

RESOLUTION NO. 639

A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER & SEWER DISTRICT,  
WHATCOM COUNTY, WASHINGTON, AMENDING  
GENERAL FACILITIES CHARGES 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, in 2003, an independent review and report on the District's general facilities charges stated that the District may use an established cost index, such as the Engineering News Record Construction Cost Index ("ENR"), to determine its general facilities charges; and

WHEREAS, the District has not increased its general facilities charge for water or sewer connection to the District system since December 2003; and

WHEREAS, recently, the ENR reported an increased rate of inflation for construction costs; 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 Four Hundred Eighty and 00/100 (\$2,480.00) 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 Seven Hundred Eighty and 00/100 (\$2,780.00) 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Section 3: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.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 23<sup>rd</sup> day of December, 2004.

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 639 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on December 23<sup>rd</sup>, 2004.

  
SECRETARY