

RESOLUTION NO. 429

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT,
WHATCOM COUNTY, WASHINGTON, AMENDING
GENERAL FACILITIES CHARGE FOR WATER AND SEWER

WHEREAS, the Board of Commissioners ("Board") of the Birch Bay Water & Sewer District ("District") is responsible for setting fair and equitable general facilities charges consistent with State law; and

WHEREAS, the District has not increased its general facilities charge for water or sewer connection to the District system since July 1997; and

WHEREAS, since 1997 the District has experienced increased costs properly attributable to general facilities charges collected at the time of connection to the District system; and

WHEREAS, the District has completed an independent review and report on its general facilities charges and has reviewed the recommendations and supporting material in that report, along with other District files and records; and

WHEREAS, the District finds that the general facilities charges recommended in said report are persuasive; and

WHEREAS, the District finds that the new general facilities charges established herein represent a fair and equitable pro rata share of the District's costs as identified in RCW 57.08.005(10);

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

Section 1: The Birch Bay Water and Sewer District Code Section 7.04.081, is hereby amended to read as follows:

7.04.081 General Facilities Charge. Any application for water service shall be subject to a general facilities charge of Two Thousand Three Hundred Eighty and 00/100 (\$2,380.00) per equivalent living unit to be connected to the District's water system, in addition to any connection, permit or inspection fees otherwise applicable.

Section 2: The Birch Bay Water and Sewer District Code Section 8.08.050, is hereby amended to read as follows:

8.08.050 General Facilities Charge. Any application for sewer service shall be subject to a general facilities charge of Two Thousand Six Hundred Seventy and 00/100 (\$2,670.00) per equivalent living unit to be connected to the District's

sewer system, in addition to any connection, permit or inspection fees otherwise applicable.

Section 3: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.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 code 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.


ADOPTED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 11th day of December, 2003.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 629 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on December 11th, 2003.


SECRETARY