



Lake Whatcom Water & Sewer District Board Meeting Access Information

Next Meeting:

Wed December 13, 2023
6:30 pm - 8:30 pm

Join the meeting from your computer, tablet smartphone: <https://meet.goto.com/lwwsd/boardmeeting>
You can also dial in using your phone.

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

New to GoToMeeting? Get the app now and be ready when the meeting starts:
<https://meet.goto.com/install>

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



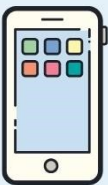
If you wish to make a public comment, you may submit it in written form via email or the contact form on our website, or utilize the public comment periods during the District's regular meetings.

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....





LAKE WHATCOM WATER AND SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

REGULAR MEETING OF THE BOARD OF COMMISSIONERS

AGENDA

December 13, 2023

6:30 p.m. – Regular Session


1. CALL TO ORDER
2. OATH OF OFFICE
 - A. Board of Commissioners Position Nos. 1 and 4
3. ROLL CALL
4. 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.
5. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA
6. CONSENT AGENDA
7. SPECIFIC ITEMS OF BUSINESS
 - A. 2023-24 Budget Amendment No. 2 Approval
 - B. Division 7 Reservoir Replacement Project Professional Services Agreement Amendment Approval
 - C. Non-union Employees 2024 Salary Cost-of-Living-Adjustment Approval
8. OTHER BUSINESS
9. STAFF REPORTS
 - A. General Manager
10. PUBLIC COMMENT OPPORTUNITY
11. ADJOURNMENT



**AGENDA
BILL
Item 2.A**

**Oath of Office—Board of
Commissioners Position Nos.
1 and 4**

DATE SUBMITTED:	December 5, 2023	MEETING DATE:	December 13, 2024
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. None		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

The District operates under the authority of [Revised Code of Washington \(RCW\) Title 57](#), Water-Sewer Districts. In accordance with [RCW 57.12.030](#), District commissioner terms of office are six years.

During the November 2023 general election, two District board of commissioner positions (Position Nos. 1 and 4) were filled for the remainder of the six-year terms expiring December 31, 2027. Based upon statute, the individuals elected to those positions fill those positions immediately following the election. Following are the individuals elected to each position:

- Position No. 1—David Holland
- Position No. 4—Jeff Knakal

Newly elected officials are required to take an oath of office upon filling the position.

I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Washington, and that I will faithfully and impartially perform and discharge the duties of the office of commissioner of the Lake Whatcom Water and Sewer District in and for the County of Whatcom, State of Washington, according to the law and the best of my ability.

FISCAL IMPACT

No fiscal impact is anticipated.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Commissioner oaths of office support all ten EUM attributes at various levels.

RECOMMENDED BOARD ACTION

Staff recommends the oath of office be administered for Board of Commissioners Position Nos. 1 and 4 per statute.


PROPOSED MOTION

Not applicable.



**AGENDA
BILL
Item 6**

Consent Agenda

DATE SUBMITTED:	December 6, 2023	MEETING DATE:	December 13, 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 12.13.2023****

BACKGROUND / EXPLANATION OF IMPACT

- Minutes for the 11.29.2023 Regular Board Meeting
- Payroll for Pay Period #25 (11.25.2023 through 12.08.2023) total to be added
- Benefits for Pay Period #25 total to be added
- Accounts Payable Vouchers total to be added

FISCAL IMPACT

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

RECOMMENDED BOARD ACTION

Staff recommends the Board approve the Consent Agenda.

PROPOSED MOTION

A recommended motion is:

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



LAKE WHATCOM WATER AND SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

REGULAR SESSION OF THE BOARD OF COMMISSIONERS

Minutes

November 29, 2023

Board President Todd Citron called the Regular Session to order at 8:00 a.m.

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

Also in attendance was Melanie Mankamyer of Wilson Engineering (v). Attendees noted with (v) attended the meeting virtually.

Consent Agenda

Action Taken

Knakal moved, Carter seconded, approval of:

- 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
- Payroll for Pay Period #24 (11.11.2023 through 11.24.2023) totaling \$51,398.67
- Benefits for Pay Period #24 totaling \$31,581.80
- Accounts Payable Vouchers totaling \$179,474.24

Motion passed.

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

Clary recalled that at the November 8 regularly scheduled meeting, the Board was provided with information regarding two class action settlements related to per- and polyfluoroalkyl substances (PFAS). 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.

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 filed suit against Dupont in 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. Discussion followed, including input from District legal counsel Bob Carmichael.

Action Taken

Knakal moved, Carter seconded, 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. Motion passed.

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

Clary recalled that at the November 8 regularly scheduled meeting, the Board was provided with information regarding two class action settlements related to per- and polyfluoroalkyl substances (PFAS). 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.

One of the primary manufacturers of PFAS 3M Company (3M). Based upon the liability created by 3M’s manufacture and distribution of PFAS, the City of Camden, New Jersey filed suit against 3M in 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 Dupont, should the District identify PFAS in its source water at some point in the future. Discussion followed, including input from District legal counsel Bob Carmichael.

Action Taken

Carter moved, Knakal seconded, 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. Motion passed.

2024 Wilson Engineering Rates

Clary explained that Wilson Engineering has provided on-call engineering services to the District for many years through professional services agreements. The current agreement was executed on September 2, 2021, and is 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. Staff provided the board with a letter from Wilson Engineering dated November 14, 2023, requesting revision to its rates and fees for 2024, which are relatively consistent with inflationary and marketplace values. Discussion followed.

Action Taken

Knakal moved, Ford seconded, 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. Motion passed.

Division 7 Reservoir Replacement Project Tree Falling Public Works Contract Close Out

Clary summarized that 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. Tree removal was 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 recommended accepting the project as complete and closing out the public works contract. Discussion followed.

Action Taken

Knakal moved, Holland seconded, 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. Motion passed.

General Manager's Report

Clary updated the Board on several topics, including the ongoing Rose Ridge Loop Sewer Main blockage, communication with the Washington State Department of Health regarding chlorine residual requirements in the Eagleridge water system, and possible adjustments to Lake Whatcom total maximum daily load (TMDL) requirements. Clary also recognized Operations and Maintenance Manager Jason Dahlstrom for his recent role in updating and enhancing the District's firewalls. Discussion followed.

Engineering Department Report

Nicoll highlighted several projects, including updates on the Euclid pump station project and options for alum tank and door replacement at the Sudden Valley Water Treatment Plant. Discussion followed.

Finance Department Report

Signs highlighted October financial information, explaining that increased expenditures from the sewer fund were mostly the result of bond payment due. Signs noted that revenues and expenditures are tracking with expected trends, as well as providing an update regarding overall positive customer response to changes in cash handling and bill cycle dates. Discussion followed.

Operations & Maintenance Department Report

Dahlstrom reported on field crew operations, including continuation of an excellent safety record, shortened run times at the Sudden Valley Water Treatment Plant due to seasonal turnover of the lake, and two recent projects which were able to be done recently in-house rather than contracting out.

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 9:04 a.m. It was estimated that the Executive Session would take about 30 minutes and end at 9:34 a.m. The purpose of the Executive Session was to review the performance of a public employee (General Manager performance evaluation). Citron recessed the Executive Session and reconvened the Regular Meeting at 9:34 a.m. and indicated that the Board would reconvene in Executive Session for an additional 40 minutes and end at 10:14 a.m. Citron recessed the Executive Session and reconvened the Regular Meeting at 10:12 a.m. No action was taken.

With no further business, Citron adjourned the Regular Session at 10:12 a.m.

Board President, Todd Citron


Attest: _____
Recording Secretary, Rachael Hope

Minutes approved by motion at ☐ Regular ☐ Special Board Meeting on _____



**AGENDA
BILL
Item 7.A**

**2023-24 Budget
Amendment No. 2**

DATE SUBMITTED:	December 4, 2023	MEETING DATE:	December 13, 2023
TO: BOARD OF COMMISSIONERS	FROM: Jenny Signs, Finance Manager/Treasurer		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Amendment No. 2, 2023-24 Budget		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Lake Whatcom Water and Sewer District's Administrative Code requires development of an operating and capital improvement budget for both the water and sewer systems, which forecasts revenues and expenditures for the budget period. The District works in a collaborative effort to develop a budget with pay-as-you-go financing to the best extent practicable. However, as situations arise, it is necessary and best practice to perform budget amendments to ensure the District is operating within an approved budget. This helps create transparency and control over the budget and cash flow analysis for the District.

The 2023-24 Biennial Budget was adopted at the regularly scheduled Board of Commissioner's meeting on December 6, 2022 (available for review at <https://lwwsd.org/about-us/financial-information/>.) As the year draws to a close, staff has completed a comprehensive review of the adopted budget and have identified one item that should be amended to more accurately reflect the operations of the District. As discussed on several occasions, the District has been awarded a FEMA Hazard Mitigation Grant for the Division 7 Reservoir. The project has been split into two phases: Phase I – Design/Permitting and Phase II – Construction. The Board authorized on November 9, 2023, execution of Agreement No. D24-016 with the Washington State Military Department to enable receipt of federal funds for Phase I providing a path forward to Phase II. Phase II funding and capital expenditures have been budgeted in the fiscal year 2023 of the 2023-2024 Biennial Budget. The purpose of this amendment is to budget for those projected revenues and expenditures in the 2024 fiscal year of the biennial budget when it is anticipated the District will start construction and begin requesting reimbursement of those expenditures.

FISCAL IMPACT

The proposed budget amendment projects no change to the fund balances projected at the end of the biennial budget of December 31, 2024.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

The 2023-2024 Biennial Budget funds District support to all ten EUM attributes at various levels.

RECOMMENDED BOARD ACTION

Staff recommends approving the attached amendment to the 2023-2024 Biennial Budget.

PROPOSED MOTION

A recommended motion is:

“I move to approve Amendment No. 2 to the 2023 -2024 Biennial Budget as presented.”

Water Fund - 2023

Revenue							
BARS Code	Description	Notes	Original Budget	Increase	Decrease	Amended Budget	Notes
331.97.10.00	Federal Awards	Phase II - Construction Budget for Division 7	\$ 1,996,000.00		\$ 1,600,000.00	\$ 396,000.00	Shifting funding to 2024 when construction is anticipated to start
594.34.60.01	Capital Outlay - Budget	Phase II - Construction Budget for Division 7	\$ 3,409,181.00		\$ 1,600,000.00	\$ 1,809,181.00	Shifting expenditures to 2024 when construction is anticipated to start

Water Fund - 2024


Revenue							
BARS Code	Description	Notes	Original Budget	Increase	Decrease	Amended Budget	Notes
331.97.10.00	Federal Awards	Phase II - Construction Budget for Division 7	\$ -	\$ 1,600,000.00		\$ 1,600,000.00	Establish 2024 Budget to recognize funds when construction will begin and reimbursements will be requested.
594.34.60.01	Capital Outlay - Budget	Phase II - Construction Budget for Division 7	\$ 280,000.00	\$ 1,600,000.00		\$ 1,880,000.00	Increase Budget to recognize anticipated costs when construction will begin and reimbursements will be requested.

Net effect on the 2023-2024 Biennial Budget will be unchanged; simply recognizing that while the budget was adopted for fiscal years 2023 & 2024, revenues and costs associated with this project won't begin until 2024.



**AGENDA
BILL
Item 7.B**

**Division 7 Reservoir Replacement
Project Professional Services
Agreement Amendment No. 4**

DATE SUBMITTED:	December 5, 2023	MEETING DATE:	December 13, 2023
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Professional Services Agreement Amendment No. 4 with Wilson Engineering LLC		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Following review of statements of qualifications submitted by several engineering firms, the Lake Whatcom Water and Sewer District (District) selected and executed a professional services agreement with Wilson Engineering LLC (Wilson) for design, permitting, easement acquisition, and construction bidding services associated with the Division 7 Reservoir Replacement Project on December 20, 2021. The District has subsequently executed three (3) amendments to original agreement, each of which is summarized as follows:

- Amendment No. 1. Increased the overall budget to the full anticipated cost following the District's execution of a Hazard Mitigation Grant agreement with FEMA that fully funded project design and permitting.
- Amendment No. 2. Extended the period of performance through December 31, 2023 and marginally increased the budget to accommodate unanticipated work associated with District concerns regarding distribution system capacity and to conduct a coating analysis of the existing reservoir (for disposal purposes).
- Amendment No. 3. Increased the budget accommodate unanticipated work associated Whatcom County permitting, tank sizing to address District concerns, stormwater management design challenges.

Wilson has recently completed and gained FEMA and Washington State Department of Health approval of the final design plan set and bid package. As such, with exception to Task 7 (Bidding Assistance), Wilson has completed the scope of work defined within the original agreement and its three amendments. With the District's recent receipt of formal notification of FEMA's obligation of construction funding, the District remains on schedule to advertise for construction in January 2024, with actual construction anticipated to last May 2024 through September 2025 (Lake Whatcom Watershed land disturbance regulations will extend the project over two construction seasons). Recognizing that the

District will require assistance in field oversight and contractor tracking and documentation requirements necessary to comply with the federal funding, Amendment No. 4 has been developed to extend the period of performance throughout the construction schedule and to fund Wilson services associated with construction assistance.

FISCAL IMPACT

The cost of proposed Professional Services Agreement Amendment No. 4 is \$99,901.00, which is accommodated within the overall construction budget.

The budget associated with the professional services agreement with Wilson, including Amendment No. 4, is summarized as follows:

Phase 1 – Design & Permitting <i>(Limited to \$47,000 until grant funding secured)</i>	\$ 47,000.00
Amendment No. 1 <i>(Authorized remaining Phase 1 funds to complete Phase 1 scope)</i>	\$ 154,080.00
Amendment No. 2 <i>(Distribution system analysis and existing reservoir coating assessment)</i>	\$ 16,531.70
Proposed Amendment No. 3 <i>(Additional scope of work)</i>	\$ 56,212.00
Proposed Amendment No. 4 <i>(Construction assistance)</i>	\$ 99,901.00
<hr/>	
Proposed Total Price incl. Amend. No. 4	\$ 373,724.70

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Infrastructure Strategy and Performance
Community Sustainability
Enterprise Resiliency

RECOMMENDED BOARD ACTION

Staff recommends that the Board authorize the General Manager to execute the amendment to the professional services agreement with Wilson Engineering, LLC.

PROPOSED MOTION

Recommended motion is:

“I move to authorize the General Manager execute Amendment No. 4 to the Professional Services Agreement with Wilson Engineering, LLC for the Division 7 Reservoir Replacement Project as presented.”

**AMENDMENT NO. 4
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
DIVISION 7 RESERVOIR SEISMIC UPGRADE AND
SHAKE ALERT IMPLEMENTATION PROJECT**

A PROFESIONAL SERVICES AGREEMENT was made and entered into by and between Lake Whatcom Water and Sewer District, Whatcom County, Washington, hereinafter referred to as "District", and Wilson Engineering, LLC ("Consultant"), a corporation with a place of business at 805 Dupont Street, Suite 7, Bellingham, WA 98225, collectively referred to as "Parties", effective December 20, 2021.

WHEREAS, the District solicited for professional services as required by RCW 39.80 to assist in the design, permitting, utility easement acquisition, and construction oversight of the Division 7 Reservoir Seismic Upgrade and Shake Alert Implementation Project ("Project"); and

WHEREAS, the District selected and entered into a professional services agreement with the Consultant to provide the above stated professional services associated with the Project; and

WHEREAS, the District executed a Hazard Mitigation Grant Agreement with the Washington State Military Department on March 30, 2022, that was effective March 8, 2022, with an initial Total Federal Award Amount of \$337,456.50 for Phase 1 of the project that included design, permitting, and utility easement acquisition activities; and

WHEREAS, the District and Consultant have since executed three amendments to the original Agreement, which in total increased the overall Project budget to \$273,823.70, and extended the period of performance to December 31, 2023; and

WHEREAS, the Consultant has completed all tasks defined in the scope of work under the original Agreement and subsequent amendments, with exception to Task 7, Bidding Assistance; and

WHEREAS, the Washington State Military Department has formally notified the District of the obligation of the remainder of the federal Hazard Mitigation Grant funding for Phase 2, construction, of the Project; and

WHEREAS, the District desires to proceed to construction of the Project and needs the Consultant's assistance in construction bidding and oversight; and

WHEREAS, based upon the limitations created by the Lake Whatcom Watershed land use overlay, construction is anticipated to extend through the Watershed's 2025 land disturbance period, which ends September 30, 2025; and

WHEREAS, the scope is amended to include the Consultant's services related to construction oversight, as defined in Exhibit A – Contract Amendment No. 4, Construction Assistance.

The Parties amend the original Agreement and subsequent three amendments as follows:

SECTION 1: PERIOD OF PERFORMANCE

All work defined in the original agreement, subsequent three amendments, and this Amendment No. 4 shall be completed by September 30, 2025, unless extended or terminated earlier by the District pursuant to the terms and conditions of the agreement.

SECTION 8: COMPENSATION

The Total Price is amended to **Three Hundred Seventy-Three Thousand Seven Hundred Twenty-Four DOLLARS and Seventy CENTS (\$373,724.70).**

Phase 1 – Design & Permitting (Limited Total Price to \$47,000 until grant funding secured)	\$ 47,000.00
Amendment No. 1 – (Authorize remaining Phase 1 funds to complete Phase 1 scope)	\$ 154,080.00
Amendment No. 2 – (SVWTP Operations Analysis and Evergreen Coating Engineers Coating Sampling and Disposal Specifications)	\$ 16,531.70
Amendment No. 3 – (Additional Scope of Work)	\$ 56,212.00
Amendment No. 4 – (Construction Phase Services)	\$ 99,901.00
Total Price	\$ 373,724.70

EXHIBITS

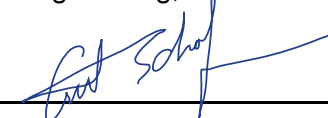
Exhibit A – Contract Amendment No. 4, Construction Phase Services, dated December 5, 2023.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to the Agreement to be executed by their respective authorized officers or representatives as of the day and year written below.

Lake Whatcom Water and Sewer District

By: _____
Justin Clary, General Manager

Wilson Engineering, LLC

By:  _____

Printed Name: Curt Schoenfelder, PE

Title: Senior Engineer, Partner

Dated: _____

Dated: 12-6-2023

EXHIBIT A

LAKE WHATCOM WATER AND SEWER DISTRICT

Division 7 Water Tank Replacement Project

Contract Amendment #4 - Construction Phase Services

Prepared by: Curt Schoenfelder, P.E., Wilson Engineering LLC

Prepared for: Justin Clary, PE, General Manager

Project No.: 2021-130

Date: December 5, 2023

Consultants


- | | | |
|---|--|---|
| 1 | | Wilson - Project Oversight & Civil |
| 2 | | Wilson - Surveying |
| 3 | | Geoengineers (scope and fee provided, Contract in progress) |
| 4 | | K Engineers (under Contract) |

Task Description	Consultant Work Scope				Subconsultant Expense	Principal Engineer	Senior Engineer	Engineer I	Senior CAD Design Technician	Inspector I	Senior Professional Land Surveyor	Senior Survey Technician		
2024 Rates (\$/hr) =	1	2	3	4	L.S.	\$215	\$202	\$149	\$146	\$117	\$200	\$140		District Planned Effort %
Task 1: Project Management														
Review Monthly progress report													\$ -	100%
FEMA Loan Administration / Record Keeping						1	4	8					\$ 2,215	50%
Permitting Agency Coordination						2	4	8					\$ 2,430	50%
Misc FEMA Admin Assistance						1	4	8					\$ 2,215	50%
Review Certified Payrolls													\$ -	100%
FEMA Closeout						1	4	8					\$ 2,215	50%
Sub-Total						\$ -	5	16	32	0	0	0	\$ 9,075	
Task 2: Construction Staking (by Contractor)														
Provide Construction Staking data to Contractor							2				2	4	\$ 1,364	
Sub-Total						\$ -	0	2	0	0	2	4	\$ 1,364	
Task 3: Construction Contract Administration														
Pre-construction Meeting						2	4	6					\$ 2,132	
Submittals					\$540	4	16	24					\$ 8,208	
RFIs / Clarifications					\$540	2	16	24					\$ 7,778	
Change Orders							4	6					\$ 1,702	80%
Pay Estimates (assume 8)													\$ -	100%
Progress Meetings (1/wk)							32						\$ 6,464	50%
Final Inspection and Punch List					\$540	2	6	6					\$ 3,076	
Misc. Correspondence						2	3	5					\$ 1,781	70%
Contract Closeout						1	4	4					\$ 1,619	50%
Record Drawing Preparation					\$540	2	8	8	16				\$ 6,114	
DOH PLB&T and Construction Completion Reports							4	6					\$ 1,702	
Sub-Total					\$ 2,160.00	15	97	89	16	0	0	0	\$ 40,576	
Task 4: Construction Inspection														
Field Observation, Progress Meeting attendance, and Inspection Reports (assumes one full-time field rep for: 16 weeks @ 40 hrs/week, 8 weeks @ 10 hrs/week, 8 weeks @ 8 hrs/week -- District shared)										196			\$ 22,932	75%
Coordination with Inspector and Review of Inspection Reports							16	16		16			\$ 7,488	
Site Visits (for unanticipated issues or as requested) (assume 8)						2	16	16					\$ 6,046	
Geotechnical Inspection					\$ 9,612.00		8	8					\$ 12,420	
Sub-Total					\$ 9,612.00	2	40	40	0	212	0	0	\$ 48,886	
Direct Expenses					\$ -								\$ -	
Project Total					\$ 11,772	22	155	161	16	212	2	4	\$ 99,901	



**AGENDA
BILL
Item 7.C**

**2024 Non-represented Staff
Cost-of-Living-Adjustment**

DATE SUBMITTED:	November 30, 2023	MEETING DATE:	December 13, 2023
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. none		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Traditionally non-represented employees have received the same annual cost-of-living-adjustment (COLA) as the represented (union) employees. Non-union employees include the General Manager, District Engineer/Engineering Manager, Finance Manager/Treasurer, Operations & Maintenance Manager, and Administrative Assistant. For 2024, represented employees' COLA will be 3%, per the current collective bargaining agreement between AFSCME and the District. In addition, per the CBA represented staff will receive a one-time payment of \$500 for the October 2022-October 2023 Consumer Price Index for All Urban Consumers (CPI-U) in the Seattle area exceeding 3.5 % and an additional \$500 one-time payment for the CPI-U exceeding 4% (the October-to-October CPI-U was 4.8%). The one-time payments will be provided in the first paycheck of 2024. Recognizing significant inflation over the past year, the general manager proposes that the same COLA and one-time payments contractually required for represented employees be provided to non-represented employees, as well.

FISCAL IMPACT

The fiscal impact would be an additional \$18,000 in 2024. The 2023-24 Budget accommodates this proposed increase.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Employee Leadership & Development

RECOMMENDED BOARD ACTION

The general manager recommends that the Board approve a COLA for non-represented staff that is effective January 1, 2024, and equal to 3%, as well as two one-time payments of \$500 (\$1,000 total) on the first paycheck of 2024 consistent with payments provided to represented staff.

PROPOSED MOTION


A recommended motion is:

“I move to approve a salary adjustment for all non-represented District staff, excluding the general manager, that is equal to an increase of 3% and effective January 1, 2024, as well as two one-time \$500 payments to those staff consistent with payments provided to represented staff.”



**AGENDA
BILL
Item 9.A**

**General Manager's
Report**

DATE SUBMITTED:	December 6, 2023	MEETING DATE:	December 13, 2023
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. General Manager's Report		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL /OTHER <input checked="" type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Updated information from the General Manager in advance of the Board meeting.

FISCAL IMPACT

None.

RECOMMENDED BOARD ACTION

None required.

PROPOSED MOTION

None.



LAKE WHATCOM WATER AND SEWER DISTRICT

General Manager's Report

Upcoming Dates & Announcements

Regular Meeting – Wednesday, December 13, 2023 – 6:30 p.m.

Important Upcoming Dates

Lake Whatcom Water & Sewer District			
Regular Board Meeting	Wed Jan 10, 2024	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 Feb 28, 2024	10:00 a.m.	Board Room/Hybrid
Safety Committee Meeting	Thur Dec 21, 2023	8:00 a.m.	Board Room
Lake Whatcom Management Program			
Policy Group Meeting	Wed Feb 7, 2024	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:

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

Investment Committee:

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

Upcoming Board Meeting Topics

- The Firs sewer bill reconciliation appeal
- Euclid sewer lift station improvements project contract closeout
- Division 7 Reservoir Replacement Project FEMA hazard mitigation grant amendment
- 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; executed a personal services agreement for purchase and implementation of the selected ECM; awaiting delivery of 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 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.
The management team is reviewing a draft of the plan.

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 and G Nicoll met with Whatcom County Health Department staff on December 4 regarding sewage overflow public notification protocols.*
- *J Clary attended the WWU Institute for Watershed Studies open house on December 7.*
- *J Clary is scheduled to meet with Representative Joe Timmons on December 8.*
- *J Clary is scheduled to attend the WASWD Section III meeting on December 12.*
- *J Clary is scheduled to meet with Representative Deborah Lekanoff on December 13.*
- *J Clary is scheduled to meet with Representative Alex Ramel on December 18.*
- *J Clary is scheduled to meet with Senator Shewmake on January 4, 2024.*

Lake Whatcom Water Quality

Lake Whatcom Management Program

- Participate in meetings of Lake Whatcom Management Program partners.
J Clary attended a meeting of LWMP stakeholders (City, County, Department of Ecology, WWU Institute for Watershed Studies, and consultants) on November 30 to review the draft TMDL Reassessment Report, and the LWMP policy group meeting on December 6.