning this Notice, the Settlement Agreement, or the Settlement may be directed to Class Counsel. You may also seek the advice and counsel of your own attorney, at your own expense, if you desire.

DO NOT WRITE OR TELEPHONE THE COURT, THE CLERK'S OFFICE, OR DEFENDANT WITH ANY QUESTIONS ABOUT THIS NOTICE, THE SETTLEMENT, OR THE SETTLEMENT AGREEMENT.

XI. WHAT ARE THE ADDRESSES YOU MAY NEED?

If to the Notice Administrator:

In re: Aqueous Film-Forming Foams Products
Liability Litigation
c/o 3M Notice Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

If to the Claims Administrator:

AFFF Public Water System Claims
PO Box 4466
Baton Rouge, LA 70821

If to the Clerk of the Court:

Clerk, United States District Court for the
District of South Carolina
85 Broad Street
Charleston, SC 29401

If to the Special Master:

Matthew Garretson
Wolf/Garretson LLC
P.O. Box 2806
Park City, UT 84060

If to the Class Representatives, Class Counsel, or Settlement Class Members:

<p>Scott Summy Baron & Budd, P.C. 3102 Oak Lawn Ave., Ste. 1100 Dallas, Texas 75219</p>	<p>Michael A. London Douglas & London 59 Maiden Lane, 6th Floor New York, NY 10038</p>	<p>Paul J. Napoli Napoli Shkolnik 1302 Av. Ponce de Leon San Juan, Puerto Rico 00907</p>
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<p>Elizabeth A. Fegan Fegan Scott LLC 150 S. Wacker Drive, 24th Floor Chicago, IL 60606</p>	<p>Joseph F. Rice Motley Rice LLC 28 Bridgeside Blvd. Mt. Pleasant, SC 29464</p>
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If to Counsel for 3M:

<p>Kevin H. Rhodes Executive Vice President and Chief Legal Affairs Officer Legal Affairs Department 3M Company 3M Center, 220-9E-01 St. Paul, MN 55144-1000</p>	<p>Thomas J. Perrelli Jenner & Block LLP 1099 New York Avenue, N.W., Suite 900 Washington, DC 20001-4412</p>	<p>Richard F. Bulger Mayer Brown LLP 71 South Wacker Drive Chicago, Illinois 60606</p>
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XII. WHAT YOU MUST INCLUDE IN ANY DOCUMENT YOU SEND REGARDING THE ACTION.

In sending any document to the Notice Administrator, Claims Administrator, the Court, Class Counsel, or 3M's Counsel, you must include the following case name and identifying number on any documents and on the outside of the envelope:

In re: *Aqueous Film-Forming Foams Products Liability Litigation*, MDL No. 2:18-mn-2873-RMG (D.S.C.), this document relates to: *City of Camden, et al., v. 3M Company*, No. 2:23-cv-03147-RMG.

You must also include your full name, address, email address, and a telephone number where you can be reached.

XIII. WHAT IMPORTANT DEADLINES YOU NEED TO KNOW.

Deadline Description	Deadline Date
Deadline to Object	11/11/2023
Deadline to Opt Out	12/11/2023
Court's Final Fairness Hearing	2/2/2024 at 10:00 a.m. EST
Phase One Public Water System Claims Form	60 Days after the Effective Date
Phase One Special Needs Claims Form	45 Days after the Phase One Public Water System Claims Form Deadline
Phase Two Testing Compensation Claims Form	1/1/2026
Phase Two Action Fund Claims Form	7/31/2026
Phase Two Special Needs Claims Form	8/1/2026
Phase One Supplemental Fund Claims Form	12/31/2030
Phase Two Supplemental Fund Claims Form	12/31/2030

The Honorable Richard M. Gergel
UNITED STATES DISTRICT JUDGE

DATED: 9/12/2023



**AGENDA
BILL
Item 6.C**

2024 Wilson Engineering Rates

DATE SUBMITTED:	November 15, 2023	MEETING DATE:	November 29, 2023
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Wilson Engineering letter dated November 14, 2023		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Wilson Engineering provides on-call engineering services to the District through a professional services agreement executed on September 2, 2021, and effective through July 31, 2026. Per Section 8.4 of the agreement, Wilson Engineering may annually request revision to the approved rates to accommodate inflation and market conditions. Attached is a letter from Wilson Engineering dated November 14, 2023, requesting revision to its rates and fees for 2024.

FISCAL IMPACT

The proposed rates are relatively consistent with inflationary and marketplace values. Because specific services to be performed have yet to be fully defined, actual budgetary impacts are not known at this time.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Infrastructure Strategy & Performance
Product Quality

RECOMMENDED BOARD ACTION

Staff recommends that the Board approve the Wilson Engineering-proposed 2024 rate and fee schedule.

PROPOSED MOTION

A recommended motion is:

“I move to approve rates and fees to be effective January 1, 2024, for professional services performed by Wilson Engineering under the existing on-call professional services contract with the District, as requested in the November 14, 2023, letter from Wilson Engineering.”



November 14, 2023

Justin Clary, General Manager
Lake Whatcom Water and Sewer District
1220 Lakeway Drive
Bellingham, WA 98229

Re: On-Call Engineering Services Contract
Rate Increase Request for 2024

Dear Justin:

Wilson Engineering, LLC respectfully submits the following rate increase request in accordance with Section 8.4 of the On-Call General Engineering Services Contract. The proposed rates for 2024 are presented in the attached 2024 Rate Schedule.

We are also providing a revised list of Key Personnel per Section 2.2 D. The changes include adding several new engineers, a new CAD Technician and a new Senior Survey Technician.

A comparison of the old and new rates is attached. These rates reflect a moderate escalation to cover inflation and our increased costs to retain experienced staff and maintain a competitive benefits package.

We very much enjoy working with the District Board and staff and value our long-term relationship. We look forward to continuing to serve the District with its future engineering needs.

If you have any questions or require any additional information, please don't hesitate to call.

Very Truly Yours,

WILSON ENGINEERING, LLC

Andrew Law, PE
President

Melanie Mankamyer, PE
Principal

Encl. 2024 Billing Rates
2024 Staff List
2023-2024 Rate Comparison

cc: Greg Nicoll, PE, Assistant General Manager / District Engineer

Billing rates for work performed January 1 - December 31, 2024:

Principal Engineer	\$215
Senior Engineer	\$202
Engineer IV	\$192
Engineer III	\$174
Engineer II	\$162
Engineer I	\$149
Environmental / Permit Technician	\$110
Senior CAD Design Technician	\$146
CAD Design Technician	\$116
Inspector I	\$117
Inspector II	\$136
Clerical	\$103
Senior Professional Land Surveyor	\$200
Hydrographer	\$220
Professional Land Surveyor	\$190
Senior Survey Technician	\$140
Survey Technician	\$119
1-Person Survey Crew	\$173
2-Person Survey Crew	\$259
3-Person Survey Crew	\$320
3-D Scanning Survey Crew	\$337
Hydrographic Survey Crew	\$378
1-Person Survey Crew Prevailing Wage	\$217
2-Person Survey Crew Prevailing Wage	\$324
3-Person Survey Crew Prevailing Wage	\$417

Sub-consultants – reimbursed at cost plus 8%

Reimbursable direct expenses – reimbursed at cost plus 8% - include (but are not limited to) the following:

- Project application fees and project permit fees
- Publication of notices
- Reproduction of drawings and construction documents
- Postage and shipping
- Direct expenses for travel, meals and lodging outside of Whatcom and Skagit Counties
- Mileage at project-current IRS mileage rate
- Specialized Equipment Rental, at rental rate



KEY PERSONNEL LIST
Lake Whatcom Water and Sewer District
General Engineering Services

Civil Engineering

Andrew Law, PE	President
Liz Sterling, PE	Senior Project Manager, Principal
Melanie Mankamyer, PE	Senior Project Manager, Principal
Michael Matthes, PE	Senior Project Manager, Principal
Jeff Christner, PE	Senior Project Manager, Principal
Curt Schoenfelder, PE	Senior Project Manager, Principal
Scott Wilson, PE	Senior Project Manager, Principal
Danielle Johnston, PE, LEED AP	Senior Project Manager
Rhett Winter, PE, LEED AP	Senior Project Manager
Brian Smith, PE	Project Engineer / Engineer IV
Bill Hunter, PE	Project Engineer / Engineer IV
Ben Gibson, PE, LEED AP	Project Engineer / Engineer III
Kenna Wurden-Foster, PE	Project Engineer / Engineer III
Matt Kulp, PE	Project Engineer / Engineer II
Mark Wu, PE	Project Engineer / Engineer II
Tracy Svanda, PE	Project Engineer / Engineer II
Ryan Keliher, PE	Project Engineer / Engineer II
Eric Hull, EIT	Design Engineer / Engineer I
Tom Gagliardi, EIT	Design Engineer / Engineer I
Jeff Smith	CAD Manager/Inspector
Benton Seay	CAD Technician
Cheri Pendarvis	CAD Technician
Steve Elliott	Inspector II

Land and Hydrographic Survey

Tom Brewster, PLS	Survey Manager, Principal
Paul Darrow, PLS	Senior Project Surveyor
Bruce Raper	Senior Survey Technician
Colette McNabb	Senior Survey Technician
Renny Beal	Senior Survey Technician
Joe Hertzog	Senior Survey Technician

Administrative Staff

Diana McLean	Accounting Manager
Tom Dorr	Business Development Manager
Analise Bos	Marketing Development Manager
Anthony Cavender	Marketing Coordinator



Rate Comparison between 2023 and 2024:

Billing	2023 RATE	2024 RATE	Approx. Increase
Principal Engineer I	\$192	\$215	11.98%
Senior Engineer	\$186	\$202	8.60%
Engineer IV	\$174	\$192	10.34%
Engineer III	\$162	\$174	7.41%
Engineer II	\$150	\$162	8.00%
Engineer I	\$138	\$149	7.97%
Environmental /Permit Technician	\$102	\$110	7.84%
Senior CAD Design Technician	\$122	\$146	19.67%
CAD Design Technician	\$100	\$116	16.00%
Inspector I	\$108	\$117	8.33%
Inspector II	\$126	\$136	7.94%
Clerical	\$85	\$103	21.18%
Senior Professional Land Surveyor	\$184	\$200	8.70%
Hydrographer	\$200	\$220	10.00%
Professional Land Surveyor	\$176	\$190	7.95%
Senior Survey Technician	\$136	\$140	2.94%
Survey Technician	\$110	\$119	8.18%
1-Person Survey Crew	\$160	\$173	8.13%
2-Person Survey Crew	\$240	\$259	7.92%
3-Person Survey Crew	\$296	\$320	8.11%
3-D Scanning Survey Crew	\$312	\$337	8.01%
Hydrographic Survey Crew	\$350	\$378	8.00%
1-Person Survey Crew Prevailing Wage	\$190	\$217	14.21%
2-Person Survey Crew Prevailing Wage	\$300	\$324	8.00%
3-Person Survey Crew Prevailing Wage	\$386	\$417	8.03%





AGENDA **Division 7 Reservoir Replacement**
BILL **Project Tree Falling Public Works**
Item 6.D **Contract Close Out**

DATE SUBMITTED:	November 15, 2023	MEETING DATE:	November 29, 2023
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	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

This project consisted of falling 58 mature trees located within the footprint of the future Division 7 water reservoirs in advance of the migratory bird nesting season (to comply with the federal Migratory Birds Act). Tree removal will be conducted under the Division 7 Reservoir Replacement Project construction contract, which is anticipated to begin after the Lake Whatcom Watershed land disturbance window opens on June 1, 2024.

The District awarded the public works contract to Rawls Tree Service LLC on October 11, 2023. The contractor completed all work and contract requirements the week of November 6th. Staff recommends accepting the project as complete and closing out the public works contract.

FISCAL IMPACT

The contractor completed the work for the original contract amount of \$26,064.00 (including 8.6% sales tax). This cost is included in the 2023-24 Budget.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Infrastructure Strategy and Performance
Enterprise Resiliency

RECOMMENDED BOARD ACTION

Staff recommends accepting the project as complete and closing out the public works contract.

PROPOSED MOTION

Recommended motion is:

“I move to accept the Division 7 Reservoir Replacement Project Tree Falling public works contract performed by Rawls Tree Service LLC as complete and authorize staff to close out the public works contract.”



**AGENDA
BILL
Item 8.A**

**General Manager's
Report**

DATE SUBMITTED:	November 22, 2023	MEETING DATE:	November 29, 2023
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL	<i>Justin Clary</i>		
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, November 29, 2023 – 8:00 a.m.

Important Upcoming Dates

Lake Whatcom Water & Sewer District			
Regular Board Meeting	Wed Dec 13, 2023	6:30 p.m.	Board Room/Hybrid
Employee Staff Meeting	Thu Dec 14, 2023	8:00 a.m.	Board Room/Hybrid Commissioner Knakal to attend
Investment Comm. Meeting	Wed Nov 29, 2023	10:00 a.m.	Board Room/Hybrid
Safety Committee Meeting	Thur Nov 22, 2023	8:00 a.m.	Board Room
Lake Whatcom Management Program			
Policy Group Meeting	Wed Dec 6, 2023	3:00 p.m.	City of Bellingham Pacific St Ops Center, Rm 111/Hybrid
Joint Councils Meeting	March 2024	TBD	TBD
Other Meetings			
WASWD Section III Meeting	Thur Dec 12, 2023	6:00 p.m.	Bob’s Burgers 8822 Quil Ceda Pkwy, Tulalip, WA
Whatcom Water Districts Caucus Meeting	Wed Dec 20, 2023	2:00 p.m.	Remote Attendance
Whatcom County Council of Governments Board Meeting	Wed Dec 13, 2023	3:30 p.m.	Council of Governments Offices 314 E Champion Street/Hybrid

Committee Meeting Reports

Safety Committee:

- The committee met on November 22; discussion included status of office safety items and safety programs currently under review, and identification of 2024 office/crew committee representatives.

Investment Committee:

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

Upcoming Board Meeting Topics

- The Firs sewer bill reconciliation appeal
- Amendment No. 2 to the 2023-24 Budget
- Euclid sewer lift station improvements project contract closeout
- Division 7 Reservoir Replacement Project FEMA hazard mitigation grant amendment
- Division 7 Reservoir Replacement Project Wilson professional services agreement amendment
- 2024 non-represented staff cost-of-living-adjustment approval
- Public Works Board Division 7 reservoir construction loan agreement approval
- Oath of office for Board Position Nos. 1, 2, 4, and 5
- Election of 2024 Board officers

- Appointment of 2024 investment committee representatives
- Appointment of 2024 Whatcom Council of Governments and Lake Whatcom Management Program policy group representatives

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 has conducted calls with other local government managers that have implemented performance management processes. With no assigned budget, administrative processes are being reviewed internally to identify optimization opportunities.

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 conducted throughout 2023; J Dahlstrom attended the Evergreen Rural Water Assoc. annual conference and has begun management training through the year-long 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; in the process of executing a personal services agreement for purchase and implementation of the selected ECM.

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 seven (7) programs (hand & power tools, flagging & traffic control, securing loads, accident investigation, welding, cutting and brazing, construction equipment, and sodium hypochlorite handling) and is reviewing the meter reading 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 August 16 regarding participating agency status in implementation of the actions defined in the Whatcom County Natural Hazards Mitigation Plan.

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. District management and IT consultant are in the process of prioritizing and implementing system improvements to address each action identified in the assessment.

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 review.

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 Commitment to Excellence award), July 20 (Lake Louise Rd forcemain wastewater overflow), and October 9 (Greg Nicoll hire).

Intergovernmental Relations

- *J Clary presented on the Whatcom Water Alliance before the Whatcom County Council on November 8.*
- *J Clary attended the WASWD government relations committee meeting (virtual) on November 9.*
- *J Clary attended the WASWD Section III meeting in Marysville on November 14.*
- *J Clary attended the WASWD extreme heat service disconnection reporting meeting (virtual) on November 20.*
- *J Clary is scheduled to meet with Whatcom County Health Department staff on November 29 regarding sewage overflow public notification protocols.*

Lake Whatcom Water Quality

Lake Whatcom Management Program

- Participate in meetings of Lake Whatcom Management Program partners.
J Clary attended the data group meeting on November 9 and the interjurisdictional coordinating team meeting on November 16.



**AGENDA
BILL
Item 8.B**

**Engineering Department
Report**

DATE SUBMITTED:	November 22, 2023	MEETING DATE:	November 29, 2023	
TO: BOARD OF COMMISSIONERS		FROM: Greg Nicoll, Engineering Manager/District Engineer		
GENERAL MANAGER APPROVAL				
ATTACHED DOCUMENTS		1. Engineering Department Report		
		2. Summary of District Projects		
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 regarding District projects and current priorities in advance of the Board meeting.

FISCAL IMPACT

None.

RECOMMENDED BOARD ACTION

None required.

PROPOSED MOTION

None.



Lake Whatcom Water & Sewer District Engineering Department Report

Prepared for the November 29, 2023 Board Meeting
Data Compiled November, 2023 by RH, RM, KH

Status of Water System Capacities				
	South Shore ID# 95910	Eagleridge ID# 08118	Agate Heights ID# 52957	Johnson Well ID# 04782
DOH Approved ERUs	**	85	81	2
Connected ERUs	3969	70	45	2
Remaining Capacity (ERUs)	**	15	36	0
Permitted ERUs Under Construction	32	0	1	0
Pre-paid Connection Certificates & Expired Permits	12	0	3	0
Water Availabilities (trailing 12 months)	44	0	0	0
Subtotal - Commitments not yet connected	96	0	4	0
Available ERUs	**	15	32	0

** Per DOH, water system capacity is sufficient for buildout. Oct 2018

Agate Heights approved ERUs increased from 57 to 81 with DOH approval on August 10, 2021

Annual Reports		
Name Of Report	Deadline	Completed
Report Number of Sewer ERUs to City of Bellingham Prepared by: Bill Hunter	January 15	January 24, 2023
Other Reports		
Name Of Report	Deadline	Last Completed
Water Right Permit No. G1-22681 Development Extension	Due Every 5 Years Next Due February 15, 2023	Time Extension Request sent to Ecology January 31, 2023
Water Right Permit No. S1-25121 Development Extension	Due Every 5 Years Next Due March 30, 2023	Time Extension Request sent to Ecology January 31, 2023

Summary of District Projects

Report Prepared 08/23/2023

Project	Authorized	Budget	Current	Spent	Amount	2023 Schedule												
Number	Project Title / Tasks	Budget	Adjustments	Budget	to Date	Remaining	J	F	M	A	M	J	J	A	S	O	N	D
C 1802	Dellesta, Edgewater & Euclid Sewer Pump Stations	\$1,816,583		\$1,816,583	\$1,699,104	\$117,479												
C 1909	Little Strawberry Bridge Water Main Slip Line with HDPE	\$20,000	\$18,365	\$1,635	\$1,635	\$0												
C 2006	SCADA Telemetry - Managed Ethernet Switches	\$20,000	\$3,740	\$16,260	\$16,263	\$3												
C 2012	Austin-Fremont PRV Rebuild	\$10,000	\$3,300	\$13,300	\$13,279	\$21												
C 2106	SVWTP to SVPS Telemetry Comm Study, Testing	\$10,000		\$10,000	\$4,224	\$5,776												
C 2109	Geneva Res Valve for Emergency Isolation	\$10,000		\$10,000	\$5,650	\$4,350												
C 2111	Div 7 Reservoir Replacement	\$1,192,292		\$1,192,292	\$330,806	\$861,486												
C 2112	Rocky Ridge & Lakewood Sewer Pump Station Improvements	\$2,116,353		\$2,116,353	\$206,357	\$1,909,996												
C 2113	Flat Car Reverse Flow to SVPS - Design & Permitting	\$153,000		\$153,000	\$20,592	\$132,408												
M 2120C	Nov 2021 Flood Event - Emergency Response & Recovery	\$0	\$272,000	\$272,000	\$271,929	\$71												
C 2202	Replace Sewer Camera Equipment	\$150,000		\$150,000	\$0	\$150,000												
C 2203	Div 30 Booster and SVSP PLC and UPS Improvements	\$224,643	\$100,000	\$324,643	\$40,539	\$284,104												
C 2203.1	RH2 Design, SDC, Programming	\$94,643		\$94,643	\$40,539	\$54,104												
C 2203.2	Construction	\$130,000	\$100,000	\$230,000	\$0	\$230,000												
M 2207	UPS and Battery Backup Mods (Various stations)	\$15,000		\$15,000	\$0	\$15,000												
M 2208	Tomb SPS Control Panel Mods	\$8,000		\$8,000	\$0	\$8,000												
A 2210	Reservoir and WTP Site Security Assessment and Plan	\$50,000		\$50,000	\$0	\$50,000												
C 2211	South Geneva Booster Standby Generator and ATS	\$60,000		\$60,000	\$39,836	\$20,164												
C 2213	Pinto Creek PRV Replacement (labor by District crew)	\$14,000	\$2,240	\$16,240	\$16,238	\$2												
A 2214	Lead Service Line Inventory	\$15,000		\$15,000	\$0	\$15,000												
C 2216	Replace Tool Truck	\$75,000	\$9,500	\$65,500	\$60,801	\$4,699												
M 2218	Spare PLC Components	\$20,000		\$20,000	\$0	\$20,000												
G 2219	4000 Gal Diesel Fuel Tank at Shop	\$20,000	\$20,000	\$0	\$0	\$0												
M 2226	Div 30 Reservoir Removal of Hazard Trees	\$20,000	\$15,000	\$35,000	\$34,904	\$96												
A 2228	Agate Area Wells Exhibits and Mapping	\$5,400	\$3,000	\$2,400	\$2,414	\$14												
M 2230	Scenic Ave Intertie Valve Repair	\$60,000	\$6,500	\$53,500	\$53,523	\$23												
C 2231	Stand-alone Temporary Control Panel	\$20,000		\$20,000	\$0	\$20,000												
C 2304	LWBI-CIPP Renewal Project Priority 1 (2023)	\$185,000		\$185,000	\$144,703	\$40,298												
C 2302	Sewer System Rehab and Replacement Projects (2023+2024)	\$232,000		\$232,000	\$80,939	\$151,061												
C 2302.1	C2302-A Pro-Vac Sewer Repairs WO#1	\$63,000		\$63,000	\$60,990	\$2,010												
C 2302.2	C2302-B LWB Sewer MH Rehab & Misc Repairs	\$0		\$0	\$17,937	\$17,937												
C 2302.3	C2302-C Austin SPS Flow Meter	\$0		\$0	\$0	\$0												
C 2302.4	C2302-D Ranch House SPS Gate & Ball Valves	\$2,100		\$2,100	\$2,012	\$88												
C 2303	SVWTP Alum System Improvements (2023)	\$88,000		\$88,000	\$19,584	\$68,416												
C 2304	Eagleridge Diesel Fuel Tank Replacement (2023)	\$6,000		\$6,000	\$0	\$6,000												
M 2305	Stationary Generator Maintenance and Load Testing	\$88,000	\$3,900	\$84,100	\$84,099	\$1												
C 2306	Replace Tool Truck (2024)	\$98,000		\$98,000	\$0	\$98,000												
C 2307	Eagleridge Replace High Flow Pump Control Panel (2024)	\$116,000		\$116,000	\$0	\$116,000												
C 2308	Div30 Reservoir Impressed Current Cathodic Protection (2024)	\$36,000		\$36,000	\$0	\$36,000												
M 2309	Reservoir Internal Inspection, Cleaning, Maint (2024)	\$41,000		\$41,000	\$0	\$41,000												
C 2310	SVWTP Replace 5 Flow Meters - Filters & Backwash (2024)	\$26,000		\$26,000	\$0	\$26,000												
C 2311	Auto Flushers - Wood Rush and Big Leaf (2024)	\$12,000		\$12,000	\$0	\$12,000												
M 2312	Electrical On-Call Unit Price Contract	\$0		\$0	\$0	\$0												
A 2313	Vac Truck and Shop Doors Repairs	\$0	\$30,640	\$30,640	\$30,625	\$15												
M 2314	Scenic Intertie Water Main Replacement	\$0		\$0	\$0	\$0												
M 2315	Mitigation Report/Maint at Country Club, Geneva (2023)	\$0	\$4,500	\$4,500	\$4,531	\$31												
C 2316	SVWTP CCB FEMA Hazard Mitigation Grant Application	\$0	\$1,600	\$1,600	\$1,594	\$6												
C 2320	Low Flow PRV Replacements	\$25,000		\$25,000	\$0	\$25,000												


NOTATION LEGEND

- A _____ Administrative Project
- C _____ Capital Project
- M _____ Maintenance Project
- Sewer Project (Green Font)
- Water Project (Blue Font)
- Sewer and Water Project (Black Font)
- p Planned (labor not started)
- a Active (labor underway)
- c Completed (no further labor needed)
- t Target Completion



**AGENDA
BILL
Item 8.C**

**Finance Department
Report**

DATE SUBMITTED:	November 7, 2023	MEETING DATE:	November 29, 2023
TO: BOARD OF COMMISSIONERS	FROM: Jennifer Signs, Finance Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. October 2023 Financial Report		
	2. October 2023 Cash & Investment Summary		
	3. October 2023 Utility Account Adjustments		
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 regarding District finances in advance of the Board meeting.

FISCAL IMPACT

None

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Financial Viability

RECOMMENDED BOARD ACTION

None required.

PROPOSED MOTION

None

2023 BUDGET POSITION

Lake Whatcom W-S District

Time: 14:39:29 Date: 11/07/2023

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401 Water Fund

Revenues	Amt Budgeted	October	YTD	Remaining	
330 State Generated Revenues					
331 97 10 00 Federal Awards	1,996,000.00	0.00	0.00	1,996,000.00	100.0%
330 State Generated Revenues	1,996,000.00	0.00	0.00	1,996,000.00	100.0%
340 Charges For Services					
343 40 10 00 Water Sales Metered	3,025,251.00	307,488.66	2,522,683.20	502,567.80	16.6%
343 40 20 01 DEA Permits - Water	10,000.00	0.00	11,050.00	(1,050.00)	0.0%
343 41 10 01 General Facilities Charges - Water	117,702.00	1,130.99	207,041.65	(89,339.65)	0.0%
340 Charges For Services	3,152,953.00	308,619.65	2,740,774.85	412,178.15	13.1%
350 Fines & Forfeitures					
359 81 10 00 Combined Fees	8,500.00	34.79	14,440.42	(5,940.42)	0.0%
359 90 00 00 Late Fees	60,000.00	5,430.62	52,936.69	7,063.31	11.8%
350 Fines & Forfeitures	68,500.00	5,465.41	67,377.11	1,122.89	1.6%
360 Misc Revenues					
361 11 00 00 Investment Interest	80,053.00	8,104.34	62,540.24	17,512.76	21.9%
369 91 01 00 Miscellaneous	1,000.00	0.00	3,033.60	(2,033.60)	0.0%
360 Misc Revenues	81,053.00	8,104.34	65,573.84	15,479.16	19.1%
390 Other Revenues					
391 80 00 01 Intergovernmental Loans	800,000.00	0.00	0.00	800,000.00	100.0%
395 20 00 01 Compensation For Loss/Impairment Of Capital Asset	9,750.00	4,109.50	13,857.08	(4,107.08)	0.0%
390 Other Revenues	809,750.00	4,109.50	13,857.08	795,892.92	98.3%
397 Interfund Transfers					
397 10 00 01 Transfers In	50,000.00	0.00	0.00	50,000.00	100.0%
397 Interfund Transfers	50,000.00	0.00	0.00	50,000.00	100.0%
Fund Revenues:	6,158,256.00	326,298.90	2,887,582.88	3,270,673.12	53.1%

Expenditures	Amt Budgeted	October	YTD	Remaining	
534 Water Utilities					
534 10 10 00 Water - Gen Admin Payroll	358,585.00	23,312.22	278,116.62	80,468.38	22.4%
534 10 20 00 Water - Gen Admin Personnel Benefits	183,579.00	9,749.99	112,766.01	70,812.99	38.6%
534 10 31 00 Water - Gen Admin Supplies	9,000.00	69.73	6,293.95	2,706.05	30.1%
534 10 31 01 Water - Meetings/Team building	3,500.00	78.41	2,181.91	1,318.09	37.7%
534 10 40 00 Water - Merchant Services Fees	15,000.00	2,594.28	13,713.74	1,286.26	8.6%
534 10 40 01 Water - Bank Fees	1,400.00	56.00	273.26	1,126.74	80.5%
534 10 41 00 Water - Quality Assurance Programs	74,500.00	0.00	10,734.20	63,765.80	85.6%
534 10 41 01 Water - Gen Admin Prof Srvc	130,052.00	10,419.33	107,570.71	22,481.29	17.3%
534 10 41 02 Water- Engineering Srvc	14,000.00	0.00	4,668.76	9,331.24	66.7%

2023 BUDGET POSITION

Lake Whatcom W-S District

Time: 14:39:29 Date: 11/07/2023

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401 Water Fund

Expenditures	Amt Budgeted	October	YTD	Remaining		
534 Water Utilities						
534 10 41 03	Water - Legal Srvc	31,000.00	1,174.50	14,068.25	16,931.75	54.6%
534 10 41 04	Water - DEA Expenditures	10,000.00	3,846.00	6,557.46	3,442.54	34.4%
534 10 42 00	Water - Admin Communication	33,000.00	1,536.07	25,180.63	7,819.37	23.7%
534 10 43 00	Water - Software/IT Subscriptions	67,620.00	2,326.24	54,186.22	13,433.78	19.9%
534 10 46 00	Water - Gen Admin Insurance	108,700.00	95,194.50	98,619.24	10,080.76	9.3%
534 10 49 00	Water - Gen Admin Misc	200.00	0.00	104.50	95.50	47.8%
534 10 49 01	Water-Memberships/Dues/Permits	20,000.00	318.50	15,836.51	4,163.49	20.8%
534 10 49 02	Water - Taxes	157,986.00	15,987.42	129,670.00	28,316.00	17.9%
534 40 43 00	Water - Admin Training &Travel	13,000.00	970.00	7,748.75	5,251.25	40.4%
534 40 43 01	Water- Tuition Reimbursement	500.00	0.00	0.00	500.00	100.0%
534 50 31 00	Water - Maintenance Supplies	115,000.00	5,108.51	89,081.71	25,918.29	22.5%
534 50 31 01	Water- Small Assets	50,100.00	5,326.26	34,534.87	15,565.13	31.1%
534 50 48 00	Water - Repair & Maint	115,000.00	239.39	97,591.91	17,408.09	15.1%
534 50 49 00	Water - Insurance Claims	3,500.00	0.00	3,417.75	82.25	2.4%
534 60 41 00	Water - Operations Contracted (Edge Analytical)	12,000.00	1,035.00	8,105.62	3,894.38	32.5%
534 60 47 00	Water - City of Bellingham	57,200.00	5,560.79	44,238.54	12,961.46	22.7%
534 80 10 00	Water - Operations Payroll	669,866.00	47,114.39	518,456.73	151,409.27	22.6%
534 80 20 00	Water - Operations Personnel Benefits	287,136.00	21,506.94	218,692.91	68,443.09	23.8%
534 80 32 00	Water - Operations Fuel	25,200.00	3,420.11	22,170.69	3,029.31	12.0%
534 80 35 00	Water - Safety Supplies	10,000.00	10.56	4,421.32	5,578.68	55.8%
534 80 35 01	Water - Safety Boots	1,400.00	173.80	998.22	401.78	28.7%
534 80 35 02	Water - Emergency Preparedness	3,000.00	588.39	588.39	2,411.61	80.4%
534 80 43 00	Water - Operation Training/Travel/Certifications	13,000.00	2,485.00	10,236.87	2,763.13	21.3%
534 80 47 00	Water - Ops Utilities	140,500.00	10,970.57	123,854.96	16,645.04	11.8%
534 80 49 00	Water - Operations Laundry	2,000.00	95.64	1,108.64	891.36	44.6%
534 Water Utilities		2,736,524.00	271,268.54	2,065,789.85	670,734.15	24.5%
580 Non Expenditures						
589 99 99 99	Payroll Benefit Liabilities	0.00	4,211.04	1,546.95	(1,546.95)	0.0%
580 Non Expenditures		0.00	4,211.04	1,546.95	(1,546.95)	0.0%
591 Debt Service						
591 34 77 01	Geneva AC Mains Principal	119,938.00	0.00	119,937.50	0.50	0.0%
591 34 77 02	Div 22 Reservoir Principal	65,475.00	0.00	65,474.71	0.29	0.0%
591 34 80 01	Water Debt Lease Payment	400.00	0.00	263.25	136.75	34.2%
592 34 83 01	Geneva AC Mains Interest	23,388.00	0.00	23,387.81	0.19	0.0%
592 34 83 02	Div 22 Reservoir Interest	14,732.00	0.00	14,731.81	0.19	0.0%
591 Debt Service		223,933.00	0.00	223,795.08	137.92	0.1%
594 Capital Expenditures						
594 34 60 01	Capital Outlay - Budget Only	3,409,181.00	0.00	0.00	3,409,181.00	100.0%
594 34 62 01	Capital Projects - Water Structures	0.00	50,688.34	280,607.68	(280,607.68)	0.0%
594 34 63 01	Capital Projects - Water System	0.00	724.45	127,675.23	(127,675.23)	0.0%
594 34 64 01	Capital Outlay - Water Equipment	0.00	0.00	54,599.30	(54,599.30)	0.0%

2023 BUDGET POSITION

Lake Whatcom W-S District

Time: 14:39:29 Date: 11/07/2023

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401 Water Fund

Expenditures	Amt Budgeted	October	YTD	Remaining	
594 Capital Expenditures					
594 34 70 01 Capital Outlay - Water Installment Purchase Payments	0.00	0.00	2,636.83	(2,636.83)	0.0%
594 Capital Expenditures	3,409,181.00	51,412.79	465,519.04	2,943,661.96	86.3%
Fund Expenditures:	6,369,638.00	326,892.37	2,756,650.92	3,612,987.08	56.7%
Fund Excess/(Deficit):	(211,382.00)	(593.47)	130,931.96		

2023 BUDGET POSITION

Lake Whatcom W-S District

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402 Sewer Fund

Revenues	Amt Budgeted	October	YTD	Remaining		
330 State Generated Revenues						
331 97 10 02	Federal Awards	130,000.00	0.00	0.00	130,000.00	100.0%
333 97 00 00	Federal Indirect Grant Homeland Security	342,000.00	0.00	341,986.79	13.21	0.0%
334 01 80 00	State Grant From Military Department	19,000.00	0.00	18,999.26	0.74	0.0%
330 State Generated Revenues		491,000.00	0.00	360,986.05	130,013.95	26.5%

340 Charges For Services

343 50 11 00	Sewer Service Residential	4,591,264.00	390,779.15	3,987,041.24	604,222.76	13.2%
343 50 19 00	Sewer Service Other	5,340.00	225.55	3,660.43	1,679.57	31.5%
343 51 10 02	General Facilities Charges - Sewer	119,340.00	1,131.00	251,764.29	(132,424.29)	0.0%
340 Charges For Services		4,715,944.00	392,135.70	4,242,465.96	473,478.04	10.0%

360 Misc Revenues

361 11 00 02	Investment Interest	80,053.00	8,104.34	62,540.20	17,512.80	21.9%
361 40 00 02	ULID 18 Interest/Penalties	2,531.00	0.00	1,550.26	980.74	38.7%
368 10 00 02	ULID 18 Principal Payments	5,444.00	0.00	3,571.01	1,872.99	34.4%
369 10 00 02	Sale Of Surplus	1,000.00	0.00	0.00	1,000.00	100.0%
369 40 00 02	Project Reimbursement	4,141.00	0.00	4,141.96	(0.96)	0.0%
369 91 01 02	Miscellaneous	1,000.00	0.00	3,033.58	(2,033.58)	0.0%
360 Misc Revenues		94,169.00	8,104.34	74,837.01	19,331.99	20.5%

390 Other Revenues

395 20 00 02	Compensation For Loss/Impairment Of Capital Assets	9,750.00	4,109.50	13,857.07	(4,107.07)	0.0%
390 Other Revenues		9,750.00	4,109.50	13,857.07	(4,107.07)	0.0%

397 Interfund Transfers

397 10 00 02	Transfers In	50,000.00	0.00	0.00	50,000.00	100.0%
397 Interfund Transfers		50,000.00	0.00	0.00	50,000.00	100.0%

Fund Revenues:	5,360,863.00	404,349.54	4,692,146.09	668,716.91	12.5%
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Expenditures	Amt Budgeted	October	YTD	Remaining		
535 Sewer						
535 10 10 00	Sewer - Admin Payroll	358,585.00	23,312.18	278,115.94	80,469.06	22.4%
535 10 20 00	Sewer - Gen Admin Personnel Benefits	162,646.00	9,749.63	112,763.22	49,882.78	30.7%
535 10 31 00	Sewer - Gen Admin Supplies	9,000.00	69.72	6,169.96	2,830.04	31.4%
535 10 31 01	Sewer - Meetings/Team Building	3,500.00	78.43	2,174.05	1,325.95	37.9%
535 10 40 00	Sewer -Merchant Services Fees	15,000.00	2,594.27	13,713.72	1,286.28	8.6%
535 10 40 01	Sewer - Bank Fees	1,400.00	56.00	265.27	1,134.73	81.1%
535 10 41 01	Sewer - Gen Admin Prof Srvc	130,025.00	8,604.18	94,965.11	35,059.89	27.0%
535 10 41 02	Sewer - Engineering Srvc	14,000.00	0.00	3,512.77	10,487.23	74.9%
535 10 41 03	Sewer - Legal Srvc	31,000.00	4,397.00	17,290.75	13,709.25	44.2%
535 10 41 04	Sewer - DEA Expenditures	1,300.00	3,846.00	5,141.46	(3,841.46)	0.0%

2023 BUDGET POSITION

Lake Whatcom W-S District

Time: 14:39:29 Date: 11/07/2023

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402 Sewer Fund

Expenditures	Amt Budgeted	October	YTD	Remaining		
535 Sewer						
535 10 42 00	Sewer - Admin Communication	33,000.00	1,536.04	25,342.63	7,657.37	23.2%
535 10 43 00	Sewer - Software/IT Subscriptions	67,620.00	141.33	52,001.26	15,618.74	23.1%
535 10 46 00	Sewer - Gen Admin Insurance	108,700.00	95,194.50	98,619.26	10,080.74	9.3%
535 10 49 00	Sewer - Gen Admin Misc	200.00	0.00	79.50	120.50	60.3%
535 10 49 01	Sewer - Memberships/Dues/Permits	14,700.00	318.50	9,234.76	5,465.24	37.2%
535 10 49 02	Sewer - Taxes	115,000.00	10,973.82	92,944.71	22,055.29	19.2%
535 40 43 00	Sewer - Gen Admin TrainIng &Travel	13,000.00	969.98	7,752.68	5,247.32	40.4%
535 40 43 01	Sewer - Tuition Reimbursement	500.00	0.00	0.00	500.00	100.0%
535 50 31 00	Sewer - Maintenance Supplies	45,000.00	1,957.99	31,386.56	13,613.44	30.3%
535 50 31 01	Sewer - Small Assets	45,100.00	5,228.17	13,941.77	31,158.23	69.1%
535 50 48 00	Sewer - Repair & Maint	135,000.00	239.41	101,232.00	33,768.00	25.0%
535 50 49 00	Sewer - Insurance Claims	2,500.00	0.00	0.00	2,500.00	100.0%
535 60 47 00	Sewer - City of Bellingham	897,600.00	39,327.78	595,193.88	302,406.12	33.7%
535 80 10 00	Sewer - Operations Payroll	568,194.00	43,588.81	438,328.22	129,865.78	22.9%
535 80 20 00	Sewer - Operations Personnel Benefits	254,395.00	19,861.46	182,756.77	71,638.23	28.2%
535 80 32 00	Sewer - Operations Fuel	25,200.00	3,420.11	22,216.41	2,983.59	11.8%
535 80 35 00	Sewer - Safety Supplies	10,000.00	10.57	6,346.08	3,653.92	36.5%
535 80 35 01	Sewer - Safety Boots	1,400.00	173.79	998.17	401.83	28.7%
535 80 35 02	Sewer - Emergency Preparedness	5,000.00	588.39	3,752.63	1,247.37	24.9%
535 80 43 00	Sewer - Operations Training/Travel/Certification	13,000.00	2,485.00	8,370.00	4,630.00	35.6%
535 80 47 00	Sewer - Ops Utilities	136,602.00	8,644.39	106,815.93	29,786.07	21.8%
535 80 49 00	Sewer - Operations Laundry	2,500.00	143.52	1,629.53	870.47	34.8%
535 Sewer		3,220,667.00	287,510.97	2,333,055.00	887,612.00	27.6%
591 Debt Service						
591 35 77 02	Bond 2016 Principal	470,000.00	470,000.00	470,000.00	0.00	0.0%
591 35 80 02	Sewer Debt Lease Payment	400.00	0.00	263.25	136.75	34.2%
591 35 83 02	Bond 2016 Interest	179,025.00	89,512.50	179,025.00	0.00	0.0%
591 Debt Service		649,425.00	559,512.50	649,288.25	136.75	0.0%
594 Capital Expenditures						
594 34 70 02	Capital Outlay - Sewer Installment Purchase Payments	0.00	0.00	2,636.83	(2,636.83)	0.0%
594 35 60 02	Capital Outlay - Budget Only	1,997,836.00	0.00	0.00	1,997,836.00	100.0%
594 35 62 02	Capital Projects - Sewer Structures	0.00	268,911.88	665,884.47	(665,884.47)	0.0%
594 35 63 02	Capital Projects- Sewer System	0.00	145,021.95	272,430.79	(272,430.79)	0.0%
594 35 64 02	Capital Outlay - Sewer Equipment	0.00	0.00	80,156.10	(80,156.10)	0.0%
594 Capital Expenditures		1,997,836.00	413,933.83	1,021,108.19	976,727.81	48.9%
Fund Expenditures:		5,867,928.00	1,260,957.30	4,003,451.44	1,864,476.56	31.8%
Fund Excess/(Deficit):		(507,065.00)	(856,607.76)	688,694.65		

2023 BUDGET POSITION

Lake Whatcom W-S District

Time: 14:39:29 Date: 11/07/2023

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425 Sewer Contingency Reserve Fund

Expenditures	Amt Budgeted	October	YTD	Remaining	
597 Interfund Transfers					
597 10 00 60 Transfers Out	50,000.00	0.00	0.00	50,000.00	100.0%
597 Interfund Transfers	50,000.00	0.00	0.00	50,000.00	100.0%
Fund Expenditures:	50,000.00	0.00	0.00	50,000.00	100.0%
Fund Excess/(Deficit):	(50,000.00)	0.00	0.00		

2023 BUDGET POSITION

Lake Whatcom W-S District

Time: 14:39:29 Date: 11/07/2023

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426 Water Contingency Reserve Fund

Expenditures	Amt Budgeted	October	YTD	Remaining	
597 Interfund Transfers					
597 10 00 00 Transfers Out	50,000.00	0.00	0.00	50,000.00	100.0%
597 Interfund Transfers	50,000.00	0.00	0.00	50,000.00	100.0%
Fund Expenditures:	50,000.00	0.00	0.00	50,000.00	100.0%
Fund Excess/(Deficit):	(50,000.00)	0.00	0.00		



LAKE WHATCOM WATER AND SEWER

INVESTMENTS/CASH AS OF 10/31/2023

Petty Cash	\$	1,600	
Cash	\$	425,299	
Public Funds Account	\$	<u>522,318</u>	2.940%

WA Federal \$ 949,217

Local Gov't Investment Pool \$ 3,049,982 5.397%

		PRINCIPAL COST		YIELD
FFCB - Pro Equity	Callable	\$ 799,999	Jan-24	0.19%
FANNIE MAE - Pro Equity	Callable	\$ 500,824	Jun-24	0.21%
US Treasury Note	Non-callable	\$ 492,488	Sep-24	0.375%
US Treasury Note	Non-callable	\$ 498,359	Jan-25	1.125%
US Treasury Note	Non-callable	\$ 499,082	Apr-25	4.921%
US Treasury Note	Non-callable	\$ 499,512	Jul-25	4.783%
US Bank Safekeeping		\$ 3,290,264		

TOTAL \$ 7,289,463

USE OF FUNDS:

Bond Reserve - Restricted	\$	772,334
Contingency - Assigned	\$	1,275,000
Operating Reserves	\$	1,185,000
Operating Assigned	\$	4,057,129
		<u>\$ 7,289,463</u>

Fund Balance Summary

Water Utility Fund (401)	\$	1,444,711
Sewer Utility Fund (402)	\$	3,797,418
Sewer Contingency Fund (425)	\$	815,000
Water Contingency Fund (426)	\$	460,000
Bond Reserve Fund (460)	\$	<u>772,334</u>
		<u>\$ 7,289,463</u>



LAKE WHATCOM WATER AND SEWER DISTRICT
October 2023 Utility Account Adjustments

Sudden Valley Adjustments

Late Fee Credits	\$ 468.70
High Use/Leak Credits	\$ 218.59

North Shore/Geneva

Late Fee Credits	\$ 113.90
High Use/Leak Credits	\$ -

Total Account Adjustments	\$ 801.19
----------------------------------	------------------



**AGENDA
BILL
Item 8.D**

**Operations Department
Report**

DATE SUBMITTED:	November 22, 2023	MEETING DATE:	November 29, 2023	
TO: BOARD OF COMMISSIONERS		FROM: Jason Dahlstrom, Operations & Maintenance Manager		
GENERAL MANAGER APPROVAL				
ATTACHED DOCUMENTS		1. Operations Department Report		
		2. Status of District Water & Sewer Systems		
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 regarding District operations in advance of the Board meeting.

FISCAL IMPACT

None.

RECOMMENDED BOARD ACTION

None required.

PROPOSED MOTION

None.



Lake Whatcom Water & Sewer District Operations & Maintenance Department Report

Prepared for the November 29, 2023 Board Meeting
Data Compiled 11/22/23 by RH, RM

State Required Report Status													
Monthly Reports													
Name Of Report	Completed												
Chlorination Report Agate Heights Prepared by: Kevin	Postmarked by the 10th of month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
		x	x	x	x	x	x	x	x	x	x	x	x
Surface Water Treatment Rule Report (SVWTP) Prepared by: Kevin	Postmarked by the 10th of month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
		x	x	x	x	x	x	x	x	x	x	x	x
Annual Reports													
Name Of Report	Deadline	Completed											
WA State Cross Connection Report Prepared by: Rich	May	February 22, 2023											
OSHA 300 Log Prepared by: Rich	February 1	January 1, 2023											
Water Use Efficiency Performance Report Prepared by: Kevin	July 1	March 16, 2023											
Community Right to Know (Hazardous Materials) Prepared by: Rich	March 31	January 10, 2023											
Northwest Clean Air Emissions Report	February 1	January 5, 2023											
Consumer Confidence Reports Prepared by: Kevin	June 30	Geneva	SV	EagleR	Agate Ht								
		6/6/23	6/6/23	6/6/23	6/6/23								
Other Reports													
Name Of Report	Deadline	Last Completed											
CPR/First Aid Training Coordinated by: Rich	Due Biennially Next Due 2025	February 23, 2023											
Flagging Card Training Coordinated by: Rich	Due Triennially Next Due 2025	May 19, 2022											

Safety Program Summary	
Completed by Rich Munson	
Summary of Annual Safety Training	
<i>2023/24 Testing Period - Oct 23, 2023 to March 22, 2024</i>	
	% Complete
Engineering - Managers	0%
Engineering - Staff	0%
Field Crew - Managers	0%
Field Crew - Staff	12%
Office - Managers	0%
Office - Staff	0%
Overall	2%

Safety meetings for the field crew take place every Friday at 7 a.m.

Dates of Completed Safety Committee Meetings		
1.26.23	5.25.23	9.28.23
2.23.23	6.22.23	10.26.23 (canceled)
3.23.23	7.27.23	11.22.23
4.27.23	8.31.23	12.21.23 (scheduled)

Summary of Work-Related Injuries & Illnesses						
	Current Month	2023	2022	2021	2020	2019
Total Number of Work Related Injuries						
Defined as a work related injury or illness that results in:						
• Death						
• Medical treatment beyond first aid						
• Loss of consciousness	0	0	0	0	0	0
• Significant injury or illness diagnosed by a licensed health care professional						
• Days away from work (off work)						
• Restricted work or job transfer						
Total Number of Days of Job Transfer or Restriction (light duty or other medical restriction)	0	0	0	0	0	0
Total Number of Days Away from Work (at home, in hospital, not at work)	0	0	0	0	0	0
Near Misses	0	0	0	0	2	2

Safety Coordinator Update	

Status of District Water and Sewer Systems
Prepared by Jason Dahlstrom - Operations and Maintenance Manager
11/29/2023 Board Meeting

Safety Activities	
	<ol style="list-style-type: none"> 1. No time-loss injuries or near misses. 2. Daily safety reminders directly relevant to the day's tasks. Weekly safety trainings based on District specific safety programs. 3. Jobsite tailgate meetings by project lead.
Water Utility Activities	
	<p><i>Water Treatment Plants</i></p> <ol style="list-style-type: none"> 1. Sudden Valley <ol style="list-style-type: none"> a. Plant is operating well, averaging .5 million gallons per day (MGD) at 700 GPM. b. Water use is consistent with typical seasonal usage c. Lake is turning over and creating runtime issues. Typical for yearly performance 2. Agate Heights <ol style="list-style-type: none"> a. Plant is operating well b. Water use is consistent with typical seasonal usage c. PFAS sample taken 10/4/23, results negative for all tested compounds <p><i>Distribution System</i></p> <ol style="list-style-type: none"> 1. Austin/Fremont PRV replacement completed (C2012) 2. 3 water service leaks repaired this month
Sewer Utility Activities	
	<p><i>Lift Stations</i></p> <ol style="list-style-type: none"> 1. Annual pump station maintenance/inspection completed <p><i>Collection System</i></p> <ol style="list-style-type: none"> 1. Midnight Ct sewer main blockage repair ongoing. Focus still on removing blockage
Fleet	
	<p><i>Vehicles</i></p> <ol style="list-style-type: none"> 1. All vehicles are in good order 2. VEH 24 1999 F350 sold at auction for \$6,600 <p><i>Equipment</i></p> <ol style="list-style-type: none"> 1. All equipment is functional 2. Gathering quotes for new camera inspection hardware and software
Facilities	
	<ol style="list-style-type: none"> 1. All District network firewalls have been updated 2. Surplus PLC parts sold to highest bidder for \$1250, pending inspection by buyer
Training	
	<ol style="list-style-type: none"> 1. Greg Soto trained at CLA VAL factory for flow control valves, PRVs, and pump control valves 2. Spencer water exam prep class Nov 30
Development	
	<ol style="list-style-type: none"> 1. There are currently 8 active permits for development purposes.