



**UTILITY ADVISORY COMMITTEE
RESCHEDULED REGULAR MEETING
THURSDAY, NOVEMBER 13, 2014
LOCATION: BAINBRIDGE ISLAND CITY HALL
COUNCIL CONFERENCE ROOM
280 MADISON AVENUE N., BAINBRIDGE ISLAND, WASHINGTON**

AGENDA

- 1. CALL TO ORDER / ROLL CALL / ACCEPT OR MODIFY AGENDA / CONFLICT OF INTEREST DISCLOSURE**
5:30 PM
Chair: Andy Maron
Members: Steve Johnson Nancy Nolan
 Jeff Kanter Emily Sato
- 2. REGULAR BUSINESS**
5:35 PM October 13, 2014 Meeting Notes – Approve (**Pg. 3**)
 October 30, 2014 Meeting Notes – Approve (**Pg. 5**)
- 3. PUBLIC COMMENT**
5:40 PM
- 4. CONTINUED COMMITTEE DISCUSSION (Pg. 7)**
5:45 PM Fire Hydrant Issue
 Utility Tax Issues
 Storm and Surface Water Management Education
- 5. COMMENTS FOR THE GOOD OF THE ORDER**
7:25 PM
- 6. ADJOURNMENT**
7:30 PM

ITEMS DISCUSSED

1. CALL TO ORDER / ROLL CALL / ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
2. REGULAR BUSINESS
 - SEPTEMBER 15, 2014 MEETING NOTES
 - SEPTEMBER 29, 2014 MEETING NOTES
3. PUBLIC COMMENT
4. COMMITTEE DISCUSSION
 - FIRE HYDRANT ISSUE
 - TAX ON WATER AND SEWER
 - 2015-2016 SSWM CAPITAL PROJECTS
5. COMMENTS FOR THE GOOD OF THE ORDER
6. ADJOURNMENT

1. CALL TO ORDER / ROLL CALL / ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

The meeting was called to order at 5:42 PM with Committee members Kanter, Maron and Transue present. Committee member Johnson arrived at 6:27 PM. Council Liaison Ward and Public Works Director Loveless were also present. The meeting was recorded and City Clerk Lassoff prepared the notes.

Chair Maron added the following discussion items to the agenda: comments on CIP increase for the water rates and the park district being unhappiness with the SSWM deal. Public Works Director Loveless requested a discussion about code changes for sewer be added.

There were no conflicts of interest disclosed.

2. REGULAR BUSINESS

- **SEPTEMBER 15, 2014 MEETING NOTES**
- **SEPTEMBER 29, 2014 MEETING NOTES**

Committee member Kanter moved to approve the September 15 and September 29, 2014 minutes, which was seconded by Committee member Transue and approved 3-0.

3. PUBLIC COMMENT

Robert Dashiell offered comments related to outfalls.

4. COMMITTEE DISCUSSION

Committee member Maron briefly explained the history behind the annual elimination of the yearly CPI increase for City utility rates.

- **FIRE HYDRANT ISSUE**

The committee and staff discussed issues related to SB 1512, which provides specific guidance and options for water utilities on how to legally recover fire protection costs.

- **TAX ON WATER AND SEWER**

The committee and staff discussed the Utility Advisory Committee's December 9, 2013 recommendations regarding City Excise Tax on City-Owned Utilities.

- 2015-2016 SSWM CAPITAL PROJECTS

The committee and staff discussed the SSWM capital projects in more detail. Public Works Director Loveless provided a brief history on the three utilities (water, sewer, SSWM).

Chair Maron reported that the park district was not happy with their stormwater charge, which they have in turn not paid. Public Works Director Loveless gave a brief history behind the issue and indicated the city was currently in negotiations with them.

Public Works Director Loveless briefed the committee on proposed BIMC changes related to sewer charges.

5. COMMENTS FOR THE GOOD OF THE ORDER

The committee rescheduled their regular meeting to Thursday, October 30. The agenda will include a continued discussion of fire hydrant fee issue and SSWM education.

6. ADJOURNMENT

The meeting adjourned at 7:33 PM.

Prepared by:

Rosalind D. Lassoff, City Clerk

ITEMS DISCUSSED

1. CALL TO ORDER / ROLL CALL / ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
3. NEW MEMBER INTRODUCTION [MOVED UP]
2. PUBLIC COMMENT [MOVED DOWN]
4. COMMITTEE DISCUSSION
 - FIRE HYDRANT AND UTILITY TAX ISSUES
 - STORM AND SURFACE WATER MANAGEMENT EDUCATION
5. COMMENTS FOR THE GOOD OF THE ORDER
6. ADJOURNMENT

1. CALL TO ORDER / ROLL CALL / ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

The meeting was called to order at 5:37 PM with Committee members Johnson, Kanter and Chair Maron present. Committee member Transue arrived at 5:39 PM. Councilmember Blossom attended the meeting on behalf of Council UAC Liaison Ward who was absent. Public Works Director Loveless was also present. The meeting was recorded and City Clerk Lassoff prepared the notes.

The agenda as presented was accepted. There were no conflicts of interest disclosed.

3. NEW MEMBER INTRODUCTION [MOVED UP]

Emily Sato introduced herself and shared her experience as a Sewer District No. 7 commissioner. There was a brief discussion on how sewer district was formed.

2. PUBLIC COMMENT [MOVED DOWN]

Robert Dashiell distributed written public comment related to the draft October 2014 COBI PW surface and stormwater management program review and analysis. He asked that it be part of the public record.

4. COMMITTEE DISCUSSION

- FIRE HYDRANT AND UTILITY TAX ISSUES

The committee discussed utility tax and fire hydrant issues. Chair Maron will send out a short recommendation on both before the next meeting. Public Works Director Loveless was asked to pass the information on to City Manager Schulze and the City Council.

- STORM AND SURFACE WATER MANAGEMENT EDUCATION

Public Works Director Loveless shared background on the SSWM utility and fielded questions.

5. COMMENTS FOR THE GOOD OF THE ORDER

The committee rescheduled their regular meeting to Thursday, November 13. The agenda will include a continued discussion of fire hydrant fee issue and continued SSWM education.

6. ADJOURNMENT

The meeting adjourned at 7:38 PM.

Prepared by:

Rosalind D. Lassoff, City Clerk

Utility Advisory Committee
Recommendations on City Excise Tax on Utilities and Fire Hydrant Costs
November 13, 2014

On December 9, 2013, the Utility Advisory Committee ("UAC") recommended the 6% excise tax (also known as a "utility tax") on the city's water and sewer utilities be repealed. A copy is attached. The newly-reconstituted UAC has reviewed last year's report, and reiterates that recommendation. The UAC believes that the current 6% tax is inequitable, for it is being applied *only* to the City's water and sewer utilities and not other water and utility providers on the Island. The UAC could determine no benefit or consideration for the tax being paid by the utilities for this subset of ratepayers. If this recommendation is implemented, this would reduce revenue to the general fund of approximately \$60,000 per year from the water utility and approximately \$210,000 from the sewer utility.

In addition, the UAC has considered the method the city utilizes to pay for the city water utility's "fire hydrant costs." In 2008, the WA. Supreme Court decision in *Lane v. Seattle* determined that water utilities must collect "fire hydrant costs" from general governments (i.e., cities and counties). As a result, beginning in 2010, the City's general fund began to pay the City's water utility \$112,000 annually for "fire hydrant costs." In 2013, the State Legislature passed a law (SHB 1512) authorizing water utilities to recover "fire hydrant costs" from its rates payer, i.e., instead of from general governments. Accordingly, for consistency in island-wide policies, the UAC recommends that the City return to the situation prior to 2010, and no longer have the general fund pay the City's water utility the \$112,000 for "fire hydrant costs." This action would reduce expenditures of the general fund by \$112,000 annually.

If the City implemented the above two recommendations at the same time, the impact to the general fund would be a net loss of revenue of \$158,000 (\$270,000 - \$112,000). In that event, the City would have several choices:

- Reduce budgeted general fund expenditures by \$158,000; or
- If the City is concerned about the loss of revenue for the general fund, the City could;
 - apply the excise tax to *all* water utilities. While this would require some additional investigation, UAC believes a 3% rate on all water utilities would be revenue neutral with respect to utility tax paid by the City's water system. and/or
 - increase the excise tax on the stormwater utility, which is an all-island utility.

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