



Washington Water Utilities Council

Memorandum

Date: April 20, 2010
To: PNWS/AWWA Trustees
From: Randy M. Black, Chair
RE: Washington Water Utilities Council—Spring 2010 Committee Report

Membership

Membership in the WWUC consisted of 151 utilities in 2009. Active members at the monthly meetings average approximately 25. Invoices for 2010 dues were sent to 272 potential members in the amount of \$248,038; 150 utilities have paid their 2010 dues as of the date of this report in the amount of \$180,561.

	2008	2009	2010
Potential Members	270	273	272
Dues Invoices	\$320,750	\$489,125	\$248,083
Paid Members	157	151	150
Dues Collected	\$234,450	\$308,400	\$180,561

WWUC Financial Situation

A summary of the WWUC financial situation as of April 1, 2010 is provided below.

WWUC Financial Summary—April 1, 2010

	Income	Expense	Balance
March 1, 2010 Balance			\$388,988.25
Income			
2010 Dues Income			\$ 1,875.00
Expenses			
Gordon, Thomas, Honeywell (invoice February 1039)		\$3,261.49	
Totals	\$1,875.00	\$3,261.49	
April 1, 2010 Balance			\$387,601.76

Municipal Water Law (MWL) Defense

In January 2010 the defense team of Adam Gravley from the Washington Water Utilities Council and Alan Reichman of the Attorney General’s office argued in front of the State Supreme Court the issues surrounding the Municipal Water Law defense. As of this time, we are awaiting a decision by the Court which will be sometime in the winter of this year at the earliest but more than likely will be carried over to the winter of 2011.

Lane vs. Seattle

This was a court case that, in essence, said hydrant maintenance and operation as well as fire capacity charges are a responsibility of the general government and cannot be paid by water rate payers. This case has been unclear as to how it relates to utilities. There is still some uncertainty over the ramifications. Further, it is unclear how this will continue to impact utilities when it comes to increasing size and the upgrading of water mains and storage to accommodate fire flow. We continue to wait to see how this develops. As you are aware, Tacoma has brought about litigation in hopes of clarifying whether franchise agreements indemnify jurisdictions from this expense (as they claim) and allow the utilities to roll the expense into their rates as a franchise expense and to clarify what expenses are to be rolled into the charge—direct hydrant maintenance or plus system oversizing and capacity.

Continued Education Units (CEUs) Issues in Washington

There have been two meetings between representatives of the Washington Water Utilities Council and the Washington Waterworks Operator Certification Advisory Committee on concerns over issues on receiving CEUs for training sessions and seminars that appear to be in line with the certification criteria of the State of Washington. These meetings have gone very well, and there is a mutual cooperation and understanding of this matter. The Advisory Committee has agreed to broaden their view of what would be relevant; in particular, from the perspective of the training needed by a system manager to safely operate. The key is that the definition of what is relevant will not be changed but a broader interpretation of the types of topics that would fall under the definition should be; such as climate change, leadership development, and construction management.

Bylaws Update

As of the writing of this report, it has been confirmed Kyle Kihs, Executive Director of the Pacific Northwest Section has received a red-lined copy of the revised bylaws reflecting proposed changes to bring the document current with the present practices of the Washington Water Utilities Council. The red-lined copy will show the existing bylaws and all changes proposed by the Bylaws Committee. It is my recommendation the Board of Trustees of the PNWS approve the bylaws amended as outlined.

2010 AWWA Fly-in Matters

March 23-25, John Kounts of the PUD Association, Randy Black, Chair of the Washington Water Utilities Council, Jay Paul Blake from Seattle Public Utilities, and Dave Siburg of the PUD Association all went to Washington, DC for the 2010 AWWA Fly-in. I am pleased to report that out of the 11 congressional delegates in Washington, DC, we were able to meet with 10. We met with Maria Cantwell and briefly met with Brian Baird along with aides and staff members of eight other delegates.

The two issues the AWWA was asking members to discuss with their congressional delegates were the Water Infrastructure Bank and the Chemical Security. In particular, we were looking for a potential sponsor for the water infrastructure bill. It appeared in meeting with Maria Cantwell that she would be interested; to what extent and what other areas in regard to her support of the new bill was unknown. We referred the matter to Tommy Holmes, Legislative Representative of the AWWA.

Objectives for 2010

The WWUC will continue to monitor the ongoing hydrant case, how the current Court ruling in Washington will impact utilities, and the progress of Tacoma Public Utilities' suit. Finally, the WWUC will continue to monitor and participate in the Municipal Water Law case, waiting for the ruling from the Supreme Court and then making any next-step decisions as needed or appropriate.