

## Commissioners' Corner



Len Englund

Among the many responsibilities assigned to the Lakehaven Board of Commissioners, the act of choosing a suitable replacement when a commissioner position becomes vacant can be one of the more somber tasks.

There are several reasons a board position can become vacant. Some of those reasons are resignation, inability to serve (usually due to illness or incapacitation), retirement, relocation or the death of a commissioner. As noted in the November/

December 2019 newsletter, Commissioner Tim McClain sadly and unexpectedly passed away in early October.

At the time of his death, Tim was running for re-election in a contested race for another six-year term. Even though Tim passed away before the day of the election, he nevertheless won re-election to his position. While the position officially became vacant on the day of Tim's death, the Board chose not to seat a replacement for Tim until after the election because the outcome of his race was unknown. Had Tim's opponent won the election, any replacement chosen by the Board would only serve until January 1, 2020. Since Tim won the election, the position became vacant and, as a result, the Board set about a process to choose a person to fill his position until the next regular election, which will be in November 2021.

With the vacancy resulting from Tim's election win, the Board, according to state law, was required to appoint a replacement within 90 days. If the board did not appoint a successor within 90 days, the selection of a replacement for the vacant position would fall to the King County Council. (At the time this newsletter went to print, the Board had not appointed a successor, which was scheduled to occur at a special meeting on December 19th. Please go to the District's website, at [www.lakehaven.org](http://www.lakehaven.org), for an introduction to your new commissioner).

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## Lakehaven Links

### Our Mission

The Lakehaven Water and Sewer District is committed to the continued delivery of safe, reliable and high quality drinking water and environmentally responsible sewer service to our customers.

### Board of Commissioners

Peter Sanchez, President

Ron Nowicki, Vice President

Len Englund, Secretary

Don Miller, Commissioner

New Commissioner to be announced  
(visit website)

Regular Board of Commissioners meetings are held at 6:00 p.m the 2nd and 4th Thursdays of each month at the Lakehaven Center at 31531 1st Ave South, Federal Way.

### Contact Us

Federal Way: 253-941-1516

Tacoma: 253-927-2922

After Hours Emergencies:  
253-941-1516

Business Hours:

Monday – Friday

8:00 a.m. to 4:30 p.m.

[www.lakehaven.org](http://www.lakehaven.org)

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Losing a high caliber commissioner like Tim McClain leaves huge shoes to fill. Tim was an advocate for staff safety; especially the water and sewer Operators as well as the folks in the field. He considered it his mission to make sure our staff are safe at work so that they could go home to their families each night. With benefit from this focus, our workers have some of the newest and best safety equipment and training in the industry. Tim absolutely loved serving as a commissioner and he loved serving our community as well.

Thank you Tim McClain for your service to Lakehaven and our community. Heaven gets to enjoy your infectious laugh and wonderful sense of humor now. I very much appreciate having had the opportunity to serve with you! God's Peace.



Tim McClain

## Board Adopts 2020 Rates and Charges

The Board of Commissioners adopted updated rates and charges for year 2020 and beyond at the December 12, 2019 Board meeting. Under the new rate plan, water rates will increase by 2.5% each year through 2029. Driven by significantly higher levels of planned capital spending on the sewer system in the next ten years, sewer rates will go up by 8.25% until 2024, and then by 3% through 2029. The Board typically evaluates rates every two years, so rates set beyond 2021 are only tentative and will likely be fully re-examined before implementation. Even with the increases, the District will continue to have among the lowest water and sewer rates in the region.



The District's Capital Facilities Charge for new connections to the water and sewer system will also increase over the next two years. The Capital Facilities Charges are the amounts collected by the District to ensure that property owners pay a pro rata share of the cost of facilities of general benefit to the utilities (e.g. wastewater treatment plants, water storage tanks). The increase of nearly \$500 per equivalent residential unit for water connections, and nearly \$600 per residential equivalent for sewer connections, will be phased in over the next two years. Despite these increases, the District's connection charges will also remain among the lowest in the region.

## Court Sides with King County on Right of Way Rental Charge

The Washington State Supreme Court issued a ruling in early December approving the authority of King County to charge rent to utilities using the right of way for the location of utility lines. The ruling followed a lawsuit filed by King County in response to the resistance of water and sewer districts, including Lakehaven, to pay right of way rental charges imposed under a King County ordinance adopted in 2017.



In reversing an earlier decision of the King County Superior Court declaring the charge illegal, the Supreme Court specifically rejected the argument that the rental charge was an unlawful tax on the revenues of the districts. While it accepted that a county could not unilaterally impose rental fees in franchise agreements, it also agreed with King County that districts are not permitted by state law to locate facilities in county right of way without County approval. The result appears to be that districts must pay to use the right of way or face the prohibitive expense of moving lines to private easement.

The District will be evaluating the impact of this rental charge on customer water and sewer rates within the unincorporated areas of King County. More information on that impact will be communicated to ratepayers as the details of the implementation of rental charges are known.