



Lake Whatcom Water & Sewer District Board Meeting Access Information

Next Meeting:

Wed February 12, 2025
6:30 p.m.

Meeting Access

Meetings are held in person at our Administrative offices at 1220 Lakeway Drive in Bellingham. If you prefer to attend remotely, access information is below.

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 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

Lake Whatcom Water & Sewer District's regular Board meetings take place on the second Wednesday of each month at 6:30 pm and the last Wednesday of each month at 8:00 am.

Meetings are open to the public per the Open Public Meetings Act.

All meetings are hybrid, available in person or online. 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 your display name to "Observation Only."

Public Comment Periods

Public comment periods are built in to the agenda, one near the beginning of the meeting and one near the end.

Commissioners will listen, but will not respond or engage in dialogue during the comment period. Direct questions or requests are noted by staff for follow-up.

For the sake of time, and to leave plenty of time for scheduled agenda items, public comments are limited to 3 minutes per person and 45 minutes per comment period.

Comments may be submitted at any time through mail, email, our online contact form, or by phone.

For more information about communicating with the Board of Commissioners, [please visit our website!](#)



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.



LAKE WHATCOM WATER AND SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

REGULAR MEETING OF THE BOARD OF COMMISSIONERS

AGENDA

February 12, 2025

6:30 p.m. – Regular Session

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT OPPORTUNITY
At this time, members of the public may address the Board of Commissioners. Please state your name and address prior to making comments, and limit your comments to three minutes. For the sake of time, each public comment period will be limited to 45 minutes.
4. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA
5. CONSENT AGENDA
6. SPECIFIC ITEMS OF BUSINESS
 - A. Cost Reimbursement Program for Water Right No. CG1-23449C
7. OTHER BUSINESS
8. STAFF REPORTS
 - A. General Manager
9. PUBLIC COMMENT OPPORTUNITY
10. ADJOURNMENT



**AGENDA
BILL
Item 5**

Consent Agenda

DATE SUBMITTED:	February 6, 2025	MEETING DATE:	February 12, 2025
TO: BOARD OF COMMISSIONERS	FROM: Rachael Hope		
GENERAL MANAGER APPROVAL	<i>[Signature]</i>		
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 02.12.2025****

BACKGROUND / EXPLANATION OF IMPACT

- Payroll for Pay Period #03 (01.18.2025 through 01.31.2025) totaling \$56,762.50
- Benefits for Pay Period #03 totaling \$64,741.30
- 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 2025-2026 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.”

PAYROLL

CHECK REGISTER

Lake Whatcom W-S District


Time: 07:29:22 Date: 02/04/2025

02/06/2025 To: 02/06/2025

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
327	02/06/2025	Payroll	5	EFT		4,713.98	01/18/2025 - 01/31/2025 PR 03
328	02/06/2025	Payroll	5	EFT		4,593.32	01/18/2025 - 01/31/2025 PR 03
329	02/06/2025	Payroll	5	EFT		3,998.44	01/18/2025 - 01/31/2025 PR 03
330	02/06/2025	Payroll	5	EFT		2,064.41	01/18/2025 - 01/31/2025 PR 03
332	02/06/2025	Payroll	5	EFT		2,444.20	01/18/2025 - 01/31/2025 PR 03
333	02/06/2025	Payroll	5	EFT		3,513.49	01/18/2025 - 01/31/2025 PR 03
334	02/06/2025	Payroll	5	EFT		2,685.34	01/18/2025 - 01/31/2025 PR 03
335	02/06/2025	Payroll	5	EFT		2,577.81	01/18/2025 - 01/31/2025 PR 03
336	02/06/2025	Payroll	5	EFT		5,186.43	01/18/2025 - 01/31/2025 PR 03
337	02/06/2025	Payroll	5	EFT		2,895.11	01/18/2025 - 01/31/2025 PR 03
338	02/06/2025	Payroll	5	EFT		3,441.91	01/18/2025 - 01/31/2025 PR 03
339	02/06/2025	Payroll	5	EFT		2,172.79	01/18/2025 - 01/31/2025 PR 03
340	02/06/2025	Payroll	5	EFT		1,785.68	01/18/2025 - 01/31/2025 PR 03
341	02/06/2025	Payroll	5	EFT		2,849.48	01/18/2025 - 01/31/2025 PR 03
342	02/06/2025	Payroll	5	EFT		4,244.53	01/18/2025 - 01/31/2025 PR 03
343	02/06/2025	Payroll	5	EFT		2,694.33	01/18/2025 - 01/31/2025 PR 03
344	02/06/2025	Payroll	5	EFT		3,058.45	01/18/2025 - 01/31/2025 PR 03
331	02/06/2025	Payroll	5	16067		1,842.80	01/18/2025 - 01/31/2025 PR 03
						16,966.16	
						39,796.34	
						56,762.50	Payroll: 56,762.50

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 2/4/2025
General Manager, Justin Clay

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

CHECK REGISTER

BENEFITS

Lake Whatcom W-S District

Time: 07:52:53 Date: 02/04/2025

02/06/2025 To: 02/06/2025

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
345	02/06/2025	Payroll	5	EFT	DEPARTMENT OF RETIREMENT SYSTEMS	6,319.50	Pay Cycle(s) 02/06/2025 To 02/06/2025 - DCP; Pay Cycle(s) 02/06/2025 To 02/06/2025 - ROTH DCP
346	02/06/2025	Payroll	5	EFT	UNITED STATES TREASURY	20,831.76	941 Deposit for Pay Cycle(s) 02/06/2025 - 02/06/2025
347	02/06/2025	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 2	9,667.20	Pay Cycle(s) 02/06/2025 To 02/06/2025 - PERS 2
348	02/06/2025	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 3	4,251.12	Pay Cycle(s) 02/06/2025 To 02/06/2025 - PERS 3
349	02/06/2025	Payroll	5	EFT	WA ST SUPPORT ENFORCEMENT REGISTRY	911.85	Pay Cycle(s) 02/06/2025 To 02/06/2025 - SUP ENF
350	02/06/2025	Payroll	5	16068	AFLAC	334.44	Pay Cycle(s) 02/06/2025 To 02/06/2025 - AFLAC PRE-TAX; Pay Cycle(s) 02/06/2025 To 02/06/2025 - AFLAC POST-TAX
351	02/06/2025	Payroll	5	16069	AFSCME LOCAL	382.80	Pay Cycle(s) 02/06/2025 To 02/06/2025 - UNION DUES; Pay Cycle(s) 02/06/2025 To 02/06/2025 - UNION FUND
352	02/06/2025	Payroll	5	16070	HRA VEBA TRUST (PAYEE)	590.00	Pay Cycle(s) 02/06/2025 To 02/06/2025 - VEBA
353	02/06/2025	Payroll	5	16071	WA ST HEALTH CARE AUTHORITY	21,452.63	Pay Cycle(s) 02/06/2025 To 02/06/2025 - PEBB MEDICAL; Pay Cycle(s) 02/06/2025 To 02/06/2025 - PEBB ADD LTD; Pay Cycle(s) 02/06/2025 To 02/06/2025 - PEBB SMK Surcharge; Pay Cycle(s) 02/06/2025 To 02/06/2025
						47,828.81	
						16,912.49	
						64,741.30	Payroll: 64,741.30

CHECK REGISTER

BENEFITS

Lake Whatcom W-S District

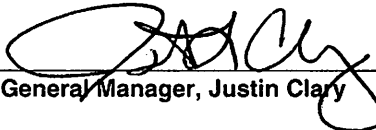
Time: 07:52:53 Date: 02/04/2025

02/06/2025 To: 02/06/2025

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
-------	------	------	--------	-------	----------	--------	------

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 2/4/2025
 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 Ecology Cost Reimbursement
BILL Program for
Item 6.A Water Right No. CG1-23449C**

DATE SUBMITTED:	February 3, 2025	MEETING DATE:	February 12, 2025
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. none		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL/ OTHER <input checked="" type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

In 2006, the Lake Whatcom Water and Sewer District (District) entered into an agreement with the Lake Whatcom Residential & Treatment Center (LWRTC) to extend the District’s Group A Public Water System (Agate Heights System; DOH System ID 52957) to serve the LWRTC’s facility located at 3400 Agate Heights Road. A condition of the agreement was LWRTC’s transfer of ownership of its water distribution system, groundwater wells, and groundwater water right (Water Right Certificate No. G1-23449C) to the District. The Bill of Sale associated with the agreement was executed in 2009.

In 2010, Wilson Engineering, on behalf of the District, filed with Ecology an Application for Change/Transfer of Water Right to transfer Water Right No. G1-23449C from the LWRTC well (Well ID No. AFM098) to the District’s 10-inch diameter well (Well ID No. AGQ477 referred to as the Giesbrecht Well) serving its Agate Heights water system.

With nearly 15 years having passed since the application was filed with the Washington State Department of Ecology (Ecology) and significant District staff turnover having occurred during that time, current District staff had incorrectly understood that the water right transfer had been completed. However, in review of the Whatcom County Coordinated Water System Plan that is currently under revision, the subject water right transfer was noted as *pending*. With the recent recognition of the outstanding status of the transfer, District staff met with Ecology on January 22 to discuss the transfer application status and means of expediting its completion.

Due to current workload and the pending WRIA No. 1 adjudication, Ecology staff could not provide a timeline for the application to be processed under the *traditional review process* and recommended the District consider Ecology’s *cost reimbursement process*. Cost reimbursement processing is an option for expedited water right processing, but requires the applicant to pay the full cost of processing the application

(this includes both costs incurred by Ecology and contracting with an Ecology-approved consultant). Based upon their understanding of the District's application during the January 22 meeting, Ecology staff indicated proceeding through the cost reimbursement process would be relatively straightforward (likely a *Phase 2 contract* rather than a *Phase 1 contract* used for more complex applications), would cost approximately \$10,000-15,000 for Ecology processing and an estimated similar amount for an Ecology-approved consultant, and would take 12-18 months to complete. Ecology staff also noted that, with the WRIA No. 1 adjudication pending, starting the process as soon as possible is advised. That said, Ecology staff indicated that there is a relatively strong likelihood of a positive outcome, though there are a couple of protests (Lummi Nation and Y Squalicum Water Association) to the transfer that would need to be addressed.

Staff feel it valuable to the Board to provide context relative to other District water rights that are associated with the Agate Heights water system. Water Right No. G123449C is a *certificated* water right for 18 gallons per minute (gpm), which equates to approximately 9.5 million gallons per year (for context, the Agate Heights Treatment Plant produced 3.0 million gallons in 2024). The District's two other Agate Heights system-related rights are permitted rights already affixed to the Giesbrecht Well with a combined rate of 420 gpm (220.8 million gallons per year, should the District be able to put the full permitted right to beneficial use in the future).

The Board discussed the topic during its January 29, 2025 regularly scheduled meeting and requested that it be added to the February 12 meeting agenda for additional discussion.

FISCAL IMPACT

The estimated cost to proceed with cost reimbursement processing the District application would be \$20,000-30,000, which is not included in the 2025-26 Budget. There is, however, \$52,000 budgeted for decommissioning of the LWRTC's groundwater wells (one of which Water Right No. G1-23449C is attached to). With the outstanding water right transfer, the District may wish to postpone decommissioning until the transfer is complete.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Infrastructure Strategy & Performance
Water Resource Sustainability

RECOMMENDED BOARD ACTION

No formal action is recommended at this time.

PROPOSED MOTION

Not applicable.



**AGENDA
BILL
Item 8.A**

**General Manager's
Report**

DATE SUBMITTED:	February 6, 2025	MEETING DATE:	February 12, 2025
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, February 12, 2025 – 6:30 p.m.

Important Upcoming Dates

Lake Whatcom Water & Sewer District			
Regular Board Meeting	Wed Feb 26, 2025	8:00 a.m.	Board Room/Hybrid
Employee Staff Meeting	Thu Feb 13, 2024	8:00 a.m.	Board Room/Hybrid Commissioner Carter to attend
Investment Comm. Meeting	Wed Apr 30, 2025	10:00 a.m.	Board Room/Hybrid
Safety Committee Meeting	Thur Feb 20, 2025	8:00 a.m.	Board Room
Lake Whatcom Management Program			
Policy Group Meeting	Wed Jun 4, 2025	3:00 p.m.	City of Bellingham Pacific St Ops Center, Rm 111/Hybrid
Joint Councils Meeting	Wed Apr 2, 2025	6:00 p.m.	Bellingham City Council Chambers, 210 Lottie Street
Other Meetings			
WASWD Section III Meeting	Tues Feb 11, 2025	6:00 p.m.	Bob’s Burgers 8822 Quil Ceda Pkwy, Tulalip, WA
Whatcom Water Districts Caucus Meeting	Wed Feb 19, 2025	2:00 p.m.	Remote Attendance
Whatcom County Council of Governments Board Meeting	Wed May 14, 2025	3:00 p.m.	Council of Governments Offices 314 E Champion Street/Hybrid

Committee Meeting Reports

Safety Committee:

- A committee meeting has not been held since the last board meeting.

Investment Committee:

- A committee meeting has not been held since the last board meeting.

Upcoming Board Meeting Topics

- Strategic Asset Management Plan presentation
- SWWTP chlorine contact basin design professional services agreement amendment
- Flat Car sewer lift station reverse flow project public works contract award
- Lake Whatcom Boulevard Sewer Interceptor Cure-In-Place-Pipe project public works contract award
- On-call electrical services contract award
- Whatcom County on-site sewage system regulation/investigation update
- Division 22-1 Reservoir FEMA hazard mitigation grant agreement approval

2025 Initiatives Status

Administration and Operations

Water Right Adjudication

- Represent the District in the water right adjudication process to ensure that its certificated and permitted rights are protected.
The Whatcom County Superior Court approved the adjudication summons and court claim form on December 3, 2024; the District is awaiting receipt of adjudication documents from Ecology, which are anticipated Spring 2025.

Safety Program Update

- Continue systematic review and revision of District's safety programs by updating nine programs in 2025.
Staff are scheduled to review the asbestos cement pipe handling, confined space, and lock-out/tag-out programs by Spring. Staff is also overhauling the Return to Work program.

APWA Accreditation

- Initiate work towards multi-year effort to gain American Public Works Association accreditation.
The accreditation team met on December 17 and January 28, and have initiated review and completion of accreditation practices.

Financial Management

- Improve financial sustainability and forecasting over 6- and 20-year planning horizons through the Waterworth financial modeling platform.
To be initiated.

Management Team Development

- Continue professional development of the management team.
The general manager has approved management team member attendance of trainings and conferences in 2025 pertinent to each's role with the District.

Emergency Response/System Security

Emergency Readiness

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

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 pages regularly; Nextdoor is also regularly monitored for District-related posts.
- Press Releases
To be initiated.

Intergovernmental Relations

- *J Clary met with several legislators (including from the 40th and 42nd districts) during Public Works Board Day on the Hill on January 30, as well as testified before the House Capital Budget Committee on HB 1064.*
- *J Clary attended the WASWD general managers' quarterly meeting on February 5.*
- *J Clary chaired the Whatcom County Water Utility Coordinating Committee meeting on February 5.*

Lake Whatcom Water Quality

Lake Whatcom Management Program

- *Participate in meetings of Lake Whatcom Management Program partners.*
J Clary attended the policy group meeting on February 5.