

# Stillaguamish River Clean Water District Advisory Board

## **BOARD MEMBERS**

**Single Family Ratepayer –  
Stillaguamish Drainage**  
Dale Shelton (Chair)

**Single Family Ratepayer –  
Skagit Drainage**  
Graham Logen

**Single Family Ratepayer –  
Port Susan Drainages**  
Vacant

**Single Family Ratepayer - Lakes**  
Miriam Lancaster

**Single Family Ratepayer –  
Tulalip Drainage**  
Vacant

**Ratepayer – At-Large #1**  
Vacant

**Ratepayer – At-Large #2**  
Dave Ridgeway

**Ratepayer – At-Large #3**  
Bob Landles (Vice Chair)

**Ratepayer – At-Large #4**  
Vacant

**Farm Rate Payer**  
Kurt Strotz

**Commercial, Industrial, and Other  
Ratepayer**  
Kelly Wynn

**Diking, Drainage, and Flood Control  
Districts**  
Vacant

**Snohomish Conservation District**  
Steve Van Valkenburg

**Snohomish Health District**  
Steve Rice

**Washington Department of  
Ecology**  
Colleen Crotty

**Washington Department of Fish  
and Wildlife**  
Vacant by agency choice

**Stillaguamish Tribe**  
Vacant by agency choice

**Tulalip Tribes**  
Vacant by agency choice

**Surface Water Management Staff**  
Sean Edwards and Elisa Dawson

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## **Meeting Summary**

**Thursday, February 23, 2017 5:30 – 7:30 PM**  
**Peace Lutheran Church, Silvana**

### **Attendance**

**Board Members Present:** Colleen Crotty, Bob Landles, Graham Logen, Steve Rice, Dave Ridgeway, Dale Shelton, Kurt Strotz, Steve Van Valkenburg, Miriam Lancaster, Kelly Wynn

**SWM Staff:** Elisa Dawson, Gregg Farris

**Guests:** Max Albert, Sean Edwards, Rudy Gasser, Chuck Hazleton, Bobbi Lindemulder, Eric Schuh

### **Welcome, introductions, agenda review, and meeting summary**

Clean Water District Advisory Board (CWDAB) Chair Dale Shelton opened the meeting at 5:30 p.m. with introductions and review of the meeting agenda. Bob Landles moved to approve the 1/26/17 meeting summary. Steve Van Valkenburg seconded the motion. There was no discussion. **All were in favor and the 1/26/17 meeting summary was approved as written.**

Elisa Dawson provided hard copy information packets including the following materials:

- CWDAB 2/23/17 preliminary meeting agenda
- CWDAB 1/26/16 meeting summary draft
- Snohomish County Public Works 2016 Annual Report
- Email from Will Hard regarding Shelton and Feller-Thoms Discretionary Fund applications
- Proposed CWD Budget Reductions
- SWM 2017 draft inter-local agreement with Snohomish Conservation District (SCD)
- CWD Advisory Board draft budget cuts letter to SWM
- Paragraph written by Steve Van Valkenburg regarding Will Hall's decision on the Shelton Discretionary Fund project.

### **Subcommittee reports**

**Stillaguamish Watershed Council (SWC):** Dave Ridgeway had no report.

**Lakes:** Miriam Lancaster thanked Roy Van Winkle for serving as alternate for her in her absence last month. Miriam reported that Lake Howard is still under caution warning. Last month, Lake Ketchum had an algae bloom however the algae was not toxic.

**Snohomish-Stillaguamish Local Integrating Organization (LIO):** Bob Landles reported that the LIO did not meet this month and will not be meeting in March 2017. The next LIO meeting will be April 20<sup>th</sup>. A LIO subcommittee is reviewing the process for the NTAs as well as the structure of the LIO. The LIO expects a report from the subcommittee at the April 20<sup>th</sup> meeting.

**Shellfish Protection:** Elisa Dawson presented the Snohomish County Public Works 2016 Annual Report. This document reports on all work done within Snohomish County Public Works by Surface Water Management, Solid Waste, Transportation and Environmental Services, Engineering Services, and Road Maintenance. The purpose of the document is to give a broad overview of projects and associated finances. Elisa reported that SWM is compiling the SWM 2016 accomplishments and 2017 work plan report for the CWD Advisory Board which will focus specifically on SWM projects and associated finances in the CWD. This report will be presented at the March 2017 meeting.

**Finance:** Steve Van Valkenburg reported that the finance committee has not received the SWM year-end actuals at this time. The year-end actuals are due to the finance committee a week before the March meeting. Steve reported that the finance committee would like board members to focus on the overhead costs assigned to the CWD in the proposed CWD budget reductions when the board finalized the response letter to SWM.

**Discretionary Fund:** Steve Van Valkenburg noted that the Discretionary Fund subcommittee has not been updated on the status of the current hold placed on the Discretionary Fund. Steve noted that Gregg will be giving an update on this during the “SWM updates” agenda item.

**Chair Appointment of Subcommittee members of 2017**

Dale Shelton reported that CWD Advisory Board members could volunteer to be on the finance committee, Discretionary Fund committee, and shellfish committee. These committees meet as needed to discuss relevant projects and issues relating to the CWD. Below are the board members volunteered to participate in the following committees:

Finance committee: Steve Van Valkenburg, Bob Landles, Dale Shelton  
Discretionary Fund Committee, Steve Rice, Steve Van Valkenburg, Kelly Wynn  
Shellfish Committee: Graham Logen, Steve Rice, Dale Shelton

**SWM decisions on Discretionary fund grant applications**

Gregg Farris reported that SWM Director Will Hall has made decisions on the Shelton and Feller-Thoms Discretionary Fund applications that were placed on hold since their recommendation by the CWD Advisory Board in October 2016. An email from SWM Director Will Hall was included in the meeting packet which stated: Feller/Thoms Manure Pile Clean-up, is partially approved based on a January 17, 2017 revised request for \$1,202 from the discretionary fund and a \$401 in local match. The Discretionary Fund application from Shelton is not approved. Gregg reported that SWM Director Will Hall did not feel comfortable allowing funds to be given to CWD Advisory Board members.

Max Albert recalled that in 2011 the CWD Advisory Board addressed the particular issue of board members receiving funds from the Discretionary Fund. In the CWD Advisory Board Bylaws its states “The by-laws will not require board members representing special districts, cities, or agencies to abstain from participating in making decisions that relate directly to their organization or from using their general expertise to educate or to advocate for specific projects at CWD Advisory Board meetings. However, the Chair may request that a board member recuse himself or herself from any vote on recommendations for funding that directly benefit their organization, themselves, their friends or family.” Max and Kelly noted that Dale was not involved in the Discretionary Fund committee meeting when the program was rated in consideration of the requirements for funding from the Discretionary Fund. Max and Kelly also noted that Dale recused herself from voting on the recommendation of her project at the October 13, 2016 meeting. The Advisory Board agreed that this was all in accordance with the CWD Advisory Board Bylaws. The board members agreed to add an appeal of this decision to the response letter to SWM’s CWD budget reductions.

Bobbi Lindemulder from the SCD reported that SCD was able to cover part of the Shelton and Feller-Thoms projects through the Technical Assistance contract the SCD has with SWM. The CWD Advisory Board asked Gregg if the money that was spent from the Technical Assistance contract could be backfilled by the Discretionary Fund. Gregg said SCD has not asked for this, therefore SWM has not considered this. Bobbi added that she had to make a special request to SWM to use the money from the Technical Assistance contract for these projects, as there was no money set aside for cost-share programs in the 2016 Technical Assistance Contract. No money has been set aside for cost-share in the 2017 contract and Bobbi reported that she has not been able to get cost-share added to the 2017 contract.

Sean Edwards reminded the group that many hours of staff time from the SCD, SWM, and the Washington Department of Ecology were used to put together these projects. There were multiple site visits and conversations to get these projects to happen. Sean urged the CWD Advisory Board to consider the amount of time and effort spent on these projects while they consider appealing SWM Director Will Hall’s decision.

Steve Van Valkenburg shared while he has served on the SCD Board he has seen many of the Board members participate in SCD cost-share programs. Steve maintained that cost-share programs need to allow room for those who are highly involved in the program to participate, and he said that the Discretionary Fund has done this in the Bylaws. Miriam stated to the CWD Advisory Board that she is a land owner on Lake Ketchum and Lake Ketchum received funding from the CWD Discretionary Fund. Kelly asked if any projects have been denied before. Max responded that yes he recalled two projects which have been denied by SWM

management in the past, one because it didn't conform to guidelines for contracts, another because it was written as a salmon project.

### **SWM updates**

Gregg reported that SWM is working to finalize the Inter-Local Agreement (ILA) between the Snohomish Conservation District (SCD) and SWM. A 2017 draft ILA was provided in the meeting packet. Gregg noted that tasks 1-3 correlate with the money collected by SWM on the behalf of SCD. Task 4, Youth Education, is a service which is purchased by SWM through the ILA. Gregg said that the scope of work for the SCD this year is generally consistent with past years. Additionally, Gregg reported that SWM Director Will Hall gave direction to extend Snohomish Health District (SHD) ILA through the end of 2017 with a proportionate increase in budget for the extended time. Kevin Plemel from SHD has submitted a revised budget. The board requested for the revised budget from Kevin Plemel be provided to the Advisory Board.

Gregg reported that SWM began implementing the budget reductions on February 1, 2017 that were presented to the CWD Advisory Board at the January meeting. Gregg informed the CWD Advisory Board that SWM has finished their initial calculations of the 2016 year end actuals. Gregg reported that SWM has assumed no payment from the Navy in these calculations, and that 30% of the Navy uncollected fees have been officially transferred into a bad debt account. With this in mind, the year-end actual CWD budget was estimated to be -\$341,000 total in the red if SWM is able to collect the fees from the United States Forest Service. If SWM is unable to collect the fees owed by the United States Forest Service, then the CWD year-end actual was estimated to be -\$375,000 in the red. Gregg reported that, with the assumption of no payment from the Navy, the Discretionary Fund balance from the year-end actuals was 83,000. Gregg reported that, again with the assumption of no payment from the Navy, the SCD funds collected in the Clean Water District are presently \$110,000. Max Albert said that his calculations of the year end fund balance for the Discretionary Fund and SCD were different from the amounts that Gregg reported, so Gregg said that SWM would double check the numbers again.

Gregg reported that at the last CWD Advisory Board meeting he said the SWM was considering consolidating the three fee collection districts within Snohomish County into one district. SWM will be working on a Business Plan in 2017 to review the types of service and levels of service that SWM provides to the public. SWM has also been reviewing areas where SWM could improve efficiencies, and consolidating the districts was identified as one of the top ways in which SWM could improve the efficiency of its operations and save money. SWM Director Will Hall gave a briefing to the Snohomish County Council Public Works Committee on Tuesday, February 21 regarding the consolidation. A series of handouts were given to the Public Works Committee at the briefing. Gregg reported that the current direction is for SWM to propose new code language to the Snohomish County Council to consolidate all districts to one district. During the briefing, the Council members asked for more information from SWM, and SWM is currently collecting the requested information to bring to the Public Works Committee in early March. Gregg reported that while the proposal is still being drafted, the new code language would affect the Discretionary Fund by most likely making it a county-wide program. Furthermore, thus far in the drafting process the new language would likely not designate a specific percentage of funds to a cost-share program, and instead SWM would make the decision on how much money to assign to a county-wide cost share program. Gregg noted that SWM Director Will Hall continues to keep the Discretionary Fund on hold for new applications while the Snohomish County Council reviews the proposed changes. Bob asked that the CWD Advisory Board be notified when the Public Works Committee is meeting to review the additional information SWM is compiling. Gregg said he will give notice to the Advisory Board before the meeting. Graham asked if the SWM Director will be sharing this code change with the CWD Advisory Board before it is submitted to County Council. Bob agreed that the CWD Advisory Board should be informed before a draft moves forward. Gregg said he will report these concerns back to SWM Director Will Hall.

Gregg reported that SWM Director Will Hall is not proposing to have a citizen advisory board component in the consolidation. Instead, the Snohomish County Council would provide oversight over SWM. Max asked if this means the repeal of Snohomish County Code (SCC) 25.A. Gregg responded that SCC 25.A would be repealed and some of language from SCC 25.A would be rolled into SCC 25. The board members asserted that the duties and responsibilities set forth in SCC 25A.30.030 are required functions of the Board. The board members requested that SWM notify the CWD Advisory Board in a timely manner in advance of any

proposals, intentions, or actions that affect the operation of the CWD, including all proposals affecting the Board's duties and responsibilities.

**Finalize CWD Advisory Board response letter to SWM's CWD budget reductions**

The Board's response letter to the Snohomish County SWM regarding the CWD budget reductions was drafted by the letter writing subcommittee, comprised of Steve Van Valkenburg, Colleen Crotty, Bob Landles and Dale Shelton. The Board reviewed the draft letter. Steve Van Valkenburg presented an additional paragraph to add to the letter regarding the denial from SWM director Will Hall to fund the Shelton Discretionary Fund project which was recommended by the CWD Advisory Board. The letter was edited and finalized by the Board. Kelly Wynn moved to approve the letter with all changes and additions. Graham Logen seconded the motion. **The CWDAB response to SWM's CWD budget reductions letter to Snohomish County SWM was approved.** The letter will be sent to the CWDAB Chair and Vice Chair for signature. The signed letter will then be sent to SWM Director Will Hall and all carbon copied parties.

**Meeting review, new business, and public comment**

Eric Schuh reported that the Snohomish Conservation District and the Natural Resource Conservation Service will be hosting a public meeting on soil programs that benefit land on Tuesday, March 2, 2017 from 4:30-7PM. The event will be located at the Stillaguamish Grange. Staff from the Snohomish Conservation District and the Natural Resource Conservation will be available to answer questions and discuss financial opportunities available for improving soil health. The event is free and open to the public, no registration required. For questions, contact Eric Schuh at 425-377-7026

Chuck Hazleton reported that Stillaguamish River Flood District has filed a lawsuit against Snohomish County Surface Water Management in support of Max Albert serving on the CWD Advisory Board. The Stillaguamish River Flood Control District will be requesting that Max be reinstated on the CWD Advisory Board, as well as requesting that SWM complete work the Stillaguamish Flood Control District has requested be done. Chuck report that the Stillaguamish Flood Control District believes that SWM Director Will Hall should have consulted with them before removing Max from the board.

Sean Edwards made a public comment on his concern over the changes SWM has proposed on eliminating the Clean Water District and consolidating the different fee areas into one fee area. Sean encouraged the CWD Advisory Board members to contact their County elected officials if they want to have influence and have their voice heard while the Snohomish County Council considers making this code change.

**The meeting adjourned at 7:38 p.m.**

**Next meeting:** Thursday, March 23, 2017, 5:30 – 7:30 p.m., Peace Lutheran Church, Fireside Room.

This meeting summary was prepared by Elisa Dawson. Please direct any questions or comments to Elisa at 425-388-6466 or [elisa.dawson@snoco.org](mailto:elisa.dawson@snoco.org). More information about the CWD is available at <http://cwd.surfacewater.info>.