



Lake Whatcom Water & Sewer District

Board Meeting Access Information

Meeting	6:30 pm - 2nd Wed of each month
Schedule	8:00 am - Last Wed of each month

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

October 14, 2026

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. Customer Appeal—Suspension of Sewer Service Requirements
 - B. Resolution No. 908—Master Fees and Charges Schedule Update
7. OTHER BUSINESS
8. STAFF REPORTS
 - A. General Manager
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:	October 8, 2026	MEETING DATE:	October 14, 2026
TO: BOARD OF COMMISSIONERS	FROM: Rachael Hope		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. See below		
TYPE OF ACTION REQUESTED	RESOLUTION ☐	FORMAL ACTION/ MOTION ☒	INFORMATIONAL/ OTHER ☐

****TO BE UPDATED 10.14.2026****

BACKGROUND / EXPLANATION OF IMPACT

- Payroll for Pay Period #19 (08.29.2026 through 09.11.2026) totaling \$50,590.51
- Benefits for Pay Period #19 totaling \$57,003.84
- Accounts Payable Vouchers totaling \$781,251.84
- Payroll for Pay Period #20 (09.12.2026 through 09.25.2026) totaling \$51,976.85
- Benefits for Pay Period #20 totaling \$57,347.61
- Payroll for Pay Period #21 (09.26.2026 through 10.09.2026) total to be added
- Benefits for Pay Period #21 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 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.”

CHECK REGISTER**PAYROLL**

Lake Whatcom W-S District

Time: 12:29:30 Date: 09/28/2026

10/01/2026 To: 10/01/2026

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount Memo
2651	10/01/2026	Payroll	5	EFT		4,133.95 09/12/2026 - 09/25/2026 PP20
2652	10/01/2026	Payroll	5	EFT		3,365.30 09/12/2026 - 09/25/2026 PP20
2653	10/01/2026	Payroll	5	EFT		4,129.97 09/12/2026 - 09/25/2026 PP20
2654	10/01/2026	Payroll	5	EFT		2,093.01 09/12/2026 - 09/25/2026 PP20
2656	10/01/2026	Payroll	5	EFT		2,225.76 09/12/2026 - 09/25/2026 PP20
2657	10/01/2026	Payroll	5	EFT		2,703.14 09/12/2026 - 09/25/2026 PP20
2658	10/01/2026	Payroll	5	EFT		2,639.33 09/12/2026 - 09/25/2026 PP20
2659	10/01/2026	Payroll	5	EFT		2,212.20 09/12/2026 - 09/25/2026 PP20
2660	10/01/2026	Payroll	5	EFT		3,149.15 09/12/2026 - 09/25/2026 PP20
2661	10/01/2026	Payroll	5	EFT		3,005.70 09/12/2026 - 09/25/2026 PP20
2662	10/01/2026	Payroll	5	EFT		3,091.85 09/12/2026 - 09/25/2026 PP20
2663	10/01/2026	Payroll	5	EFT		3,273.47 09/12/2026 - 09/25/2026 PP20
2664	10/01/2026	Payroll	5	EFT		1,788.56 09/12/2026 - 09/25/2026 PP20
2665	10/01/2026	Payroll	5	EFT		5,139.04 09/12/2026 - 09/25/2026 PP20
2666	10/01/2026	Payroll	5	EFT		3,944.55 09/12/2026 - 09/25/2026 PP20
2667	10/01/2026	Payroll	5	EFT		3,171.43 09/12/2026 - 09/25/2026 PP20
2655	10/01/2026	Payroll	5	17830		1,910.44 09/12/2026 - 09/25/2026 PP20

401 Water Fund

13,962.65

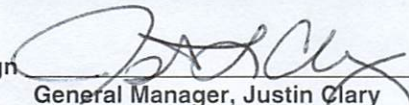
402 Sewer Fund

38,014.20

51,976.85 Payroll:

51,976.85

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 09.28.2026
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 10/14/26
Date Approved

CHECK REGISTER

BENEFITS

Lake Whatcom W-S District

Time: 12:47:14 Date: 09/28/2026

10/01/2026 To: 10/01/2026

Page: 1

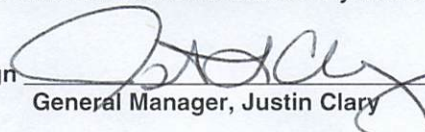
Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2668	10/01/2026	Payroll	5	EFT	DEPARTMENT OF RETIREMENT SYSTEMS	7,587.00	Pay Cycle(s) 10/01/2026 To 10/01/2026 - DCP; Pay Cycle(s) 10/01/2026 To 10/01/2026 - ROTH DCP
2669	10/01/2026	Payroll	5	EFT	UNITED STATES TREASURY	19,604.40	941 Deposit for Pay Cycle(s) 10/01/2026 - 10/01/2026
2670	10/01/2026	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 2	7,219.01	Pay Cycle(s) 10/01/2026 To 10/01/2026 - PERS 2
2671	10/01/2026	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 3	2,428.57	Pay Cycle(s) 10/01/2026 To 10/01/2026 - PERS 3
2672	10/01/2026	Payroll	5	EFT	WA ST SUPPORT ENFORCEMENT REGISTRY	888.77	Pay Cycle(s) 10/01/2026 To 10/01/2026 - SUP ENF
2673	10/01/2026	Payroll	5	17831	AFLAC	296.36	Pay Cycle(s) 10/01/2026 To 10/01/2026 - AFLAC PRE-TAX; Pay Cycle(s) 10/01/2026 To 10/01/2026 - AFLAC POST-TAX
2674	10/01/2026	Payroll	5	17832	AFSCME LOCAL	360.50	Pay Cycle(s) 10/01/2026 To 10/01/2026 - UNION DUES; Pay Cycle(s) 10/01/2026 To 10/01/2026 - UNION FUND
2675	10/01/2026	Payroll	5	17833	HRA VEBA TRUST (PAYEE)	560.00	Pay Cycle(s) 10/01/2026 To 10/01/2026 - VEBA
2676	10/01/2026	Payroll	5	17834	WA ST HEALTH CARE AUTHORITY	18,403.00	Pay Cycle(s) 10/01/2026 To 10/01/2026 - PEBB MEDICAL; Pay Cycle(s) 10/01/2026 To 10/01/2026 - PEBB ADD LTD

401 Water Fund
402 Sewer Fund

43,326.31
14,021.30

57,347.61 Payroll: 57,347.61

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 09.28.2026
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 10/14/26
Date Approved

CHECK REGISTER

Lake Whatcom W-S District

Time: 12:17:19 Date: 09/24/2026

09/24/2026 To: 09/24/2026

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2596	09/24/2026	Claims	5	EFT	US BANK - CC	4,154.55	Aug./Sept. Charges
2597	09/24/2026	Claims	5	EFT	WEX BANK SINCLAIR	473.56	
2598	09/24/2026	Claims	5	17850	A-1 SHREDDING, INC	45.00	
2599	09/24/2026	Claims	5	17851	AMAZON CAPITAL SERVICE	1,053.02	
2600	09/24/2026	Claims	5	17852	CARE MEDICAL GROUP EXPRESS CARE	117.00	
2601	09/24/2026	Claims	5	17853	CARMICHAEL CLARK, P.S.	5,881.00	
2602	09/24/2026	Claims	5	17854	CENTURYLINK	54.78	
2603	09/24/2026	Claims	5	17855	CITY OF BELLINGHAM - SEWER	47,870.88	
2604	09/24/2026	Claims	5	17856	ATTN: FINANCE DEPT CITY OF BELLINGHAM	76,558.00	
2605	09/24/2026	Claims	5	17857	CLEAR WATER SYSTEMS, INC	9.80	
2606	09/24/2026	Claims	5	17858	COMCAST - MORNING BEACH	330.34	
2607	09/24/2026	Claims	5	17859	CORE & MAIN LP	807.46	
2608	09/24/2026	Claims	5	17860	ENVIRONMENTAL PEST CONTROL	460.47	
2609	09/24/2026	Claims	5	17861	EUROFINS ENVIRONMENT TESTING NW, LLC	345.00	
2610	09/24/2026	Claims	5	17862	FEDEX	110.48	
2611	09/24/2026	Claims	5	17863	GCP WW HOLDCO	491.41	
2612	09/24/2026	Claims	5	17864	GLEN COVE WATER ASSOCIATION	462.18	
2613	09/24/2026	Claims	5	17865	GRAY & OSBORNE, INC	23,380.63	
2614	09/24/2026	Claims	5	17866	HACH COMPANY	2,751.09	
2615	09/24/2026	Claims	5	17867	HARDWARE SALES INC	974.14	
2616	09/24/2026	Claims	5	17868	HSI WORKPLACE COMPLIANCE SOLUTIONS	13,104.00	
2617	09/24/2026	Claims	5	17869	K ENGINEERS, INC	175.00	
2618	09/24/2026	Claims	5	17870	NATIONAL SAFETY, INC	451.95	
2619	09/24/2026	Claims	5	17871	NORTH COAST ELECTRIC COMPANY	117.33	
2620	09/24/2026	Claims	5	17872	PACIFIC POWER BATTERIES	404.42	
2621	09/24/2026	Claims	5	17873	PUGET SOUND ENERGY	95.76	
2622	09/24/2026	Claims	5	17874	QUALITY CONTROLS CORPORATION	8,466.28	
2623	09/24/2026	Claims	5	17875	RADWELL INTERNATIONAL, LLC	2,920.03	
2624	09/24/2026	Claims	5	17876	GREGORY SOTO	153.52	
2625	09/24/2026	Claims	5	17877	US BANK ST. PAUL	583,062.50	
2626	09/24/2026	Claims	5	17878	VERIZON WIRELESS	3,689.40	
2627	09/24/2026	Claims	5	17879	VESTIS	183.99	
2628	09/24/2026	Claims	5	17880	WA ASSN SEWER/WATER DISTRICTS	1,315.87	
2629	09/24/2026	Claims	5	17881	WHATCOM COUNTY PLANNING & PUBLIC WORKS	105.00	
2630	09/24/2026	Claims	5	17882	WILSON ENGINEERING LLC	676.00	
401 Water Fund						127,377.50	
402 Sewer Fund						653,874.34	
						781,251.84	Claims: 781,251.84

CHECK REGISTER

Lake Whatcom W-S District

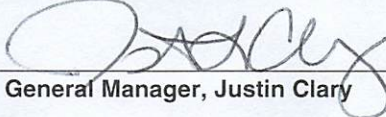
Time: 12:17:19 Date: 09/24/2026

09/24/2026 To: 09/24/2026

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 09.24.2026
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 10/14/26
Date Approved

CHECK REGISTER

PAYROLL

Lake Whatcom W-S District

Time: 11:36:12 Date: 09/14/2026

09/17/2026 To: 09/17/2026

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2511	09/17/2026	Payroll	5	EFT		4,137.73	08/29/2026 - 09/11/2026 PP19
2512	09/17/2026	Payroll	5	EFT		3,375.82	08/29/2026 - 09/11/2026 PP19
2513	09/17/2026	Payroll	5	EFT		4,132.71	08/29/2026 - 09/11/2026 PP19
2514	09/17/2026	Payroll	5	EFT		3,808.13	08/29/2026 - 09/11/2026 PP19
2516	09/17/2026	Payroll	5	EFT		2,227.38	08/29/2026 - 09/11/2026 PP19
2517	09/17/2026	Payroll	5	EFT		2,725.29	08/29/2026 - 09/11/2026 PP19
2518	09/17/2026	Payroll	5	EFT		3,887.61	08/29/2026 - 09/11/2026 PP19
2519	09/17/2026	Payroll	5	EFT		3,123.82	08/29/2026 - 09/11/2026 PP19
2520	09/17/2026	Payroll	5	EFT		3,007.07	08/29/2026 - 09/11/2026 PP19
2521	09/17/2026	Payroll	5	EFT		3,108.69	08/29/2026 - 09/11/2026 PP19
2522	09/17/2026	Payroll	5	EFT		2,045.28	08/29/2026 - 09/11/2026 PP19
2523	09/17/2026	Payroll	5	EFT		1,789.25	08/29/2026 - 09/11/2026 PP19
2524	09/17/2026	Payroll	5	EFT		5,139.57	08/29/2026 - 09/11/2026 PP19
2525	09/17/2026	Payroll	5	EFT		2,990.97	08/29/2026 - 09/11/2026 PP19
2526	09/17/2026	Payroll	5	EFT		3,179.34	08/29/2026 - 09/11/2026 PP19
2515	09/17/2026	Payroll	5	17825		1,911.85	08/29/2026 - 09/11/2026 PP19

401 Water Fund

13,383.92

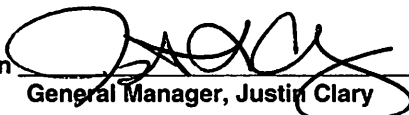
402 Sewer Fund

37,206.59

50,590.51 Payroll:

50,590.51

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 09.14.2026
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 Oct 14, 2026
Date Approved

CHECK REGISTER**BENEFITS**

Lake Whatcom W-S District

Time: 11:44:51 Date: 09/14/2026

09/17/2026 To: 09/17/2026

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2527	09/17/2026	Payroll	5	EFT	DEPARTMENT OF RETIREMENT SYSTEMS	7,587.00	Pay Cycle(s) 09/17/2026 To 09/17/2026 - DCP; Pay Cycle(s) 09/17/2026 To 09/17/2026 - ROTH DCP
2528	09/17/2026	Payroll	5	EFT	UNITED STATES TREASURY	19,503.82	941 Deposit for Pay Cycle(s) 09/17/2026 - 09/17/2026
2529	09/17/2026	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 2	7,041.98	Pay Cycle(s) 09/17/2026 To 09/17/2026 - PERS 2
2530	09/17/2026	Payroll	5	EFT	WA ST PUBLIC EMP RET PLAN 3	2,428.57	Pay Cycle(s) 09/17/2026 To 09/17/2026 - PERS 3
2531	09/17/2026	Payroll	5	EFT	WA ST SUPPORT ENFORCEMENT REGISTRY	888.77	Pay Cycle(s) 09/17/2026 To 09/17/2026 - SUP ENF
2532	09/17/2026	Payroll	5	17826	AFLAC	296.36	Pay Cycle(s) 09/17/2026 To 09/17/2026 - AFLAC PRE-TAX; Pay Cycle(s) 09/17/2026 To 09/17/2026 - AFLAC POST-TAX
2533	09/17/2026	Payroll	5	17827	AFSCME LOCAL	324.45	Pay Cycle(s) 09/17/2026 To 09/17/2026 - UNION DUES; Pay Cycle(s) 09/17/2026 To 09/17/2026 - UNION FUND
2534	09/17/2026	Payroll	5	17828	HRA VEBA TRUST (PAYEE)	530.00	Pay Cycle(s) 09/17/2026 To 09/17/2026 - VEBA
2535	09/17/2026	Payroll	5	17829	WA ST HEALTH CARE AUTHORITY	18,402.89	Pay Cycle(s) 09/17/2026 To 09/17/2026 - PEBB MEDICAL; Pay Cycle(s) 09/17/2026 To 09/17/2026 - PEBB ADD LTD

401 Water Fund
402 Sewer Fund

43,088.42
13,915.42

57,003.84 Payroll: 57,003.84

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 09.14.2026
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 Oct. 14, 2026
Date Approved



**AGENDA
BILL
Item 6.A**

**Customer Appeal—
Suspension of Sewer
Service Requirements**

DATE SUBMITTED:	October 7, 2026	MEETING DATE:	October 14, 2026
TO: BOARD OF COMMISSIONERS		FROM: Justin Clary, General Manager	
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Pertinent Administrative Code Sections		
	2. Mr. Farris waiver request dated August 5, 2026		
	3. Carmichael Clark letter dated September 2, 2026		
	4. Mr. Farris letter dated October 6, 2026		
	5. Email correspondence with Mr. Farris		
TYPE OF ACTION REQUESTED	RESOLUTION ☐	FORMAL ACTION/ MOTION ☒	INFORMATIONAL /OTHER ☐

BACKGROUND / EXPLANATION OF IMPACT

Property located at 2125 Northshore Road (Whatcom County Parcel No. 380325 035165 0000) formally included a single-family residential home connected to the District's sewage conveyance system via a grinder (pressure) pump. The home on the property had been vacant since around 2001, prompting the neighboring property owner, Tim and Leslie Farris (2133 Northshore Road, Whatcom County Parcel No. 380325 046165 0000), to purchase the property and demolish the house in 2015.

In 2017, Mr. Farris approached the District about termination of sewer service to the 2125 Northshore Road property due to the demolition of the home. The Farris's were informed that, per the District Administrative Code, the side sewer would require capping at the point at which it enters Northshore Road right-of-way to be eligible for service suspension. The Farris's estimated that the side sewer connects to a side sewer serving the neighboring property (2117 Northshore Rd) under a joint-use driveway serving 2109 and 2117 Northshore Road. Based upon concerns with temporarily disrupting their neighbors' access, the Farris's appealed the Administrative Code requirement to the Board. During its May 10, 2017, meeting, the Board declined the Farris's appeal.

In November 2023 the District received an email from Mr. Farris requesting that the District reconsider suspension of sewer service to the subject property subject to capping the side sewer at the prior location of the demolished home rather than at the road right-of-way. The General Manager subsequently provided a response, citing Section 5.6.6, Disconnection of Side Sewer, of the District Administrative Code that specifies capping requirements for suspension of sewer services. No further correspondence occurred until July 2025, when Mr. Farris requested that the District reconsider his request, or consider revising the Administrative Code to provide a reduced sewer service rate for properties connected to the District's sewage conveyance system that do not have structures. Based upon the Administrative Code, it was determined that the next appropriate step was for the Board to officially hear Mr. Farris's appeal of the General Manager's interpretation of the Administrative Code. The appeal hearing was conducted during a regularly scheduled meeting of the Board on July 30, 2025. The Board denied Mr. Farris's appeal, thus requiring adherence with the Administrative Code and capping of the side sewer at the right-of-way line.

This past June, Mr. Farris contacted the District regarding a desire to proceed with capping of the sewer connection. The District responded on June 30 with the steps necessary to complete the capping in accordance with the Administrative Code and volunteered to identify the location of where the public service lateral connects with the public sewer main. This was completed on July 9. Without scheduling/conducting the required pre-construction conference or notifying the District of their construction schedule, Mr. Farris's District-bonded side sewer contractor proceeded with excavation on Friday, July 24, but was unable to locate the side sewer or service lateral. Because the District's development inspector (Jason Dahlstrom) was not working (District Operations works 10-hours/day, Monday-Thursday during the summer months), the on-call employee (Kevin Cook) responded to the contractor's call for inspection. There remains dispute regarding direction given associated with the excavation (see Carmichael-Clark letter dated September 2, 2026, and email correspondence received from Mr. Farris). Regardless, District management has maintained that Mr. Farris must cap the side sewer serving 2125 Northshore Road at the side sewer side of the wye serving 2125 and 2117 Northshore Road per the Administrative Code. Based upon new information obtained since the July 30, 2025, appeal hearing, District management and legal counsel recommend that the Board reconsider Mr. Farris's August 5 appeal to cap the side sewer at the location of the former home on 2125 Northshore Road.

There are two options for the Board related to the appeal:

1. Direct development of a resolution revising Administrative Code Sections 2.10.5, Suspension of Billing for Unoccupied Premises, and 5.6.6, Disconnection of Side Sewer, to allow for capping of side sewers at locations other than at the right-of-way or as close to the sewer main as possible.
2. Uphold the General Manager's interpretation of the Administrative Code requiring continued payment of sewer service until the side sewer is capped in accordance with the Administrative Code.

Consideration:

1. Revising the required location for capping of side sewers/sewer laterals other than at the public right-of-way would create a potential pathway for groundwater infiltration or other contaminants to enter the District's sewage conveyance system and/or an unregulated space for sewage to back up into and potentially leak on private property as the side sewer pipe ages/deteriorates.

FISCAL IMPACT

Upholding the current Administrative Code would have no fiscal impact. Allowing for disconnection of sewer service at a location other than at the right-of-way would have negligible budgetary impact (one known connection out of 4,528 equivalent residential units currently served). If the side sewer is capped, enabling suspension of sewer services, the revenue loss (based on 2026 rates) would be \$1,238.16 per year (\$206.36 per two-month billing cycle).

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Financial Viability

Customer Satisfaction

RECOMMENDED BOARD ACTION

Staff recommends that the Board uphold the General Manager's interpretation of the Administrative Code and decline Mr. Farris's appeal to revise the Administrative Code.

PROPOSED MOTION

Should the Board wish to uphold current policy, as defined in the Administrative Code and implemented by staff, a recommended motion is:

"I move to uphold the District Administrative Code as written and implemented by the General Manager, and decline Mr. Farris's appeal to revise the Administrative Code."

Should the Board wish to revise District policy regarding disconnection of side sewers, staff recommends the Board provide verbal direction to work with District legal counsel in drafting a resolution for Board consideration that amends the District Administrative Code accordingly.

Pertinent sections of the Administrative Code:

2.1 General Manager's Responsibilities and Limitations

The General Manager shall be the administrator of the District. Appeals of the General Manager's instructions, interpretation of District policy, or decisions may be made to the Board of Commissioners in writing for consideration before a regular or special meeting of the Board. Letters of appeal must be submitted no less than ten days prior to any scheduled Board meeting. Where this Code requires approval by, permission or decision of, or interpretation from the General Manager, the manager may be guided by the laws of Washington State, resolutions of the Board or Commissioners, generally recognized public administrative and engineering standards and practices and by consideration of the operational demands and requirements of both the sewer works and the water treatment/distribution system as well as the peculiarities of construction, topography, soil condition, or other relevant factors. [Resolution Nos. 146, 242A, 785]

2.7 Master Fees and Charges Schedule

The District's current rates and charges are set by the Board in accordance with RCW 57.08.005 and are codified in Title 7 of this Administrative Code [Resolution Nos. 806, 861]

2.10.5 Suspension of Billing for Unoccupied Premises

The suspension of water and/or sewer services without charging a fee is authorized under certain circumstances, such as a house that has been destroyed by fire. The water and/or sewer billing will be suspended provided that:

- 1. The structure in question is removed, condemned, destroyed, or no longer requires water and/or sewer service in the opinion of the General Manager, and*
- 2. The property owner requests in writing the suspension of service and service charges to the structure, and*
- 3. The water meter is locked or removed when the service is suspended, and*
- 4. For sewer-only connections, the sewer lateral is capped at the right of way by a District-bonded sewer contractor and inspected by the District, and*
- 5. The account is paid current to the first of the month following the District's receipt of the property owner's written request before the billing will be suspended. [Resolution Nos. 444, 782, 870, 888]*

3.7 Dispute Resolution

3.7.1 Appearance Before Commission

Any Customer or other person who believes that they have been wrongfully treated by a decision of the District may have that decision reviewed by the District's Board of Commissioners. [Resolution No. 799]

3.7.2 Binding Decision

*The decision of the Commissioners shall be a final decision of the District.
[Resolution No. 799]*

3.7.3 Appearance Request

A request for an appearance before the Commission must be made a minimum of ten (10) calendar days prior to the desired Commission meeting by the Customer or by someone with legal authority to act on the Customer's behalf. Each appearance request should include a description of both the decision to be reviewed and the relief requested. The District may require that the request be in writing. The Customer's request must be directed to the Board of Commissioners, or General Manager at the District's office located at 1220 Lakeway Drive, Bellingham, Washington 98229. [Resolution Nos. 799, 897]

3.7.4 Appearance Date

*The General Manager will set the date for the appearance within ten (10) business days after the hearing request is received by the General Manager. Unless otherwise indicated, the hearing will be held at the District's Lakeway Drive office.
[Resolution No. 799]*

3.7.5 District's Action Stayed Pending Receipt of the Requested for Appearance

- 1. If a customer contacts the District within eight (8) business days after receiving notification, whether written or oral, of a decision of the District; and*
- 2. Informs the District that they intend to request an appearance before the Commission to review that decision; the District will stay the action which would have been taken unless to do so would cause substantial disproportionate harm to the District or its customers. The stay will remain in effect for six (6) business days or until receipt of a formal request for an appearance, whichever is earlier.*
- 3. Upon receipt of a formal request for an appearance the District will stay the action through the appearance absent substantial disproportionate harm.
[Resolution No. 799]*

3.7.6 Performance Pending Hearing

All obligations which are not the subject of the dispute to be decided by the Commission shall be performed by the District and/or the Customer. This shall include, in the case of a dispute over amounts to be paid, the payment of all non-disputed amounts. [Resolution No. 799]

3.7.7 Failure to Appear

If a customer fails to appear before the Commission within thirty (30) minutes after the time set for the appearance, the Customer will be in default and the Commission shall decide the disputed matter in favor of the District. If the Customer fails to appear, the Customer's request for another appearance will not

be granted unless the failure to appear was caused by an emergency or because of the occurrence of an unforeseeable circumstance or event, which shall be determined by the General Manager. In such case, the subsequent appearance must be held within ten (10) business days of the original hearing. [Resolution No. 799]

3.7.8 Continuances

Any request for a continuance shall be made to the General Manager, which shall grant such continuance only in the case of an emergency or because of the occurrence of an unforeseeable circumstance or event. [Resolution No. 799]

3.7.9 Representation

A Customer may represent himself/herself or may be represented by an attorney. If the Customer is to be represented by an attorney, the Customer must inform the District of that fact at the time the request of an appearance is delivered to the District, or if the services of an attorney are procured later, then as soon as such representation is arranged. [Resolution No. 799]

3.7.10 Evidence

The Commission may consider evidence which will assist the Commission in reaching a decision. Information that is irrelevant and unduly repetitious may be excluded. Documentary evidence may be received in the form of copies of excerpts. Each party shall have the right to ask questions of persons who make statements at the appearance. [Resolution No. 799]

3.7.11 Legal Authority

The Commission shall apply as the first source of law District Resolutions Code and Regulations. If District authority fails to adequately address the situation, the Commission shall resolve the issue(s) based upon the legal authority and reasoning available, including that found in the state and federal constitutions, statutes, and court decisions. [Resolution No. 799]

3.7.12 Review of District Action

If the dispute involves a question of whether the Customer is indebted to the District, the District must establish the Customer's obligation by a preponderance of the evidence. If the dispute involves a question of whether a District decision is inconsistent with the regulation of the District, the Customer must establish by clear cogent and convincing evidence that the decision is not supported by the facts and circumstances. [Resolution No. 799]

5.6.6 Disconnection of Side Sewer

No structure may be disconnected from a side sewer, and no side sewer may be disconnected from a public sewer, for any reason without prior written notification to, and approval of, the District. No approval shall be given unless the disconnection is permitted under this Code and other applicable rules and regulations and satisfactory protection is given by the owner or his contractor to

the public sewers and sewer works of the District, including, but not limited to, the satisfactory capping of the side sewer or public sewer. Sewer service charges for any structure disconnected, or to be disconnected, shall continue until such disconnection is approved by the District, and the side sewer or service lateral is capped to the satisfaction of the District. The Service Lateral pipe shall be capped as close as possible to the Sewer Main and the end of the abandoned Side Sewer pipe completely filled with concrete for a minimum of length of 12-inches. The District must inspect the capping before it is covered.
[Resolution Nos. 146, 834, 898]

Timothy C. Farris
2133 North Shore Road
Bellingham, Washington 98226

T360.220.0800

TimFarris@me.com

August 5, 2026

To: The Members of the Commission and
Mr. Justin Clary

Re: Petition to Waive Requirement to Cap Side Sewer at Road
2125 North Shore Road

Gentlemen:

At your request, I have now made a good faith effort, and incurred the cost, to cap the side sewer line at the road as you requested.

Unfortunately, our contractor stopped excavation because it became dangerous and unreasonable to proceed. A representative of the District inspected the site and also agreed it was unreasonable to proceed.

After this good faith effort, I am formally asking the Board to grant a waiver to the requirement that the side sewer be capped at the road.

Background

In 2015, my wife Leslie and I purchased the home on the adjoining lot. It had been abandoned for about 14 years. After demolishing the structure, we subsequently asked the District to suspend the monthly sewer services since no home was using the sewer service. There were two options. 1) Cap the side sewer line

(readily accessible) at the former home site for \$15 or 2) cap it up by the road. The District told us that it required us to cap it up by the road.

I got a permit to do so. The District came out, located the side sewer. There was a problem. We were told the side sewer was underneath a common asphalt driveway owned by our two neighbors. I asked the District for a waiver and the District Board declined.

Since I had no legal right to tear up the neighbors' driveway and felt uncomfortable in asking to tear up their driveway so I could save some money, I continued to make monthly sewer payments for a service that was not provided. The line, as the District knew, was never capped.

After the District kept raising monthly fees, now over \$2,400 a year, I recently retained a District bonded contractor, Fountain Construction, to give me some advice. Fountain came out and inspected the site.

At Fountain's request, the District came out (again) to locate the side sewer line. There was good news. The District provided Fountain Construction with a different location for the side sewer. The new location was on the side of the neighbor's driveway. I wouldn't need the neighbors' permission to dig up their driveway. It was all on our property. Fountain Construction told me that the side sewer line should be down a couple of feet.

I instructed Fountain to go ahead and cap the side sewer at the road. I acquired a District construction permit for over \$400 (my second permit).

I thought that would be the end of it.

Hours of Excavation Failed To Uncover the Side Sewer

On a Thursday, Fountain Construction came out with a small excavator and worked all afternoon digging to find the side sewer line - where the District said it would be. It was not there. They needed a larger machine to dig deeper.

At my expense, I asked them to come back with the larger excavator.

On Friday morning, they came out with a very large excavator and dug for several more hours. They dug a very, very deep hole. No side sewer line was found.

The attached letter from Fountain Construction documents what they found after hours and hours of digging:

- At five feet deep, water poured into the trench.
- At seven feet deep, the ditch walls started caving in.
- They probed down to nine feet and could not find a side sewer line.

Without consulting me, they stopped the job because of water and cave ins and the side sewer line was so deep it became dangerous to proceed.

District Personnel Inspected The Hole and Agreed It Was Unreasonable to Proceed

At its own initiative, Fountain Construction called a District representative to come examine the problem.

A District representative came, inspected the deep hole and (as I was told by Fountain) agreed that it was “definitely” unreasonable to proceed. He told Fountain Construction that, *in this case*, the only reasonable thing to do was to make an exception and cap the line at the former house site. He acknowledged that this assessment would have to be approved by the District.

After the District representative agreed that it was unreasonable to proceed and that an exception should be made, Fountain filled the hole. The hole was so deep it took 14 yards of sand to fill the hole.

All of this was done based upon Fountain Construction’s and District representative professional judgment.

I was not consulted.

Fountain Informed Me That It Was Unreasonable To Proceed

The letter is attached.

As the attached letter states, the side sewer is down so deep and this is such a precarious project that it would cost “a minimum of \$20,000” to locate the side sewer line at the road, cap it *and* it would damage the the neighbor’s road requiring a repair.

As noted, I do not have legal authority to damage their road.

Petition to Board

I have acted in good faith.

I got a permit. I retained a bonded contractor. I incurred the cost of excavation.

It was the independent professional judgment of the contractor, after consulting with a District representative, to terminate the excavation and fill the hole because it was dangerous, unreasonable and prohibitively expensive to proceed. As noted, I had no involvement in the decision to terminate the excavation.

The Courts in the State of Washington have made it clear that the District Board has the authority to waive a regulation if, in its judgment, the waiver is appropriate. *Holmes Harbor Sewer District v. Holmes Harbor Home Building, L.L.C. (Wash. 2005)*. See also: *Housing Authority v. Northeast Lake Washington Sewer & Water District (Wash. App. 1990)*. Under the facts of this case, I am asking for that waiver to allow me to cap the line at the former house site rather than at the road.

I might add, that as an attorney who practiced law for some three decades, I do not believe any Court would support your position. No Court is going to accept the District’s argument that a customer must tear up a third party’s property - when he legally has no authority to do so. Moreover, no court would accept an argument that customer must pay, “a minimum of \$20,000”, because capping the line at the road protects the environment. For the past ten years or so, the District knew the line was not capped and was fine with that - as long as it received its monthly sewer fee - for a service it does not provide.

In any event, I have made a good faith effort to comply with your requirements.

I am trusting the argument for this waiver is clear. As noted, both the contractor and your District representative agreed it was

unreasonable to proceed. Which of the commissioners would vote to impose “a minimum of \$20,000” cost on themselves to cap a line to terminate monthly payments for a service that is not provided? I should point out that the cost is “a minimum of \$20,000”. There is no assurance it won’t be \$30,000 or \$40,000. Not one of the commissioners would impose this extraordinary cost on themselves. This is certainly true when the line can be capped elsewhere for \$15. Accordingly, I am asking the Board to waive the requirement to cap the line at the road and allow it to be capped at the former home site.

Alternatively, I understand the District is sitting on some \$20 million in cash. Assuming it can obtain the legal authority from my neighbors, I would give the District my authority to dig on our property and so that the District could cap the line at its own expense. It seems clear, however, even for an entity sitting on \$20 million in cash, this is not a reasonable idea.

In sum, I have acted in good faith. Both the contractor and your representative came to the same conclusion. It was unreasonable to proceed. I am asking you to waive the requirement to cap the line at the road.

Thank you for your consideration.

Sincerely yours,

Timothy C. Farris



ROBERT A. CARMICHAEL | Attorney
bob@CarmichaelClark.com

September 2, 2026

Tim Farris
2133 North Shore Road
Bellingham, WA
TimFarris@me.com

Dear Mr. Farris,

This letter is sent on behalf of and conveys the decision of Lake Whatcom Water and Sewer District Management (“the District”) in response to your recent request dated August 5, 2026. To disconnect from sewer service, your side sewer must be capped at the side sewer side of the wye where the side sewer meets the service lateral. Because the service lateral’s connection to the sewer main is approximately 23 feet east of your western property line, it is very unlikely that the wye is on your neighbor’s property. Further, because the law supports the District’s position, it respectfully declines to issue you a refund of sewer fees paid to date and to reimburse you for the cost of attempting to locate the wye.

Though you have made similar requests for the same property in the past, your current request is based on new information and contains additional arguments. Accordingly, the District is treating this as a new request based on new information. You have the right to have this decision reviewed by the District Board of Commissioners per Ch. 3.7 of the District Administrative Code.

Background Facts

The house at 2125 Northshore Road was originally constructed in 1947. It received a sewer connection permit from the District (then, Whatcom County Water District No. 10) in 1979. Based on the hand-drawn as-builts from 1979, the side sewer is believed to run west onto 2117 and 2109 Northshore Road, then east back onto 2125 Northshore Road.¹ It meets the side sewer for 2117 Northshore Road at a wye. A wye is a “Y” shaped fitting that joins three pipes; in this case, the wye connects the two side sewers for 2125 and 2117

¹ We reviewed all documents recorded against 2125, 2117, and 2109 Northshore Road searching for an easement. A 1981 real estate contract (AF# 1981-1400810) for 2125 contains a reference to the shared driveway between 2125 and 2117, but the owner of 2117 is not a signatory and that driveway is not otherwise established in a recorded document.

Northshore Road to a shared service lateral. The service lateral connects to the sewer main in the Northshore Road right of way.

2125, 2117, and 2109 Northshore Road also share a driveway. This driveway straddles the property line between 2125 and 2109/2117 Northshore Road and has an approximately 12 feet wide paved surface with a three-foot gravel shoulder on each side. It has a wide apron onto Northshore Road.

You purchased 2125 Northshore Road in 2015 and demolished the house without capping the side sewer. You first contacted the District about the sewer charges for 2125 Northshore Road in January 2017. You were told by Bill Hunter, Assistant General Manager and District Engineer at that time, that to cease sewer billing, you were required to “cap the 6” stub near the sewer main.” The District went out to the property in April 2017, identified the likely location of the sewer stub, marking a spot next to the driveway apron in the right of way adjacent to your 2125 Northshore property, not under your neighbor’s driveway. Your contractor could not confirm the location of the stub, though the District has no knowledge of whether he took Mr. Hunter’s suggestion to use an electrified metal fish tape to verify its actual location.²

You sought Board review in May 2017, asking that the District’s administrative decision to require you to cap the side sewer line at the service lateral as close as possible to the sewer main be overturned and that you be allowed to cap the line at the location of the former house instead, that sewer service billing for 2125 be suspended, and that you receive a refund for all sewer service charges paid since purchasing the property in September 2015. The Board denied the request.

In 2022, the District again located the point where the service lateral meets the sewer main.³ Then, in November 2023, you again requested to be allowed to cap the sewer line at the foundation of the house. Justin Clary, District General Manager, denied the request, maintaining the District's former position that to suspend billing, the line needed to be capped as close as possible to the sewer main. In July 2025, you requested again that you be allowed to cap the side sewer line at the house foundation, and that if that was not possible under District code, that the District code be revised to allow capping side sewers other than at the sewer main and/or to change the District billing structure so that properties not actively using their sewer connections are charged a lower rate. District Management treated this as an appeal of the November 2023 decision and brought it

² Your contractor mentioned this technique to locate the wye to District Operations Manager Jason Dahlstrom in 2026 and Mr. Dahlstrom agreed that it is usually effective.

³ The District does not have any photo or video related to the 2022 lateral locating.

before the Board pursuant to Chapter 3.7 of the District Administrative Code. The Board denied your request.

Recent Events

On July 9, 2026, District personnel Jason Dahlstrom, Tim Keener, and Cyrus Gates directed a video camera equipped with a Sonde locator down the sewer main in Northshore Road and located the point where the lateral meets the sewer main, approximately 23 feet east of 2125 Northshore Road's western property line. The length of the lateral before the side sewer meets it at the wye is not recorded on the as-builts and could not be determined by video camera from the District main. The crew noted that the approximate depth of the sewer main at the lateral connection was fifteen feet, though they expected that the lateral and side sewer would slope gradually upwards.

You then obtained a construction permit, though your contractor did not hold the required pre-construction conference with the District or inform the District when work would begin. On July 24, the contractor contacted the District to inspect the excavation being dug at that time. The District's on-call operator, Kevin Cook, responded. By this time, the excavation was six to seven feet deep and the contractor said he had probed another two feet down.⁴ The contractor did not find the side sewer, wye or service lateral. You told the District that your contractor told you that the excavation had become unstable, with water "pouring in" by five feet and the walls beginning to collapse by seven feet. Mr. Cook agrees that there was water in the excavation, but says that it was only groundwater, and disputes that the sidewalls were caving in. You also relayed that your contractor told you that Mr. Cook told him that excavation should stop and the only reasonable thing to do under the circumstances was to cap the line at the house foundation. Mr. Cook unequivocally denies ever saying this and District Management does not find it plausible that he said it.

After the hole was dug, the contractor later called the District to consider alternative means of confirming the location of the side sewer connection at the wye. Mr. Dahlstrom discussed with your contractor using an electrified wire and an above-ground utility locator device to confirm the location and depth. The District does not know whether the contractor tried this.

By letter dated August 5, 2026, you informed the District that the contractor quoted you at least \$20,000⁵ to find and cap the sewer line at the connection to the lateral and told you

⁴ In a recent email, you state that the hole was nine feet deep and they probed down to eleven feet. The photos Mr. Cook took show a hole that appears to be six to seven feet deep.

⁵ Based on their experience, this estimate seems very high to District staff. They suggest requesting quotes from other contractors on the District's bonded side sewer contractor list.

that it would likely require destroying and rebuilding the neighbors' driveway. You asked for a waiver to cap your side sewer at the foundation of the former house, or alternatively, for the District to cap your side sewer at the lateral at its expense. You also requested return of monthly sewer charges paid to date and reimbursement for the cost of the excavation in July.⁶

The District Management is respectfully denying your request. As far as the District knows, the hole dug at the end of the July is the only attempt to locate the wye. That hole might have either been in the wrong location or not deep enough to find the wye. District staff has twice suggested using an electrified wire to locate the wye, a reasonable method used by the District to locate its own facilities, but does not know if this has been done. Further, you have asserted that capping your side sewer line will require you to trespass onto your neighbor's property. The District Management finds this is very unlikely to be the case, since the lateral meets the main more than 20 feet east of your west property line. You have also never told the District that your neighbor denied you permission to enter their property; trespass may be avoidable here in the remote event the wye is on your neighbor's property. While it is possible that the wye is near enough to the shared driveway to impact it, many side sewers in the District are under paved areas and in this case the driveway is wide enough that access will not be completely blocked. Again however, based on the foregoing information, in the opinion of District Management, impacts from digging for the wye will very likely be limited to your property. District Management's analysis is below.

Analysis

1. The side sewer is the property and responsibility of the property owner, not the District.

The District administrative code ("the Code") provides that the side sewer is the sole property and responsibility of the property owner:

5.6.2 Property Owner Responsibilities. The property owner owns and installs, operates, maintains, repairs, and alters, at their expense, their respective side sewer. The property owner, at their expense, installs, operates, maintains, and eliminates blockages from, their respective service lateral. The property owner shall maintain their service lateral and side sewer to prevent inflow and infiltration.... [Resolution Nos. 645, 779]⁷

⁶ District invoices are bi-monthly, not monthly, and have been for decades.

⁷ Sec. 5.6.2 also helps explain why the District does not know the location of the wye: it does not belong to the District and is not the District's responsibility. The District's locational work is limited to finding the location where the service lateral meets the sewer main. The District staff's best estimate of the location of the wye was offered in the same vein as its suggestion to use an electrified wire and utility locating device to determine the precise

Nothing in the Code absolves the property owner of responsibility for their side sewer in the event that side sewer is located on another party's property. Such a situation would be considered an encroachment to be worked out between adjoining property owners.

This is consistent with Washington state law. For example, *Simmons v. City of Othello* held that the portion of a sewer lateral within the City's alley was nonetheless the responsibility of the homeowner it served, saying in relevant part that the lateral was not "part of the municipal sewer system by virtue of city ownership of its component parts" where it was privately constructed and never donated to the city, nor had the city "ever assumed the control and management of their lateral line."⁸ Thus the city had no responsibility for a back-up that occurred in the portion of the plaintiff's lateral under the city's alley.

2. Washington law does not prohibit the District from requiring you to cap your side sewer at the service lateral, even if that means you must enter your neighbor's property.

Your August 5 letter asserts that "[a] sewer district cannot lawfully require a property owner to cap a side sewer in a way that requires trespassing on or destroying a third party's property unless the district first obtains legal authority (easement, condemnation, or court order)." You summarize AGO 2009 No. 5 as holding "that 'a district may repair or replace private side sewers using public funds, but only with the owner's permission ('subject to a right of entry')." You also cite a source as saying, "District authority over side sewers is limited to the owner's property."

We cannot find the source that you are quoting, nor can we find support for these statements. AGO 2009 No. 5 contains no such holding. AGO 2009 No. 5 answered the question of whether a sewer district can repair or replace private side sewers without such repairs/replacements constituting a gift of public funds.⁹ It was stated in the initial inquiry that the district had a right of entry to perform work on the side sewers, but the issue is never addressed in the attorney general's analysis.¹⁰

It is not correct that a water sewer district only has authority over side sewers on the owner's property. Water sewer districts have broad authority to regulate sewer use within their boundaries, including private connections.¹¹ The District has adopted a

location of the wye – in an effort to be helpful to you and your contractor. It was not to fulfill any District obligation.

⁸ *Simmons v. City of Othello*, 199 Wn. App. 384, 396, 399 P.3d 546, 552 (2017).

⁹ AGO 2009 No. 5 at 1.

¹⁰ *Id.*

¹¹ See RCW 57.08.005(5).

comprehensive code governing all side sewer connections.¹² None of the authority granted by statute or the Code is limited by the placement of the side sewer. The Code is explicit that the side sewer is the responsibility of the property owner whose property is served by it, regardless of location. For example, Section 5.6.2, quoted above, contains no exception for side sewers located on other properties. Nor does Section 5.4.11, which provides the procedures for bringing a noncompliant side sewer into compliance. The Code applies to all portions of your side sewer, even the portions that may be on another property.

3. If your side sewer is in fact on your neighbor's property, District code requires a recorded easement.

The Code requires that if a side sewer extends onto another property, the property owners record an easement for it:

5.4.8 Side Sewer for Each Building. ...If the side sewer is to exist on two building sites, approved documents assuring that all properties involved shall have perpetual use of the side sewer, and having provisions for maintenance and access for repair purposes, shall be signed by the recorded owners. This document shall be acknowledged and recorded with the County Auditor. [Resolution Nos. 146, 785, 898]

This requirement has been in place since 1978 (Res. 146) and would have been effective at the time your side sewer and service lateral were constructed and connected.

We did not locate a recorded easement allowing the side sewer for 2125 Northshore Road to extend under 2109 or 2117 Northshore Road. Either the side sewer and wye are therefore on your property, or your property is out of compliance with the Code and you must obtain an easement from your neighbor(s). If the latter, then by obtaining an easement, you achieve compliance with Section 5.4.8 and solve the issue of potentially trespassing.

4. The District has the authority to continue billing you the bimonthly sewer service charge until you cap your side sewer.

Water sewer districts have broad authority to set rates and charges for “those to whom service is available” and their commissioners are obligated to “enforce collection of connection charges, and rates and charges... for sewer and drainage services charged against property to which and its owners to whom the service is available.”¹³ “To whom service is available” means that “some level of service be furnished,” though this can be

¹² See Ch. 5.4 Service Lateral and/or Side Sewer Installation and Ch 5.6 Ownership, Operation, Maintenance, Repair, and Alteration.

¹³ RCW 57.08.081(1) and (3).

short of a physical connection to the sewer system, and “more than an uncertain opportunity for an unimproved property to connect to the system.”¹⁴ Thus, a water sewer district acted within its authority when it “assess[ed] sewer charges against property owners whose property could be, but is not, connected to the District's sewer line.”¹⁵

2125 Northshore Road could be brought back into service at any time. It has a side sewer and a service lateral already in place and is entitled to receive sewer service from the District. Thus, sewer service is “available” to 2125 Northshore Road within the meaning of RCW 57.08.081 and the District may impose its regular sewer service fee.¹⁶ Constructing, maintaining, and operating a public sewer system so that it is available when a property seeks to connect or reconnect to it requires ongoing funding. The RCW and applicable case law uniformly support the District Management’s position that sewer is available for purposes of fee collection when it is held available for connection.

Sections 2.10.5 and 5.6.6 of the Code specify conditions under which a property may be disconnected from sewer service and sewer charges will be suspended. “No structure may be disconnected from a side sewer, and no side sewer may be disconnected from a public sewer, for any reason without prior written notification to, and approval of, the District. ...Sewer service charges for any structure disconnected, or to be disconnected, shall continue until such disconnection is approved by the District, and the side sewer or service lateral is capped to the satisfaction of the District.” Sec. 5.6.6. Section 2.10.5 echoes that in order to suspend charges, “the sewer lateral is capped at the right of way by a District-bonded sewer contractor and inspected by the District.”

You argue that because this may require you to trespass (which District Management disputes), these code provisions are illegal as applied to your property and you should be allowed to disconnect without complying. We could not find the sources you quoted to support this argument. We also cannot find authority for the proposition that the District is required to allow properties to disconnect from its sewer service at all. In fact, the opposite is true; the District has the explicit authority “[t]o compel all property owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system....” RCW 57.08.005(9). The District is within its rights to compel 2125 Northshore Road to remain connected to its sewer system if the disconnection criteria are not met.

¹⁴ *Holmes Harbor Sewer Dist. v. Holmes Harbor Home Bldg. LLC*, 155 Wn.2d 858, 865, 123 P.3d 823, 826 (2005).

¹⁵ *Ronald Sewer Dist. v. Brill*, 28 Wn. App. 176, 178, 622 P.2d 393, 394 (1980).

¹⁶ The District charges all sewer customers the same rate per its Master Rates and Charges Schedule (Res. 886)

5. It is unlikely a court would find that the District is acting unreasonably.

You also argue that a court would agree that it is unreasonable for you to pay \$20,000 or more to cap the side sewer at the wye with the lateral, especially since your side sewer has been uncapped since 2001.

Courts “limit judicial review of municipal utility choices to whether the particular contract or action was arbitrary or capricious, ...or unreasonable....”¹⁷ As you know, “‘arbitrary and capricious’ has a well-established meaning in this state, referring to willful and unreasoning action, taken without regard to or consideration of the facts and circumstances surrounding the action. Where there is room for two opinions, an action taken after due consideration is not arbitrary and capricious even though a reviewing court may believe it to be erroneous.”¹⁸

The District requires capping in the right-of-way at the sewer main or, if applicable, at a wye outside the right-of-way, for a number of reasons. First, and most important, if an abandoned side sewer remains connected to the public sewer system, illicit discharges could be made to the public system without District knowledge (or the property owner could reconnect a structure to the public system without the District’s knowledge). Second, inflow and infiltration of water into sewer lines is a significant chronic problem for public sewer systems. An uncapped line not in use provides an unchecked potential source of such water infiltration entering the District main through a side sewer. The District’s ongoing goal of reducing inflow and infiltration into its sewer system is not achieved by capping the side sewer further down the line at an abandoned homesite. Finally, capping the side sewer at the main also avoids the potential of a sewer back up in the main entering an unused and potentially unmaintained side sewer resulting in a sewer overflow or unchecked leaching into the environment. The fact that the District has not required you to cap your side sewer while you have paid for sewer service availability does not negate the importance of these policy objectives implemented through District Code or their enforceability. As mentioned above, bi-monthly fees support the upkeep of the sewer main to which your line is connected and by which sewer service is made available to 2125 Northshore Road and other properties connected to the sewer main. The District Management finds it is not acting arbitrarily or capriciously by applying the Code to your property.

¹⁷ *City of Tacoma v. Taxpayers of City of Tacoma*, 108 Wn.2d 679, 695, 743 P.2d 793, 801 (1987). The analysis of whether an action was “unreasonable” is usually subsumed into the “arbitrary and capricious” analysis. See e.g., *Tacoma* at 700, *Municipality of Metro. Seattle v. Div. 587, Amalgamated Transit Union*, 118 Wn.2d 639, 646, 826 P.2d 167, 170 (1992), and *Singh v. Covington Water Dist.*, 190 Wn. App. 416, 424, 359 P.3d 947, 951 (2015).

¹⁸ *Abbenhaus v. City of Yakima*, 89 Wn.2d 855, 858–59, 576 P.2d 888, 890 (1978).

Conclusion

District Management appreciates that you are in a frustrating position. However, it must again respectfully deny your request to cap your side sewer line at the house foundation at 2125 Northshore Road and again deny your requests for reimbursement. Taking either action would be contrary to lawfully enacted and applied District Code. You are welcome to seek review of this decision by the Board of Commissioners.

Please contact my office with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Carmichael", with a stylized, cursive script.

Robert Carmichael

FROM THE DESK OF

TIMOTHY C. FARRIS

Tuesday, October 6, 2026

Mr. David Holland
Mr. Todd Citron
Mr. Nick Greif
Mr. Jeff Knakal
Mr. John Carter
Commissioners, Lake Whatcom Water and Sewer District

Re: October 13, 2026 Agenda/Farris Appeal

Gentlemen,

As commissioners of the Lake Whatcom Water and Sewer District, I have asked that the Commission vote on the matter of my request to refund past sewer fees, allow the side sewer line to be capped at the house (instead of at the road) and (upon compliance) terminate monthly sewer fees for 2125 North Shore Road.

I have to tell you that, more than money, the issue before you is about common sense, fairness and whether government is self serving or there to serve its citizens?

Everyone I have spoken to is offended by the idea that the District insists we pay for a service when no service is provided. It violates a common norm of our society.

There is more.

My family made a good faith effort to comply with the District's requirement that the side sewer line be capped at the main sewer. I hired a district approved and bonded contractor with forty years of experience, Fountain Construction (Mr. Lee Breakey).

To comply with the District's requirement, Mr. Breakey consulted with the District and had the District come out an map the location of the side sewer. Then he brought an excavator and began digging where the side sewer was suppose to be. He couldn't locate it. The next morning, he brought in a second (larger) excavator and dug even deeper. The sides were caving in and water was filling the hole. Even with two excavators, he could not locate the side sewer. It was going to take far more time, equipment and tools to locate the side sewer and protect workers (from sides caving in) to go deeper. In his opinion, it would cost a "minimum of \$20,000 to locate and cap the side sewer. The cost, he said, could be as high as \$40,000. He decided that it was so deep and dangerous (and or likely under a third party's driveway) that it was highly unreasonable to proceed.

Before making a final decision, Mr. Breakey called the District and asked them to come to the site and examine the problem. He wanted their opinion. A representative arrived and inspected the excavation site. According to Mr. Breakey, the District represenative agreed that it was unreasonable to proceed and that the reasonable thing to do was to cap the line at the home site. The representative did say, that his opinion was subject to the Commission's final authority. That is you.

Relying on his forty years of experience and the District represenative's agreement that it was unreasonable to proceed, Mr. Breakey terminated excavation and filled in the huge hole with sand and left.

I was never consulted about the Contractor and District's decision. I found out about it after the Contractor (and District representative) had packed up and gone home. I received an invoice for the excavation, over \$2,900, and paid it.

Now, the District has backed away from its approval to terminate the excavation. Mr. Clary, who never went to the

excavation site, never spoke to Mr. Clary and to my knowledge never operated an excavator or excavated a side sewer - offered an opinion that Mr. Breakey was doing something wrong. Mr. Breakey has forty years of experience digging side sewers. Mr. Clary has none. And Mr. Clary now alleges that Mr Breakey is lying when he says a District representative came to the site and agreed it was unreasonable to proceed. (Really? I would point out that Mr. Breakey had a large financial incentive - \$20,000 - to continue the work and yet concluded there was no reasonable way to go forward.)

So here I am. I did everything right. I made a good faith effort. I hired a District approved and bonded contractor. I relied upon his forty years of expertise and judgment. I have paid his \$2,900 excavation invoice. I have also paid the District some \$10,000 to \$15,000 in sewer payments over the years - for no service.

After my good faith efforts, I have been told by Mr. Clary that we must still cap the side sewer by the main in order to suspend the \$200 a month sewer fee - for which the District provides no service. I have asked that this matter be placed before you for your individual votes as to whether this is fair or unfair. Reasonable or unreasonable? Legal or illegal.

Each of you gets to vote, individually, on this question.

To be clear, which of you would find it fair or reasonable to be told you needed to spend \$20,000 to \$40,000 in order to be excused from paying a \$200 a month sewer fee - for which the District provides no service?

Seriously, which of you would do this? It is not as if the District needs the money. My understanding is that the District is sitting on about \$20 million in cash.

There is more.

The District's stated reason for requiring the line be capped next to the main line was that it believed in protecting Lake Whatcom. Yet, Mr. Clary has known the line - not only was not capped at the house site (much easier to do) but has been totally uncapped for years. He told Mr. Breakey he knew the line has been totally uncapped and was making an "accommodation". In sum, the District is fine with the line being uncapped as long as it gets its \$200 a month. This is the kind of hypocrisy, espousing environmentalism but waiving its values if it gets paid \$200 a month that gives government a bad name.

One more thing.

The District's position is and has been illegal as a matter of law. Mr. Breakey says there is a 90% chance that the side sewer is under the third party's paved, asphalt driveway. I have three decades of experience as an attorney. The law is clear. No one can legally damage and dig up a third party's property. None of you could go to your neighbor and dig up their property. You know this. It is obvious. Mr. Clary, who has no legal training, has suggested this is not the law. He is flat wrong. I strongly suggest you consult with Bob (Carmichael) who is your attorney. This is a simple way to make an exception to our regulations in this case. You can and should waive the ongoing monthly sewer fees (and refund past fees) when the line cannot legally be capped because it is under a third party's property.

What do I want?

I could never have complied with the District's requirement to damage a third party's property. For that reason, (and that you provided no service), the right thing to do is to refund the monthly sewer payments I have made and suspend future monthly sewer fees. That is my request. It is what is fair.

I want you to know, however, where I am coming from.

As I have told Bob, your attorney, this is not about money. It is about principle. I have offered to give any refund to a charity. While I know it strategically works to threaten to sue, I have told Bob I am not going to sue. If you make me, I will continue to pay the \$200 a month for a service you do not provide. Frankly, the District's behavior in this matter makes me sad. And, I want to spend my life focused on better matters.

Why submit this appeal to you?

Because I want each of you to think about what is fair and unfair, legal and illegal. Which of you would be okay if you were treated this way? Which of you would impose a "minimum" of \$20,000 on another commissioner to be released from a \$200 a month payment - when no service is provided? What do you want the reputation of the government you lead to be?

I look forward to see how each of you voted.

Thank you for your time and service.

Sincerely yours,

Timothy C. Farris

Re: Side Sewer Television Inspection - 2125 and 2117 North Shore Road

From Justin Clary <justin.clary@lwwsd.org>

Date Tue 6/30/2026 11:51 AM

To Tim Farris <timfarris@me.com>

Cc DavidHolland@lwwsd.org <DavidHolland@lwwsd.org>; ToddCitron@lwwsd.org <ToddCitron@lwwsd.org>; Nick Greif <nick.greif@lwwsd.org>; Jeff Knakal <jeff.knakal@lwwsd.org>; John Carter <john.carter@lwwsd.org>; Jason Dahlstrom <jason.dahlstrom@lwwsd.org>; Greg Nicoll <greg.nicoll@lwwsd.org>; Jenny Signs <jenny.signs@lwwsd.org>

Good morning, Tim.

During the regularly scheduled meeting of Board of Commissioners held on July 30, 2025, the Board denied your appeal to permanently cap the side sewer serving your property at 2125 North Shore Road at a location other than that required in the District's Administrative Code. This was communicated to you via email that same day. Following your request, the District's as-built drawings of the side sewer alignments serving both 2125 North Shore Road and your neighbor's home at 2117 North Shore Road were provided via email on August 13, 2025. Recognizing the uncertainty associated with the as-built drawings, a courtesy meeting of the District, you, and your bonded contractor was suggested to discuss the process and logistics of locating and properly capping the side sewer serving 2125 North Shore Road. This logistical meeting was again suggested via email on August 18, 2025. With no response from you, the District was left to assume that you had abandoned the project.

With your renewed interest in capping the side sewer serving your property, following are the steps necessary to do so.

- 1) Bonded Side Sewer Contractor. The District Administrative Code requires that all connection and capping of side sewers to District sewer mains be completed by a bonded contractor. The list of current contractors bonded with the District is available on the District's website [here](#). It appears that you are working with Fountain Construction Inc., which is confirmed to be on the District's list.
- 2) Sewer Main Camera Inspection. Due to uncertainty associated with the alignments of the private side sewers serving 2125 and 2117 North Shore Road, the District has volunteered to provide a courtesy camera inspection of the sewer main fronting the property. It was suggested that operation of the private sewer pump system serving your neighbor's home (2117 North Shore Road) during the camera inspection would provide greater certainty to you and your contractor as to which side sewer serves 2117 (leave in operation) vs. 2125 (cap). As has been communicated to you, the District will not assume the liability of directing the operation of a private sewer pump system that we have no knowledge of. As it sounds as though your contractor is also unwilling to coordinate, you and your contractor may forgo this effort and proceed with capping at your risk. If the incorrect side sewer is capped, you will be required to repair the incorrectly capped line at your own cost and any damages resulting from capping the wrong side sewer would be your sole responsibility. It is recommended that your contractor be on-site to view the inspection to better understand the anticipated alignments of the side sewers. Please have your contractor contact Jason Dahlstrom with the District (360.734.9224) to schedule the courtesy camera inspection.

- 3) District Permits. Because you failed to proceed with construction within one year of obtaining a permit in 2017, the currently adopted fees apply. Applicable fees are Permit Processing fee (\$170) and Initial Sewer Inspection fee (\$370). Deducting permit fees you paid in 2017 (\$115), the balance due is \$425 (note that additional fees may apply if the District inspector is required to conduct more than one inspection of your contractor's work).
- 4) Pre-construction Meeting. To confirm expectations and construction standards prior to conducting work, the District requires a pre-construction meeting at the site between your contractor and the District's inspector. Following payment and receipt of the District permit, please have your contractor call the District (360.734.9224) to schedule this meeting.
- 5) Cap the Side Sewer Serving 2125 North Shore Road. Following completion of legally required utility locates, your contractor may perform the capping of the side sewer serving 2125 North Shore Road. Please note that scheduling an inspection of the cap by the District before backfilling is completed will be required.

Should you have any further questions, please do not hesitate to contact the District.

Thank you,

Justin L. Clary, PE | General Manager



LAKE WHATCOM WATER & SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

8am – 5pm, Monday – Thursday

Phone: (360) 734-9224

www.lwwsd.org

NOTICE: The information contained in this electronic message is confidential and only for the use of the intended recipient(s); and contains confidential and/or privileged information belonging to Lake Whatcom Water and Sewer District or its customers or consultants or vendors. Any unauthorized review, use, copying, disclosure or distribution of this message is strictly prohibited. If you are not an intended recipient of this message, please contact the sender and destroy all copies of the message and any attachments immediately.

Email from this address is subject to public disclosure pursuant to RCW 42.56.

From: Tim Farris <timfarris@me.com>

Sent: Monday, June 29, 2026 5:19 PM

To: Greg Nicoll <greg.nicoll@lwwsd.org>

Cc: Justin Clary <justin.clary@lwwsd.org>; DavidHolland@lwwsd.org <DavidHolland@lwwsd.org>;

ToddCitron@lwwsd.org <ToddCitron@lwwsd.org>; Nick Greif <nick.greif@lwwsd.org>

Subject: Re: Side Sewer Television Inspection - 2125 and 2117 North Shore Road

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Justin,

Thank you for your phone call this afternoon. I am copying the Commission leadership because I think they should know about this case.

History

Back in 2015, we purchased the adjoining lot and tore down the house. The house had been abandoned for the previous 14 years. I asked the District to allow me to cap the line near the old house site. That would have cost about \$15. The District told me no. It must be capped up by the road. They explained it needed to be capped up by the road because that was the way to protect the environment and the lake. I was told there was no other alternative - all out of the District's deep concern for the watershed.

I paid for a permit. I hired a contractor. The District came out and told us that there were two adjoining lines (the abandoned lot and the next door neighbors). Then we learned both lines would need to be capped in a place that was under the jointly owned driveway - used by three neighbors.

I did not have the neighbors' consent to dig up their driveway. I was hesitant to even ask. There was nothing in it for them. I was going to be a nuisance in tearing up their driveway so I could save some money. It didn't feel right. So, given the cost of digging up the driveway (thousands of dollars instead of \$15 and concern that my neighbors would not want their common driveway torn up, I asked the Commission if it could make an exception. It said no.

I decided the best thing to do was just to pay for the monthly sewer cost. I have paid monthly for some 10 years. It is approaching some \$20,000. This may be an evidence of how frustrating I found the District to work with back when this first came up

As for the District's concern for the lake and the environment?

It was fake.

For 10 years the line has not been capped. I told them the line was not capped, The district didn't care. It apparently just wanted the monthly fee - leaving the line uncapped and with all the pretended concern for the watershed.

Current Events

The District has kept raising the monthly fee. It is now some \$200 a month or \$2,400 a year for providing no service. It was getting so expensive that I felt like I needed to revisit the question of capping the line - if my neighbors would consent.

I hired a contractor, Lee Breakey and Fountain Construction. Lee came out and told me that the District needed to tell him where the lines were and how deep. If the line was too deep, it could cost \$20,000 to cap the line. That would have been senseless. As before, I needed to know where the line was and how deep. I needed to know the cost before proceeding.

I contacted the District to locate the sewer lines. They came out once or twice. The one time I was home - they just stood around. My understanding is that they couldn't tell me where the lines were or how deep and needed to have additional crews come out with a camera.

That didn't happen.

My contractor tried to call them and get this coordinated. He told me, he was having problems getting a response and/or getting them out there.

I finally called the District and spoke to Greg Nichols.

The first thing Greg told me was that, even though I previously paid for a permit, I needed to purchase another permit for \$420. I explained that I needed to know how deep the line was and how much it would cost and if my neighbors would consent before I committed to proceed.

The second thing Greg did was to raise a new problem that the District never previously identified. The neighbor would need to get their line "activated" while the camera crew was there. I have no idea what that means or how to do it. Greg proposed that his crew would come with the camera equipment this coming Wednesday.

I offered to contact the neighbors.

My neighbors of course, have no interest in this problem. But they are nice people. They agreed to be available this Wednesday and be home for the District. Our neighbor even emailed the District and provided a phone number for the District to call and said she would be standing by waiting to hear from the District.

In an email to the neighbors and Greg, I provided the names and telephone numbers of the neighbors. I explained in the email that I doubted the neighbors, like me, would know what the District needed - or how to do it - and suggested that Greg just call the neighbors and tell them what they needed.

On the phone this morning, Greg refused to call the neighbors.

I also provided, in the email, the contractor's name and number, and suggested that if the District needed the contractor on site, to give them a call.

Greg refused to call the contractor.

At this point, I had no idea what to do. I know nothing about my neighbor's sewer system or what the District needs them to do. Greg claimed he didn't know. I doubt the neighbor knows. And Greg refused to talk to them or tell them what they needed. He could not have been more unhelpful. He wouldn't call the neighbor. He wouldn't call the contractor. I asked him to have his boss call me.

This afternoon, Justin called me. He affirmed what Greg told me. He said that the neighbor's line is private property and it is my contractor that needs to tell her how to activate her sewer line. My response was that I provided Greg with our contractors' name and number (Lee Breakey, Fountain Construction) and had suggested that the District simply call Fountain Construction and confirm that he can be there on Wednesday morning. I explained that Greg refused to call the contractor.

Justin did not have an explanation of why the District would not or could not call the contractor.

Justin offered to call the contractor. Justin indicated he would explain to the contractor that it was the contractor's responsibility to get the neighbors' sewer line to do whatever it was the District needed to have done.

After speaking with Justin. I called our contractor.

Lee told me that "he does not work for the neighbor". This was not his job. He went on to tell me that the neighbor is the sewer districts' customer - and that it is the District's job to arrange for the line to be activated.

So here I am, with the District and the contractor both pointing the finger at the other and saying it is the other person's responsibility to simply make a phone call to a neighbor.

Each says only the other person knows what to do. This is kind of "service" the District provides. What do they actually do for a \$420 permit fee? I have no knowledge, but it would greatly surprise me that the District, which has been in the sewer business for decades (and I assume regularly caps sewer lines), does not know how to tell a customer what to do to help them identify the line so it can be capped.

In all my years, I have never asked to speak to someone's boss. I have never written a letter like this. It is hard to imagine anyone or any entity trying to be less helpful. What a bureaucracy. I have copied the Commission because I have also served as a volunteer on numerous community boards - and President of many of them. At some point, the commission needs to know how frustrating it is to deal with the District.

Meanwhile, I am en route to paying \$20,000 for a service you don't provide. Why? I chose to pay because it has been so difficult to deal with the District.

Tim

Timothy C. Farris
2133 North Shore Road
Bellingham, Washington 98226
360.220.0800

On Jun 29, 2026, at 1:44 PM, Greg Nicoll <greg.nicoll@lwwsd.org> wrote:

Tim,

As previously discussed, the District can help support your project to decommission your side sewer by providing television inspection of the pipe to help in your effort to confirm which pipe formerly served the subject property (2125 North Shore Rd).

Also as discussed, for the camera inspection to provide any definitive information, it is the District's opinion that the pump for the active service (2117 North Shore Rd) would need to be actively pumping during the television inspection. However, determination of which service needs to be capped is ultimately the responsibility of the property owner and any coordination with outside parties (e.g. neighbors or contractors) is the responsibility of the property owner.

Further, as noted in my previous e-mail and during previous phone conversations, the District does not have any information about the privately owned grinder pumping system that serves 2117 North Shore Rd and, as such, cannot provide detailed instructions regarding manual operation of the pumping system. Per my previous email, most grinder pump systems operate off of a float and the easiest way to activate that float may be to run water from the various plumbing fixtures in the residence (e.g. faucets, showers, toilets, etc.) until the float is activated, turning on the pump. The volume of water required to activate the pump will depend on the size of the pump tank.

As noted in my previous e-mail, a District crew will be on-site on Wednesday, 7/1 at 10:00 am with a camera to provide the requested inspection services. If this time does not work, please advise.

Finally, a permit for the proposed work has not been applied or paid for. An issued and fully paid permit is required before a pre-construction meeting can be scheduled. This proposed camera inspection by District staff shall not be construed to satisfy the requirement for a preconstruction meeting prior to the start of construction.

Regards,

Greg Nicoll, PE | District Engineer



LAKE WHATCOM WATER & SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

8am – 5pm, Monday – Thursday
(360) 734-9224
www.lwwsd.org

NOTICE: The information contained in this electronic message is confidential and only for the use of the intended recipient(s); and contains confidential and/or privileged information belonging to Lake Whatcom Water and Sewer District or its customers or consultants or vendors. Any unauthorized review, use, copying, disclosure or distribution of this message is strictly prohibited. If you are not an intended recipient of this message, please contact the sender and destroy all copies of the message and associated documents immediately.

Email from this address is subject to public disclosure pursuant to RCW 42.56.

From: Tim Farris <timfarris@me.com>
Sent: Monday, June 29, 2026 1:01 PM
To: Greg Nicoll <greg.nicoll@lwwsd.org>
Cc: Jason Dahlstrom <jason.dahlstrom@lwwsd.org>; Tiffany Smith <starlightsva@msn.com>
Subject: Re: Side Sewer Television Inspection - 2125 and 2117 North Shore Road

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Greg,

Thank you for your email.

Our neighbors are Tiffany and Mike Smith, 2117 Northshore Road. I called Tiffany last week and she indicated someone will be home on Wednesday. They are very nice people and happy to cooperate.

Tiffany asked that you call her to confirm day, time and process. Her mobile number is 360-306-8210. She will need instructions from the District staff on how to get the line to pump. So please have someone call her with what you need them to do. I have copied her with this email.

Also, do you need our contractor, Lee Breakey of Fountain Construction, to be on site on Wednesday? If so, please call him. His number is 360-303-3942.

Thank you for your attention to this matter.

Tim

Timothy C. Farris
2133 North Shore Road
Bellingham, Washington 98226
360.220.0800

On Jun 29, 2026, at 8:43 AM, Greg Nicoll <greg.nicoll@lwwsd.org> wrote:

Mr. Farris,

I received your message via the District's answering service. District operations will be on-site at 10:00 am on Wednesday, July 1 to TV inspect the shared side sewer serving 2117 and 2125 North Shore Road prior to you cutting and capping the side sewer serving 2125. As we discussed on the phone last week, to confirm which side sewer is connected to 2125, the grinder pump for 2117 will need to be pumping at the time of the inspection. The best way to accomplish this is to run water in the home to fill up the tank, triggering the pump to run. However, coordination and operation of the grinder system operation is the responsibility of the homeowner. Please confirm receipt of this email and that the proposed time is acceptable.

Regards,

Greg Nicoll, PE | District Engineer



LAKE WHATCOM WATER & SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

8am – 5pm, Monday – Thursday
(360) 734-9224
www.lwwsd.org

NOTICE: The information contained in this electronic message is confidential and only for the use of the intended recipient(s); and contains confidential and/or privileged information belonging to Lake Whatcom Water and Sewer District or its customers or consultants or vendors. Any unauthorized review, use, copying, disclosure or distribution of this message is strictly prohibited. If you are not an intended recipient of this message, please contact the sender and destroy all copies of the message and associated documents immediately.

Email from this address is subject to public disclosure pursuant to RCW 42.56.

Petition to Board: Request for Reimbursement

From Tim Farris <TimFarris@me.com>

Date Thu 8/13/2026 9:23 AM

To Justin Clary <justin.clary@lwwsd.org>

Cc John Carter <john.carter@lwwsd.org>; Nick Greif <nick.greif@lwwsd.org>

 1 attachment (463 KB)

Farris, Tim - Invoice #543074.pdf;

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Justin,

As we recently discovered, from the contractor's excavation, the District's requirement would require damaging third party property. The law (and common sense) makes it clear. The District cannot, then or now, legally require a homeowner damage a third party's property.

My legal research confirms this:

There is an Attorney General's opinion (AGO 2009 No. 5) that holds that "a district may repair or replace private side sewers using public funds, but only with the owner's permission ("subject to a right of entry")."

A summary of the court cases, with this AG opinion, states:

"District authority over side sewers is limited to the owner's property."

"...forced entry (on third party property) is not authorized absent:

- An easement
- A condemnation action
- A court order
- A statutory grant of authority (none exists for side-sewer capping)

"If the district's requirement is impossible to comply with without trespass, the requirement is likely unenforceable. Washington courts routinely invalidate municipal requirements that cannot be complied with without violating other laws (trespass, property destruction, etc.)."

Here is a summary of the law, I quote:

"A sewer district cannot lawfully require a property owner to cap a side sewer in a way that requires trespassing on or destroying a third party's property unless the district first obtains legal authority (easement, condemnation, or court order)."

It goes on to say:

"Across states, courts consistently hold that a government entity cannot require a private landowner to violate another person's property rights as a condition of compliance with a regulation.

The law is just common sense. My family can no more damage our neighbor's driveway than their home. The District's requirement that we cap the side sewer when it requires damaging a third party property is *and has always has been* illegal. No court would support a District requirement that requires destroying the property of a third party.

I have been the one making the good faith effort. I tried. It is now time for the District and the Board to do the right thing.

- For years, I have been paying the District sewer fees for a service that was not provided. Each of these monthly payments was made because the District imposed a condition that turned out to be illegal (destroying third party property).
- I incurred the cost of excavation in the amount of \$2,920.48 in an attempt to comply with the District's illegal requirement. It is attached.

The fact that the District collected thousands of dollars in monthly fees and has never provided a service is a fact that would cause any court to take pause.

I am writing to formally petition the Board to reimburse my family for the costs we have incurred in making a good faith attempt to comply with the District's illegal requirement that we cap the side sewer line by the road. Specifically, I request the Board to:

1. Issue a waiver of future sewer fees. I will cap the line by the former home site.
2. Return of the monthly fees we have paid since I first requested waiver of the District requirement some years ago. These fees were collected by the District and, as it turns out, was based upon a condition that could never have complied with because it was illegal. Yet, the District insisted on it.
3. The District pay the \$2,920.48 excavation costs that I incurred in an effort to comply with the District's illegal requirement.

As I mentioned in my previous email, I strongly encourage the District to consult its legal counsel. I think your counsel will tell you that the District cannot enforce a condition that requires damaging third party property.

This has been unfair and it is time for the District to do the right thing.

Thank you.

Tim Farris

Tim

Tim Farris
2133 North Shore Road
Bellingham, Washington 98226
(360) 220-0800 (m)
TimFarris@me.com

Farris: Repayment of Monthly Sewer Fees That Were Illegally Collected and Excavation Costs

From Tim Farris <timfarris@me.com>

Date Sat 8/15/2026 1:12 PM

To Justin Clary <justin.clary@lwwsd.org>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Justin,

I have done some additional legal research. I want the District to have the benefit of knowing the law.

It is clear that the District could not collect monthly sewer fees when the requirement was conditioned upon damaging a neighbor's property. The contractor will confirm that the line could not be capped without damaging the neighbor's property. As I believe your legal counsel will confirm, no court is going to condone a position that the District can mandate and collect monthly sewer fees unless and until the homeowner damaged the neighbor's property in order to comply with the District's policy.

As you know, the District did not care about capping the line. As you confirmed with Lee Breakey, you have known the side sewer line was uncapped. No court is, now going to listen to a District argument that this was about protecting the environment. This was, obviously, just about the District collecting our monthly payment (for no service) which it simply added it some \$20 million dollars it is sitting on in cash reserves - all while imposing a condition that was clearly illegal under these facts.

To me, this is a matter of principle. The District needs to comply with the law. That means returning the money it illegally collected and pay the cost of excavation that I incurred by trying to comply with the District's illegal conditions.

I trust we can resolve this amicably.

Below is a summary of the legal argument.

Thank you.

Tim

Tim Farris
2133 North Shore Road
Bellingham, Washington 98226

(360) 220-0800 (m)
TimFarris@me.com

Re: Your Requests Dated August 5, 2026 to Lake Whatcom Water & Sewer District re 2125 Northshore Road

From Tim Farris <timfarris@me.com>

Date Tue 9/15/2026 1:18 PM

To Bob Carmichael <Bob@carmichaelclark.com>

Cc Justin Clary <justin.clary@lwwsd.org>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Bob,

Thanks for your email. I appreciate your efforts and ask that my previous email and this one be provided to the Commissioners.

I've decided I am not going to attend the meeting. Frankly, this whole experience leaves me dejected. Mr. Clary seems to think it acceptable to force a customer to pay \$20,000 to \$40,000 to cap a line to cease a \$200 monthly charge where the District provides no service. It also saddens me when the District's approved and bonded contractor tells me that the District employee (who the contractor relied upon) is lying when he now denies telling the contractor that it was reasonable to terminate the excavation. Also concerning is that Mr. Clary, who does not work on Fridays and never saw the site, offers all kinds of opinions about how a contractor with decades of experience should have done something different and with no legal training Mr. Clary offers legal opinions that a government can require a customer to tear up a third party's property. (That is pure nonsense.)

Caught in between the District, a contractor and an employee who apparently does not tell the truth is me - who has already incurred over \$3,000 in costs trying to comply and is looking at \$20,000 to \$40,000 more to comply with the District's demands.

The public would be outraged that the District would treat a citizen and customer this way. I find it just makes me sad.

Before I move on, I think each Commissioner should vote. Their vote will tell us which one of them thinks government should treat its customers this way. If you can, I would appreciate a copy of the minutes that show how each Commissioner voted.

Thanks Bob.

Tim

Tim Farris

2133 North Shore Road
Bellingham, Washington 98226
(360) 220-0800 (m)
TimFarris@me.com

On Sep 15, 2026, at 12:20 PM, Bob Carmichael <Bob@carmichaelclark.com> wrote:

Hi Tim,

Thank you for your response. We have received your request regarding the General Manager's decision and are treating your message below as a formal request for an appeal before the District's Board of Commissioners.

Under District Code Sections 2.1 and 3.7, customers who wish to dispute a District Administration decision may request a review by the Board, whose determination serves as the final decision of the District.

The District's goal is to ensure that you have a fair and accessible review process, and to that end, we encourage you to participate in the appeal hearing. You are welcome to attend the meeting either in person at the District's office located at 1220 Lakeway Drive, Bellingham, Washington, or to join virtually. We intend to include in the Board packet for the meeting your emails to the District and to me detailing recent events and outlining your position and requested relief. During the meeting, you will have the opportunity to present any relevant documents or statements to support your position. You may also of course be represented by an attorney; if you decide to have legal counsel join you, please let us know in advance.

To satisfy the District code requirement of a ten-day notice period prior to a Board meeting, the earliest available regular meeting for your appeal is Wednesday, September 30 at 8:00 AM. If that date does not work for you, the following regular Board meeting will take place on Wednesday, October 14 at 6:30 PM.

Please let us know which of these two meeting dates you prefer so the District can confirm your placement on the agenda. Please feel free to reach out to me directly if you have any questions in the meantime.

Thank you.

Bob

Robert A. Carmichael | Attorney
bob@carmichaelclark.com

Carmichael Clark, PS
1700 D Street P. 360 647 1500
Bellingham, WA F. 360 647 1501
98225 CarmichaelClark.com

This email may contain confidential or privileged information. If you received this email in error, please notify me immediately by replying or calling 360-647-1500 and permanently delete this email and any attachments from your files. Any review, copying, dissemination, or other use of this email or its contents by anyone except the intended recipient is strictly prohibited. Thank you.

From: Tim Farris <timfarris@me.com>
Sent: Monday, September 14, 2026 11:29 AM
To: Bob Carmichael <Bob@CarmichaelClark.com>
Cc: Justin Clary <justin.clary@lwwsd.org>; Catherine Moore <CMoore@carmichaelclark.com>
Subject: Re: Your Requests Dated August 5, 2026 to Lake Whatcom Water & Sewer District re 2125 Northshore Road

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Bob,

We have been out of the country and just recently returned.

I am asking for the Commissioners to review and vote on my request.

As a prefatory comment, let me begin by saying this was never really about the money. I have a vow. I have never personally sued anyone and never will. I am not going to sue the District. To me, this is about fairness, common sense and how government serves its people. I was going to propose to Mr. Clary that all refunds be donated to charity. I doubted he would care. If it would make a difference, I would agree to refund all fees to an agreed upon charity. More important than the money is the reputation of government. This issue asks the question of the commissioners of what is fair, what is reasonable and their idea of "customer service".

I have reviewed the letter.

Which commissioner endorses the argument advanced by the District that the side sewer must be capped at the road to protect the lake but is just fine if the lake is unprotected (the line remains uncapped) as long as the District collects \$200 a month?

Which commissioner thinks I have not made a good faith effort to comply with the District's requirements? I have spent some \$400 on a permit, hired a District approved and bonded contractor and spent over \$2,900 on excavating the site and attempted to cap the side sewer in compliance with District regulations. It was the contractor, with decades of experience in consultation with a District representative that concluded it was not reasonable to proceed. This was a professional decision. I was never consulted.

I am asking that each commissioner ask themselves how they would feel if the District mandated that one of them spend "\$20,000 to \$40,000" to comply with the District's requirement?

The letter appears to contain criticisms from Mr. Clary about the decision of Fountain Construction to terminate excavation. Fountain Construction is a District approved contractor with decades of experience. Prior to making the decision to terminate

construction, Mr. Breakey asked the District to come to the site. Mr. Clary has opinions but Mr. Clary was not there. He apparently does not work on Fridays.

Instead, Mr. Cook came. Fountain Construction, states Mr. Cook saw water draining into the hole and agreed it was reasonable to terminate the excavation and cap the line near the former house site. I showed the letter to Mr. Breakey where, apparently, Mr. Cook now appears to deny he agreed it was reasonable to terminate the excavation and cap the line near the former home site. Mr. Breakey is explicit. If Mr. Cook is now denying he told Fountain it was unreasonable proceed further, he is not telling the truth. It is not lost on me that Mr. Breakey would have a financial incentive to continue digging.

The letter attempts to suggest that the District can mandate that a customer damage a third party's property as a condition to suspending sewer payments. This is a question of law. Mr. Clary is not a lawyer. Bob, I will leave it to you as legal counsel to advise the District whether the it can mandate tearing up a third party's property. I can tell you, that as an attorney with decades of experience, there is no way the law supports the District's requirement that a customer can tear up a third party's property. Mr. Clary is wrong. With your advice, I hope the Commissioners will follow the law. They have an ethical duty to follow the law - not the wishful opinions of the law held by the District manager.

Why am I doing this? Over the decades, I have spent years serving as a Commissioner on the Housing Authority, as Campaign Chair for the school levy, as campaign chair for the City's Deemer Road fire Station and served a Board Member and/or President of some 17 different non-profit organizations. I believe and think I understand the idea of community service. It is important to me. The District's decision and it is treatment of a customer in this case is just what gives government a bad name.

In the end, government is not just about collecting every dollar. It is about being fair and reasonable. I have spent over \$3,000 trying to comply. To proceed, I would have to spend another \$20,000 to \$40,000. I have acted in good faith. Each commissioner gets to think how they would feel if they were treated this way as a customer.

I will be interested in seeing how each of them votes.

Please let me know the decision of the Commissioners.

Thanks, Bob.

Tim

Tim Farris
2133 North Shore Road
Bellingham, Washington 98226
(360) 220-0800 (m)
TimFarris@me.com

On Sep 2, 2026, at 6:15 PM, Bob Carmichael
<Bob@CarmichaelClark.com> wrote:

Tim,

Attached is the decision of District Management on your above referenced requests. I will be in the office tomorrow and should be available most of the day, except for between noon – 3:00 p.m. Thereafter, I will be out of the office until Wednesday of next week.

If you wish to discuss the decision of District Management with me directly, I am willing to do so. Just let me know.

Bob

Robert A. Carmichael | Attorney
bob@CarmichaelClark.com

Carmichael Clark, PS
1700 D Street P. 360 647 1500
Bellingham, WA F. 360 647 1501
98225 CarmichaelClark.com

This email may contain confidential or privileged information. If you received this email in error, please notify me immediately by replying or calling 360-647-1500 and permanently delete this email and any attachments from your files. Any review, copying, dissemination, or other use of this email or its contents by anyone except the intended recipient is strictly prohibited. Thank you.

<Letter to Farris_LWWD.pdf>



**AGENDA
BILL
Item 6.B**

**Resolution No. 908
Update to Master Fees
and Charges Schedule**

DATE SUBMITTED:	October 7, 2026	MEETING DATE:	October 14, 2026
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Resolution No. 908		
TYPE OF ACTION REQUESTED	RESOLUTION ☒	FORMAL ACTION/ MOTION ☐	INFORMATIONAL/ OTHER ☐

BACKGROUND / EXPLANATION OF IMPACT

In accordance with the powers granted under [Revised Code of Washington Section 57.08.007](#), from time-to-time the Board of Commissioners reviews and updates the District's fees and charges to ensure that the District receives appropriate payment for services rendered. The master fees and charges schedule is codified under Title 7 of the District's Administrative Code, with the current revision (Schedule 30) recently adopted by the Board via Resolution No. 906 during its regularly scheduled meeting on July 29, 2026. Schedule 30 reflects the results of review of the District's rates for water sales and sewer service conducted earlier this year.

During the recent rate study, focus was largely on revisions to the water sales rate structure and necessary increases to fund water utility projects over the five-year planning horizon. With no desire voiced by the Board to change from the flat, per equivalent residential unit (ERU) structure or projected financial demands requiring rate increases, there was relatively little discussion pertaining to sewer rates during the analysis.

The District was recently contacted by a customer that owns a duplex regarding their utility bill. In reviewing the Master Fees and Charges Schedule pertaining to sewer rates, the overall ERU rate is composed of an *account charge* and a *volume charge*. During the recent rate analysis, the overall ERU charge was the only charge reviewed relative to the revenue-based needs of the sewer utility. Similarly, review of the 2021 rate study (completed by FCS Group) that created the current 2022-2026 rate structure is silent regarding these two components. Likewise, the 2017 rate analysis performed by FCS Group also does not reference the sewer rate components, and the 2014 FCS Group analysis has only general reference to the account and volume-based charges. Because current rates, as well as those recently adopted by the Board for 2027-2031 are based on an overall per ERU charge and do not appear based upon the

two component charges, District staff propose simplifying the sewer rate structure to the flat per ERU charge. In addition, while the District's customer base is predominantly single family residential (4,101 accounts), the relatively few multi-unit customers (82 accounts) have historically been charged the overall per ERU charge, plus a "multi-unit allowance" charge that is equivalent to the current account charge. Because each unit is already being charged the combined (account and volume-based) sewer charge, current District staff cannot determine why an additional account charge is being billed to multi-unit customers. Removing the account charge from the Master Fees and Charges Schedule would allow for the removal of this multi-unit allowance charge, as well.

Those changes have been incorporated into the draft Master Fees and Charges Schedule associated with the attached Resolution No. 908.

FISCAL IMPACT

The overall sewer rate structure adopted in the Master Fees and Charges Schedule 30 in July would remain intact (flat, per ERU rate of \$206.35 per two-month billing cycle throughout the five-year rate period). The \$9.79 account charge assessed to multi-unit customers would be removed, resulting in a reduction of \$4,816.68/year to the sewer utility revenue.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Financial Viability

Customer Satisfaction

RECOMMENDED BOARD ACTION

Staff recommends updating the Master Fees and Charges schedule via adoption of Resolution No. 908.

PROPOSED MOTION

A recommended motion is:

"I move to adopt Resolution No. 908, as presented."

**LAKE WHATCOM WATER AND SEWER DISTRICT
RESOLUTION NO. 908**

A Resolution of the Board of Commissioners
Updating the Master Fees and Charges with Schedule No. 31
Effective January 1, 2027

WHEREAS, the Lake Whatcom Water and Sewer District (“District”) is a special purpose district authorized under Title 57 Revised Code of Washington; and

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

WHEREAS, the District needs to periodically adjust its fees and/or charges to better reflect the actual cost of services rendered; and

WHEREAS, the District intends to maintain a stable rate structure so that it may continue to responsibly and reliably provide services with lower rate increases into the future; and

WHEREAS, the District wishes to make its rates and charges as straightforward as possible for ease of understanding by its customers; and

WHEREAS, the District Board of Commissioners has reviewed and determined it appropriate to update the Master Fees and Charges schedule, as reflected in Exhibit A attached hereto for reference purposes only, which identifies specific amendments to the current Schedule No. 30 with deletions in strikethrough and additions underlined; and

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

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

Section 1. The Lake Whatcom Water and Sewer District Master Fees and Charges, Schedule No. 31, as attached hereto as Exhibit B, is adopted in its entirety and shall replace Schedule No. 30.

Section 2. Title 7 of the Lake Whatcom Water and Sewer District Administrative Code shall be amended such that Schedule No. 31 will replace Schedule No. 30 as the operative Master Fees and Charges schedule for the District.

Section 3. Any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this Resolution.

Section 4. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original resolution or resolutions shall be in full force and effect.

Section 5. This Resolution shall be effective immediately. The application of Schedule No. 31 and the effective date of the code amendment described in Section 2 shall be January 1, 2027.

ADOPTED by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington, at a regular meeting thereof, on the 14th day of October, 2026.

Todd Citron, President, Board of Commissioners

ATTEST:

Rachael Hope, Recording Secretary

APPROVED AS TO FORM:

Robert Carmichael, District Legal Counsel

EXHIBIT A
MASTER FEES & CHARGES - SCHEDULE 3031
Effective Date January 1, 2027 (Resolution ~~906~~ 908)

Administrative Fees			
Item	Item Description	Fee/Charge	Reference
1	Equipment Charge, Hourly		
	District-owned equipment will be charged at the current U.S. Federal Emergency Management Agency schedule of equipment rates for equivalent equipment as determined by the District.		Resolution 860
2	Information Reproduction		
	Digital Recording - Board Meeting	\$35.00	Resolution 680
	Document - Standard Size - Less than 10 Pages	No Charge	Resolution 680
	Document - Standard Size - More than 10 Pages	\$0.15 per page	Resolution 717
3	Labor, Hourly		
	District labor will be charged at the current, fully burdened cost for salary and benefits, plus a 10% overhead rate.		Resolution 860
	Consultant Engineer - Invoice for Services Rendered + 10%		Resolution 860
4	Document Recording Fees		
	Document Recording	\$315.00	Resolution 906
	Lien Record/Release	\$215.00	Resolution 860
	Transfer, real estate closing	\$30.00	Resolution 806
	Segregation of assessment, equivalent residential units and water/sewer permits	\$100.00	Resolution 819
	Assessment Transfer	\$315.00	Resolution 906
5	Payment Return Item	\$30.00	Resolution 906
6	Stop Payment	\$20.00	Resolution 906

Billing - Sewer Service				
Item	Item Description		Fee/Charge	Reference
7	Regular Customer Charge Per Billing Cycle - Sewer			
Effective January 1, 2027	Account Charge	\$9.79		Resolution 906 908
	Volume Charge per dwelling unit	\$196.56		
	Total Billing Cycle Charge per dwelling unit		\$206.35	
	Low Income/Senior/Disabled Rate (40% Discount)		\$123.81	
Effective January 1, 2028	Account Charge	\$9.79		Resolution 906 908
	Volume Charge per dwelling unit	\$196.56		
	Total Billing Cycle Charge per dwelling unit		\$206.35	
	Low Income/Senior/Disabled Rate (40% Discount)		\$123.81	
Effective January 1, 2029	Account Charge	\$9.79		Resolution 906 908
	Volume Charge per dwelling unit	\$196.56		
	Total Billing Cycle Charge per dwelling unit		\$206.35	
	Low Income/Senior/Disabled Rate (40% Discount)		\$123.81	
Effective January 1, 2030	Account Charge	\$9.79		Resolution 906 908
	Volume Charge per dwelling unit	\$196.56		
	Total Billing Cycle Charge per dwelling unit		\$206.35	
	Low Income/Senior/Disabled Rate (40% Discount)		\$123.81	

MASTER FEES & CHARGES - SCHEDULE 3031
Effective Date January 1, 2027 (Resolution **906 908**)

Billing - Sewer Service (cont'd)				
Item	Item Description		Fee/Charge	Reference
7 (cont)	Effective January 1, 2031	Account Charge	\$9.79	Resolution 906908
		Volume Charge per dwelling unit	\$196.56	
		Total Billing Cycle Charge per dwelling unit	\$206.35	
		Low Income/Senior/Disabled Rate (40% Discount)	\$123.81	
8	Late Fee 1 late fee per account per year refundable with General Manager's approval		10% of past due utility services balance	RCW 57.08.081(3)

Billing - Water Sales				
Item	Item Description		Fee/Charge	Reference
9	Regular Customer Charge Per Billing Cycle - Up to 600 cubic feet of water			
	Effective January 1, 2027	5/8 x 3/4 Inch Meter	\$99.27	Resolution 906
		Low Income/Senior/Disabled Rate	\$59.56	
		1 Inch Meter	\$131.66	
		1.5 Inch Meter	\$181.63	
		2 Inch Meter	\$250.95	
		3 Inch Meter	\$496.30	
		Usage over 600 cubic feet (per 100 cubic feet)	\$14.08	
		Low Income/Senior/Disabled Rate	\$8.45	
		Usage over 1,800 cubic feet (per 100 cubic feet)	\$17.62	
		Low Income/Senior/Disabled Rate	\$10.57	
	Effective January 1, 2028	5/8 x 3/4 Inch Meter	\$103.99	Resolution 906
		Low Income/Senior/Disabled Rate	\$62.39	
		1 Inch Meter	\$137.91	
		1.5 Inch Meter	\$190.25	
		2 Inch Meter	\$262.87	
		3 Inch Meter	\$519.87	
		Usage over 600 cubic feet (per 100 cubic feet)	\$14.75	
		Low Income/Senior/Disabled Rate	\$8.85	
		Usage over 1,800 cubic feet (per 100 cubic feet)	\$18.46	
		Low Income/Senior/Disabled Rate	\$11.07	
	Effective January 1, 2029	5/8 x 3/4 Inch Meter	\$108.93	Resolution 906
		Low Income/Senior/Disabled Rate	\$65.36	
		1 Inch Meter	\$144.47	
		1.5 Inch Meter	\$199.29	
		2 Inch Meter	\$275.36	
		3 Inch Meter	\$544.56	
		Usage over 600 cubic feet (per 100 cubic feet)	\$15.45	
		Low Income/Senior/Disabled Rate	\$9.27	
		Usage over 1,800 cubic feet (per 100 cubic feet)	\$19.33	
		Low Income/Senior/Disabled Rate	\$11.60	

MASTER FEES & CHARGES - SCHEDULE 3031
Effective Date January 1, 2027 (Resolution ~~996~~ 908)

Billing - Water Sales (cont'd)				
Item	Item Description		Fee/Charge	Reference
9 (cont)	Effective January 1, 2030	5/8 x 3/4 Inch Meter	\$114.10	Resolution 906
		Low Income/Senior/Disabled Rate	\$68.46	
		1 Inch Meter	\$151.33	
		1.5 Inch Meter	\$208.76	
		2 Inch Meter	\$288.44	
		3 Inch Meter	\$570.43	
		Usage over 600 cubic feet (per 100 cubic feet)	\$16.18	
		Low Income/Senior/Disabled Rate	\$9.71	
		Usage over 1,800 cubic feet (per 100 cubic feet)	\$20.25	
		Low Income/Senior/Disabled Rate	\$12.15	
	Effective January 1, 2031	5/8 x 3/4 Inch Meter	\$119.52	Resolution 906
		Low Income/Senior/Disabled Rate	\$71.71	
		1 Inch Meter	\$158.52	
		1.5 Inch Meter	\$218.67	
		2 Inch Meter	\$302.14	
		3 Inch Meter	\$597.52	
		Usage over 600 cubic feet (per 100 cubic feet)	\$16.95	
		Low Income/Senior/Disabled Rate	\$10.17	
		Usage over 1,800 cubic feet (per 100 cubic feet)	\$21.21	
		Low Income/Senior/Disabled Rate	\$12.73	
10	Late Fee 1 late fee per account per year refundable with General Manager's approval		10% of past due utility services balance	RCW 57.08.081(3)

Miscellaneous Water Charges			
Item	Item Description	Fee/Charge	Reference
11	Water Interruption - Voluntary - With Billing Suspension		
	Lock Curb Stop Valve - during normal business hours	base rate	Resolution 860
	Unlock Curb Stop Valve - during normal business hours	No charge	
	Unlock Curb Stop Valve - outside normal business hours	\$150.00	
	Lock Curb Stop Valve	\$50.00	Resolution 661
	Unlock Curb Stop Valve - during normal business hours	No charge	
	Unlock Curb Stop Valve - outside normal business hours	\$150.00	
12	Water Interruption - Involuntary		
	Delinquent Account - Lock curb stop valve	\$75.00	Resolution 860
	Unlock Curb Stop Valve		
	During Normal Business Hours	No charge	
	Outside Normal Business Hours	\$150.00	

MASTER FEES & CHARGES - SCHEDULE 3031
Effective Date January 1, 2027 (Resolution ~~996~~ 908)

Miscellaneous Water Charges (cont'd)			
13	Water Interruption - Other		
	Failure to comply with emergency order	\$75.00	Resolutions 661 & 860
	Failure to eliminate cross connection	\$75.00	
	Failure to repair leak	\$75.00	
	Request of agency/higher authority	No charge	
	Visible leak in vacant building or disaster	No charge	
14	Unauthorized Lock Removal Fee	\$250.00	Resolution 860
15	Damaged Meter If meter is damaged by the customer	Material, equipment, & labor to repair meter + \$250.00	Resolution 860
16	Clear obstructed water meter after request to customer to remove is refused	\$75.00 + third party charges	Resolution 860
17	Hydrant meter, fire hose, fittings		
	Meter rental deposit	\$1,500.00	Resolution 860
	Equipment rental - single continuous use	\$50.00 per month	Resolution 860
	Bulk water purchase with hydrant meter		
	Effective January 1, 2027 - Per 100 cubic feet	\$14.08	Resolution 906
	Effective January 1, 2028 - Per 100 cubic feet	\$14.75	
	Effective January 1, 2029 - Per 100 cubic feet	\$15.45	
	Effective January 1, 2030 - Per 100 cubic feet	\$16.18	
	Effective January 1, 2031 - Per 100 cubic feet	\$16.95	

Developer Extension Agreements			
Item	Item Description	Fee/Charge	Reference
18	Initial Fees		
	Application - Good for 60 days	\$300.00	Resolution 680
	Conformance Deposit	\$1,000.00	Resolution 680
	General Administration plus recording fees	\$750.00	Resolution 680
19	Final Design Review		
	By District Engineer	Cost + 2%	Resolution 680
20	Design Review and Inspection		
	Initial Deposit	\$5,000.00	Resolution 680
	Supplemental Deposit	\$5,000.00	Resolution 860
21	Contract noncompliance	Cost + 2%	Board Mtg 5/14/97
22	Latecomers Reimbursement Agreements, reimbursement processing	Cost + 2%	Resolution 860
23	Special Agreements	Cost + 2%	Board Mtg 5/14/97
24	Third Party Claims	Cost + 2%	
25	Time Extension		
	Before Expiration Date	\$250.00	
	After Expiration Date	\$750.00	

MASTER FEES & CHARGES - SCHEDULE 3031
 Effective Date January 1, 2027 (Resolution ~~996~~ 908)

Permitting - Water Permits

Meter Information	Meter Size	Continuous Flow	Meter Capacity
	5/8 x 3/4 Inch	15	1
	1 Inch	30	2
	1.5 Inch	75	5
	2 Inch	120	8
	3 Inch Compound	330	22
	4 Inch Compound	440	29

Item	Item Description		Fee/Charge	Reference
26	Water General Facilities & Installation			
	<i>* Installation fees marked with an * vary by project, please see District Engineer with questions.</i>			
	Effective January 1, 2027	Meter Size	Connection Fee	Installation
		5/8 x 3/4 Inch	\$8,645.06	\$2,000.00
		1 Inch	\$17,290.12	*
		1.5 Inch	\$43,225.30	*
		2 Inch	\$69,160.48	*
		3 Inch Compound	\$190,191.32	*
		4 Inch Compound	\$253,559.61	*
				Resolution 886
27	Permit Administration & Processing		\$170.00	Resolution 860
	Initial Water Pressure Reducing Valve Inspection & Documentation		\$50.00	Resolution 860
	Water Pressure Reducing Valve Reinspection		\$100.00	Resolution 860
28	Water Permit - Special Charges			
	North Shore and Eagleridge/COB Reimbursement		\$300.00	6/10/88 Agreemt

Permitting - Sewer Permits

Meter Information	Meter Size	Meter Capacity
	5/8 x 3/4 Inch	1
	1 Inch	2
	1.5 Inch	5
	2 Inch	8
	3 Inch Compound	22
	4 Inch Compound	29

MASTER FEES & CHARGES - SCHEDULE 3031
Effective Date January 1, 2027 (Resolution ~~996~~ 908)

Permitting - Sewer Permits (cont'd)					
Item	Item Description			Fee/Charge	Reference
29	Sewer General Facilities				
	Effective January 1, 2027	Meter Size	Connection Fee	Installation	Resolution 886
		5/8 x 3/4 Inch	\$13,172.90	Done by owner's bonded side sewer contractor	
		1 Inch	\$26,345.80		
		1.5 Inch	\$65,864.50		
		2 Inch	\$105,383.20		
		3 Inch Compound	\$289,803.81		
		4 Inch Compound	\$386,361.16		
30	Service Installation - If District-installed stub exists			\$755.00	Resolution 860
	Permit Processing			\$170.00	
	Scheduled Sewer Inspection-Construction Not Ready			\$100.00	
	Initial Sewer Inspection/Grinder Pump Installation Inspection			\$370.00	
	Sewer Reinspection of Deficient Work			\$500.00	
31	Sewer Permit - Special Charges				
	Lakewood/Grand Blvd Special Benefit Fee			\$6,000.00	District Funded
	ULID #18 Fee in Lieu of Assessment - see table below			See table	Resolution 885
32	Other Sewer Charges				
	Review waiver of claim agreements for customer-owned side sewers with			\$50.00	Resolution 645
	Unauthorized Connection to Sewer				
	Investigation, testing, inspection			\$500.00	Resolution 645
	Repair and Correction			Cost + 10%	Resolution 860
	Disconnect monitoring/enforcement after 90 days			\$25.00/day	Board Mtg 8/29/03
	Voluntary Sewer Service Interruption				
	Permit to install two-way clean out			Permit processing & inspection fee	
	Suspend billing - insert plug into side sewer			\$250.00	Resolution 709
	Resume billing/remove plug - during regular business hours			No charge	
	Resume billing/remove plug - outside regular business hours			\$150.00	

ULID #18 Fee in Lieu of Assessment					
33	Year	Equivalent to	Fee in Lieu of	Total Fee	Reference
	2027	\$2,792.78	\$8,353.35	\$11,146.13	Resolution 885
	2028	\$2,792.78	\$9,146.92	\$11,939.70	
	NOTE: As described in Resolution 672 and 885, ULID #18 Fee in Lieu of Assessment Charges were created to put parcels not assessed on the same footing as those that were assessed for the ULID. Assessed parcels could, and many did, prepay their assessments. To provide the same opportunity for non-assessed parcels, prepayment of ULID 18 Fee in Lieu of Assessment Charges will also be accepted. Therefore, paid in full ULID Fee in Lieu of Assessment Charges satisfy the ULID Charges				

MASTER FEES & CHARGES - SCHEDULE 3031
Effective Date January 1, 2027 (Resolution ~~996~~ 908)

Violations of Administrative Code			
Item	Item Description	Fee/Charge	Reference
34	Labor	Staff hourly rates - See Item No. 3	Resolution 798
	Equipment Use	Hourly rate - See Item No. 1	
	Materials	Cost of materials used	
	Attorney's Fees and Expenses	Reimburse District's Costs	
	Administrative Fee	10% of total expenses	
	Any person who violates any provision of the Administrative Code shall be liable to the District for any expense, loss, damage, cost of inspection or cost of correction incurred by the District by reason of such violation, including any expenses and attorney fees incurred by the District in collecting from such person of such loss, damage, expense, cost of inspection or cost of correction, plus an administrative fee equal to 10% of the total expenses. (Reference: Administrative Code Section 3.3.1		

Water Booster Pump Credit			
Item	Item Description	Credit	Reference
35	Maximum allowable credit for installing a private water booster pump serving qualifying properties	\$1,500.00	Resolution 778

MASTER FEES & CHARGES - SCHEDULE 31

Effective Date January 1, 2027 (Resolution 908)

Administrative Fees			
Item	Item Description	Fee/Charge	Reference
1	Equipment Charge, Hourly District-owned equipment will be charged at the current U.S. Federal Emergency Management Agency schedule of equipment rates for equivalent equipment as determined by the District.		
			Resolution 860
2	Information Reproduction		
	Digital Recording - Board Meeting	\$35.00	Resolution 680
	Document - Standard Size - Less than 10 Pages	No Charge	Resolution 680
	Document - Standard Size - More than 10 Pages	\$0.15 per page	Resolution 717
3	Labor, Hourly		
	District labor will be charged at the current, fully burdened cost for salary and benefits, plus a 10% overhead rate.		Resolution 860
	Consultant Engineer - Invoice for Services Rendered + 10%		Resolution 860
4	Document Recording Fees		
	Document Recording	\$315.00	Resolution 906
	Lien Record/Release	\$215.00	Resolution 860
	Transfer, real estate closing	\$30.00	Resolution 806
	Segregation of assessment, equivalent residential units and water/sewer permits	\$100.00	Resolution 819
	Assessment Transfer	\$315.00	Resolution 906
5	Payment Return Item	\$30.00	Resolution 906
6	Stop Payment	\$20.00	Resolution 906

Billing - Sewer Service				
Item	Item Description		Fee/Charge	Reference
7	Regular Customer Charge Per Billing Cycle - Sewer			
	Effective January 1, 2027	Charge per dwelling unit	\$206.35	Resolution 908
		Low Income/Senior/Disabled Rate (40% discount)	\$123.81	
	Effective January 1, 2028	Charge per dwelling unit	\$206.35	Resolution 908
		Low Income/Senior/Disabled Rate (40% discount)	\$123.81	
	Effective January 1, 2029	Charge per dwelling unit	\$206.35	Resolution 908
		Low Income/Senior/Disabled Rate (40% discount)	\$123.81	
	Effective January 1, 2030	Charge per dwelling unit	\$206.35	Resolution 908
		Low Income/Senior/Disabled Rate (40% discount)	\$123.81	
	Effective January 1, 2031	Charge per dwelling unit	\$206.35	Resolution 908
Low Income/Senior/Disabled Rate (40% discount)		\$123.81		
8	Late Fee 1 late fee per account per year refundable with General Manager's approval		10% of past due utility services balance	RCW 57.08.081(3)

MASTER FEES & CHARGES - SCHEDULE 31

Effective Date January 1, 2027 (Resolution 908)

Billing - Water Sales				
Item	Item Description		Fee/Charge	Reference
9	Regular Customer Charge Per Billing Cycle - Up to 600 cubic feet of water			
	Effective January 1, 2027	5/8 x 3/4 Inch Meter	\$99.27	Resolution 906
		Low Income/Senior/Disabled Rate	\$59.56	
		1 Inch Meter	\$131.66	
		1.5 Inch Meter	\$181.63	
		2 Inch Meter	\$250.95	
		3 Inch Meter	\$496.30	
		Usage over 600 cubic feet (per 100 cubic feet)	\$14.08	
		Low Income/Senior/Disabled Rate	\$8.45	
		Usage over 1,800 cubic feet (per 100 cubic feet)	\$17.62	
		Low Income/Senior/Disabled Rate	\$10.57	
	Effective January 1, 2028	5/8 x 3/4 Inch Meter	\$103.99	Resolution 906
		Low Income/Senior/Disabled Rate	\$62.39	
		1 Inch Meter	\$137.91	
		1.5 Inch Meter	\$190.25	
		2 Inch Meter	\$262.87	
		3 Inch Meter	\$519.87	
		Usage over 600 cubic feet (per 100 cubic feet)	\$14.75	
		Low Income/Senior/Disabled Rate	\$8.85	
		Usage over 1,800 cubic feet (per 100 cubic feet)	\$18.46	
		Low Income/Senior/Disabled Rate	\$11.07	
	Effective January 1, 2029	5/8 x 3/4 Inch Meter	\$108.93	Resolution 906
		Low Income/Senior/Disabled Rate	\$65.36	
		1 Inch Meter	\$144.47	
		1.5 Inch Meter	\$199.29	
		2 Inch Meter	\$275.36	
		3 Inch Meter	\$544.56	
		Usage over 600 cubic feet (per 100 cubic feet)	\$15.45	
		Low Income/Senior/Disabled Rate	\$9.27	
		Usage over 1,800 cubic feet (per 100 cubic feet)	\$19.33	
		Low Income/Senior/Disabled Rate	\$11.60	
	Effective January 1, 2030	5/8 x 3/4 Inch Meter	\$114.10	Resolution 906
		Low Income/Senior/Disabled Rate	\$68.46	
		1 Inch Meter	\$151.33	
		1.5 Inch Meter	\$208.76	
		2 Inch Meter	\$288.44	
		3 Inch Meter	\$570.43	
		Usage over 600 cubic feet (per 100 cubic feet)	\$16.18	
		Low Income/Senior/Disabled Rate	\$9.71	
		Usage over 1,800 cubic feet (per 100 cubic feet)	\$20.25	
		Low Income/Senior/Disabled Rate	\$12.15	

MASTER FEES & CHARGES - SCHEDULE 31

Effective Date January 1, 2027 (Resolution 908)

Billing - Water Sales (cont'd)			
Item	Item Description	Fee/Charge	Reference
9 (cont)	5/8 x 3/4 Inch Meter	\$119.52	Resolution 906
	Low Income/Senior/Disabled Rate	\$71.71	
	1 Inch Meter	\$158.52	
	1.5 Inch Meter	\$218.67	
	2 Inch Meter	\$302.14	
	3 Inch Meter	\$597.52	
	Usage over 600 cubic feet (per 100 cubic feet)	\$16.95	
	Low Income/Senior/Disabled Rate	\$10.17	
	Usage over 1,800 cubic feet (per 100 cubic feet)	\$21.21	
	Low Income/Senior/Disabled Rate	\$12.73	
10	Late Fee 1 late fee per account per year refundable with General Manager's approval	10% of past due utility services balance	RCW 57.08.081(3)

Miscellaneous Water Charges			
Item	Item Description	Fee/Charge	Reference
11	Water Interruption - Voluntary - With Billing Suspension		
	Lock Curb Stop Valve - during normal business hours	base rate	Resolution 860
	Unlock Curb Stop Valve - during normal business hours	No charge	
	Unlock Curb Stop Valve - outside normal business hours	\$150.00	
	Lock Curb Stop Valve	\$50.00	Resolution 661
	Unlock Curb Stop Valve - during normal business hours	No charge	
	Unlock Curb Stop Valve - outside normal business hours	\$150.00	
12	Water Interruption - Involuntary		
	Delinquent Account - Lock curb stop valve	\$75.00	Resolution 860
	Unlock Curb Stop Valve		
	During Normal Business Hours	No charge	
	Outside Normal Business Hours	\$150.00	
13	Water Interruption - Other		
	Failure to comply with emergency order	\$75.00	Resolutions 661 & 860
	Failure to eliminate cross connection	\$75.00	
	Failure to repair leak	\$75.00	
	Request of agency/higher authority	No charge	
	Visible leak in vacant building or disaster	No charge	
14	Unauthorized Lock Removal Fee	\$250.00	Resolution 860
15	Damaged Meter If meter is damaged by the customer	Material, equipment, & labor to repair meter + \$250.00	Resolution 860
16	Clear obstructed water meter after request to customer to remove is refused	\$75.00 + third party charges	Resolution 860

MASTER FEES & CHARGES - SCHEDULE 31

Effective Date January 1, 2027 (Resolution 908)

Miscellaneous Water Charges (cont'd)			
17	Hydrant meter, fire hose, fittings		
	Meter rental deposit	\$1,500.00	Resolution 860
	Equipment rental - single continuous use	\$50.00 per month	Resolution 860
	Bulk water purchase with hydrant meter		
	Effective January 1, 2027 - Per 100 cubic feet	\$14.08	Resolution 906
	Effective January 1, 2028 - Per 100 cubic feet	\$14.75	
	Effective January 1, 2029 - Per 100 cubic feet	\$15.45	
	Effective January 1, 2030 - Per 100 cubic feet	\$16.18	
	Effective January 1, 2031 - Per 100 cubic feet	\$16.95	

Developer Extension Agreements			
Item	Item Description	Fee/Charge	Reference
18	Initial Fees		
	Application - Good for 60 days	\$300.00	Resolution 680
	Conformance Deposit	\$1,000.00	Resolution 680
	General Administration plus recording fees	\$750.00	Resolution 680
19	Final Design Review		
	By District Engineer	Cost + 2%	Resolution 680
20	Design Review and Inspection		
	Initial Deposit	\$5,000.00	Resolution 680
	Supplemental Deposit	\$5,000.00	Resolution 860
21	Contract noncompliance	Cost + 2%	Board Mtg 5/14/97
22	Latecomers Reimbursement Agreements, reimbursement processing	Cost + 2%	Resolution 860
23	Special Agreements	Cost + 2%	Board Mtg 5/14/97
24	Third Party Claims	Cost + 2%	
25	Time Extension		
	Before Expiration Date	\$250.00	
	After Expiration Date	\$750.00	

Permitting - Water Permits			
Meter Information	Meter Size	Continuous Flow	Meter Capacity
	5/8 x 3/4 Inch	15	1
	1 Inch	30	2
	1.5 Inch	75	5
	2 Inch	120	8
	3 Inch Compound	330	22
	4 Inch Compound	440	29

EXHIBIT B
MASTER FEES & CHARGES - SCHEDULE 31
Effective Date January 1, 2027 (Resolution 908)

Permitting - Water Permits (cont'd)				
Item	Item Description		Fee/Charge	Reference
26	Water General Facilities & Installation			
	<i>* Installation fees marked with an * vary by project, please see District Engineer with questions.</i>			
	Effective January 1, 2027	Meter Size	Connection Fee	Installation
		5/8 x 3/4 Inch	\$8,645.06	\$2,000.00
		1 Inch	\$17,290.12	*
		1.5 Inch	\$43,225.30	*
		2 Inch	\$69,160.48	*
		3 Inch Compound	\$190,191.32	*
		4 Inch Compound	\$253,559.61	*
27	Permit Administration & Processing		\$170.00	Resolution 860
	Initial Water Pressure Reducing Valve Inspection & Documentation		\$50.00	Resolution 860
	Water Pressure Reducing Valve Reinspection		\$100.00	Resolution 860
28	Water Permit - Special Charges			
	North Shore and Eagleridge/COB Reimbursement		\$300.00	6/10/88 Agreemt

Permitting - Sewer Permits																																		
<table><tr><td rowspan="7">Meter Information</td><td colspan="2">Meter Size</td><td colspan="2">Meter Capacity</td></tr><tr><td colspan="2">5/8 x 3/4 Inch</td><td colspan="2">1</td></tr><tr><td colspan="2">1 Inch</td><td colspan="2">2</td></tr><tr><td colspan="2">1.5 Inch</td><td colspan="2">5</td></tr><tr><td colspan="2">2 Inch</td><td colspan="2">8</td></tr><tr><td colspan="2">3 Inch Compound</td><td colspan="2">22</td></tr><tr><td colspan="2">4 Inch Compound</td><td colspan="2">29</td></tr></table>						Meter Information	Meter Size		Meter Capacity		5/8 x 3/4 Inch		1		1 Inch		2		1.5 Inch		5		2 Inch		8		3 Inch Compound		22		4 Inch Compound		29	
Meter Information	Meter Size		Meter Capacity																															
	5/8 x 3/4 Inch		1																															
	1 Inch		2																															
	1.5 Inch		5																															
	2 Inch		8																															
	3 Inch Compound		22																															
	4 Inch Compound		29																															
Item	Item Description			Fee/Charge	Reference																													
29	Sewer General Facilities																																	
	Effective January 1, 2027	Meter Size		Connection Fee	Installation	Resolution 886																												
		5/8 x 3/4 Inch		\$13,172.90	Done by owner's bonded side sewer contractor																													
		1 Inch		\$26,345.80																														
		1.5 Inch		\$65,864.50																														
		2 Inch		\$105,383.20																														
		3 Inch Compound		\$289,803.81																														
		4 Inch Compound		\$386,361.16																														
30	Service Installation - If District-installed stub exists			\$755.00	Resolution 860																													
	Permit Processing			\$170.00																														
	Scheduled Sewer Inspection-Construction Not Ready			\$100.00																														
	Initial Sewer Inspection/Grinder Pump Installation Inspection			\$370.00																														
	Sewer Reinspection of Deficient Work			\$500.00																														
31	Sewer Permit - Special Charges																																	
	Lakewood/Grand Blvd Special Benefit Fee			\$6,000.00	District Funded																													
	ULID #18 Fee in Lieu of Assessment - see table below			See table	Resolution 885																													

MASTER FEES & CHARGES - SCHEDULE 31*Effective Date January 1, 2027 (Resolution 908)*

Permitting - Sewer Permits (cont'd)			
32	Other Sewer Charges		
	Review waiver of claim agreements for customer-owned side sewers with	\$50.00	Resolution 645
	Unauthorized Connection to Sewer		
	Investigation, testing, inspection	\$500.00	Resolution 645
	Repair and Correction	Cost + 10%	Resolution 860
	Disconnect monitoring/enforcement after 90 days	\$25.00/day	Board Mtg 8/29/03
	Voluntary Sewer Service Interruption		
	Permit to install two-way clean out	Permit processing & inspection fee	
	Suspend billing - insert plug into side sewer	\$250.00	Resolution 709
	Resume billing/remove plug - during regular business hours	No charge	
	Resume billing/remove plug - outside regular business hours	\$150.00	

ULID #18 Fee in Lieu of Assessment					
33	Year	Equivalent to	Fee in Lieu of	Total Fee	Reference
	2027	\$2,792.78	\$8,353.35	\$11,146.13	Resolution 885
	2028	\$2,792.78	\$9,146.92	\$11,939.70	
	NOTE: As described in Resolution 672 and 885, ULID #18 Fee in Lieu of Assessment Charges were created to put parcels not assessed on the same footing as those that were assessed for the ULID. Assessed parcels could, and many did, prepay their assessments. To provide the same opportunity for non-assessed parcels, prepayment of ULID 18 Fee in Lieu of Assessment Charges will also be accepted. Therefore, paid in full ULID Fee in Lieu of Assessment Charges satisfy the ULID Charges permanently.				

Violations of Administrative Code			
Item	Item Description	Fee/Charge	Reference
34	Labor	Staff hourly rates - See Item No. 3	Resolution 798
	Equipment Use	Hourly rate - See Item No. 1	
	Materials	Cost of materials used	
	Attorney's Fees and Expenses	Reimburse District's Costs	
	Administrative Fee	10% of total expenses	
	Any person who violates any provision of the Administrative Code shall be liable to the District for any expense, loss, damage, cost of inspection or cost of correction incurred by the District by reason of such violation, including any expenses and attorney fees incurred by the District in collecting from such person of such loss, damage, expense, cost of inspection or cost of correction, plus an administrative fee equal to 10% of the total expenses. (Reference: Administrative Code Section 3.3.1 Liability to District)		

Water Booster Pump Credit			
Item	Item Description	Credit	Reference
35	Maximum allowable credit for installing a private water booster pump serving qualifying properties	\$1,500.00	Resolution 778



**AGENDA
BILL
Item 8.A**

**General Manager's
Report**

DATE SUBMITTED:	October 8, 2026	MEETING DATE:	October 14, 2026
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. General Manager's Report 2.		
TYPE OF ACTION REQUESTED	RESOLUTION ☐	FORMAL ACTION/ MOTION ☐	INFORMATIONAL /OTHER ☒

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, October 14, 2026 – 6:30 p.m.

Important Upcoming Dates

Lake Whatcom Water & Sewer District			
Regular Board Meeting	Wed Oct 28, 2026	8:00 a.m.	Board Room/Hybrid
Employee Staff Meeting	Thu Oct 15, 2026	8:00 a.m.	Board Room/Hybrid Commissioner Greif assigned
Investment Comm. Meeting	Wed Oct 28, 2026	10:00 a.m.	Board Room/Hybrid
Safety Committee Meeting	Thu Oct 22, 2026	8:00 a.m.	Board Room
Lake Whatcom Management Program			
Policy Group Meeting	Wed Dec 2, 2026	3:00 p.m.	City of Bellingham Pacific St Ops Center, 2221 Pacific Street
Joint Councils Meeting	Spring 2027	TBD	TBD
Other Meetings			
WASWD Section III Meeting	Wed Oct 13, 2026	6:00 p.m.	Bob's Burgers 8822 Quil Ceda Pkwy, Tulalip, WA
Whatcom County Council of Governments Board Meeting	Wed Oct 14, 2026	3:00 p.m.	Council of Governments Offices 314 E Champion Street/Hybrid

Committee Meeting Reports

Safety Committee:

- The committee met on September 24; discussion included the status of review of safety programs, identification of online safety training requirements for 2027, and development of the 2027 safety achievement plan associated with pursuit of L&I Safety Excellence certification.

Investment Committee:

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

Upcoming Board Meeting Topics

- 2027-28 biennial budget development
- Washington State Department of Health Treatment Optimization Program (TOP) Quarter Century Award presentation
- FEMA hazard mitigation grants amendments approval (authorizing Phase 2—construction)
- 2027 legislative session agenda approval
- 2027 non-represented employees cost-of-living-adjustment approval
- 2027 Wilson Engineering rates approval
- Geneva-Division 22-1 Reservoirs Improvements public works contract award
- SVWTP Chlorine Contact Basin Replacement public works contract award
- Community Assistance Program enhancement

2026 Initiatives Status

Administration and Operations

Water Right Adjudication

- Represent the District in the Water Resource Inventory Area (WRIA) 1 water right adjudication to ensure that its certificated and permitted rights are protected.
The District received the adjudication claim documents in March 2025. Legal counsel are reviewing staff-prepared claims for each water right for submittal to the Whatcom County Superior Court (June 1, 2027 deadline).

Water and Sewer Rates Analysis

- With the current multi-year rate structure adopted through 2026, lead the District through a comprehensive review of water and sewer rates with the goal of adopting a new 5-year rate structure prior to development of the 2027-28 biennial budget.
The Board adopted the 2027-31 rate structure via Resolution No. 906 during its July 29 meeting.

2027-28 Biennial Budget

- Develop a balanced budget for the 2027-28 biennium.
Draft revisions of the budget were presented during August 26 and September 9 board meetings with consideration of adoption scheduled for the November 12 meeting.

Succession Plan

- With several staff retirements anticipated over the next five years, update the District's succession plan.
An update to the succession plan was completed in December 2025.

EUM Assessment/Strategic Plan

- Facilitate the AWWA Effective Utility Management assessment with board and staff and perform an update of the District's 6-year strategic business plan based upon the outcome of the EUM assessment.
The Board postponed the EUM assessment and strategic plan update to 2027 during its April 29 meeting.

APWA Accreditation

- Continue work towards multi-year effort to gain American Public Works Association accreditation.
The accreditation team is in the process of reviewing/completing the 273 accreditation practices applicable to the District (167 practices have been completed to-date).

Emergency Response/System Security/Safety

Emergency Readiness

- Continue use of Whatcom County Department of Emergency Management services to hold tabletop and/or field emergency response exercises.
Annual wet weather preparedness training is scheduled for October 14. The 2026 emergency response exercise is scheduled for November 18.

AWIA Compliance

- Complete an update to the District's facility risk assessment in compliance with the American Water Infrastructure Act of 2018 (AWIA) deadline of June 30, 2026.
The updated risk assessment was submitted to USEPA on May 26.

- Complete an update to the District's emergency response plan in compliance with the AWIA deadline of December 31, 2026.

Update of the District's emergency response plan is nearing completion.

Safety Program Update

- Continue systematic review and revision of District's safety programs by updating nine (9) programs in 2026.

Staff has finalized updates to 11 programs (personal protective equipment, medical emergencies, hearing conservation, office safety, sodium hypochlorite, back injury prevention, welding, cutting & brazing, heat-related illness, securing loads, hand & power tools, and flagging & traffic control).

L&I START Program

- Initiate a multi-year effort to obtain District certification through the Washington State Department of Labor & Industries (L&I) Safety Through Achieving Recognition Together (START) program.

The risk management assessment component was completed by L&I on February 11 (report received on May 27), and the industrial hygiene and health and safety assessments were conducted on April 30 with employee interviews performed on May 21 (report received on July 21). Development of the 2027 achievement plan by the safety committee is underway.

Community/Public Relations

General

- Website

The District's web content is reviewed and updated on a regular basis. The District has implemented a function on the website that converts .pdf documents that meet Web Content Accessibility Guidelines (WCAG).

- Social Media

Posts are made to District Facebook, LinkedIn, and Nextdoor pages regularly; Nextdoor is also routinely monitored to identify District-related posts.

- Press Releases

Press releases were issued on January 30 (Commissioner Ford resignation), April 2 (Rep. Larsen earmark), April 9 (Commissioner Greif appointment), June 23 (clean audit for 2024-25), and September 3 (Soto National Rodeo Title).

Intergovernmental Relations

- J Clary and G Nicoll met with Bellingham Public Works management on September 21.
- J Clary attended the WASWD fall conference September 29-30 and PWB retreat/meeting October 1-2.
- J Clary, G Nicoll, and J Dahlstrom are scheduled to meet with Whatcom County Public Works on October 13 to coordinate capital projects.
- J Clary is scheduled to attend the WASWD Section III and membership committee meetings on October 13.

Lake Whatcom Water Quality

Lake Whatcom Management Program

- Participate in meetings of Lake Whatcom Management Program partners.
J Clary attended a leadership team meeting on September 17, the policy group meeting on October 7, and the data group meeting on October 8.