

RESOLUTION NO. 642

A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,  
WASHINGTON, AMENDING RESOLUTIONS 631 AND 635 PERTAINING TO  
DEVELOPER PROJECT MANUAL AND DISTRICT CODE SECTION 2.24.010, SECTION  
9.04.010 AND SECTION 9.08.010

WHEREAS, the Board of Commissioners ("Board") of the Birch Bay Water & Sewer District ("District") has previously adopted resolutions pertaining to the District's Developer Project Manual; and

WHEREAS, the District's Developer Project Manual includes the required Developer Extension Agreements for all water and sewer system extensions; and

WHEREAS, the District has determined the need to amend and revise provisions in the Developer Project Manual dated March 2004 which pertain to administrative overhead charged by the District, easement width requirements and other standard construction details; and

WHEREAS, the District has determined that the Developer Project Manual and District Code should be amended and updated to incorporate said amendments and revisions; and

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The Developer Project Manual dated March 2004 as adopted by Resolution 631, along with any revisions thereto, is hereby superseded and replaced by the Developer Project Manual dated February 2005 and the conditions and standards therein. The revised conditions and standards in the February 2005 Developer Project Manual shall be the standards for Owner Water Service Extensions and Owner Sewer Service Extensions for the District.

Section 2: District Code Chapter 2.24.010 shall be amended to read as follows:

**2.24.010 Charge for work by district employee.**

The charge made to any person for work performed by employees of the district shall be the hourly wage and benefits paid to that employee for the work performed for such person or persons, plus an overhead rate based on the direct cost of employee benefits plus indirect costs including without limitation risk management, accounting, telephones, information services, building and vehicle maintenance and other administrative expenses as determined by the District. This calculation shall be based on the District's latest adopted budget and other appropriate District accounting records.

Section 3: District Code Section 9.04.010 shall be amended to read as follows:

**9.04.010 Adoption by reference.**

The Developer Project Manual and the Developer Extension Agreement for Water System Extensions therein shall be as adopted by Resolution No. 642, which by this reference shall be incorporated herein in their entirety. The required Developer

Extension Agreement for Water System Extensions may be found in the Developer Project Manual adopted pursuant to said resolution.

Section 4: District Code Section 9.08.010 shall be amended to read as follows:

**9.08.010 Adoption by reference.**

The Developer Project Manual and the Developer Extension Agreement for Sewer System Extensions therein shall be as adopted by Resolution No. 642, which by this reference shall be incorporated herein in their entirety. The required Developer Extension Agreement for Sewer System Extensions may be found in the Developer Project Manual adopted pursuant to said resolution.

Section 5: 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 6: 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 7: 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 10<sup>th</sup> day of February, 2005.

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. <sup>642</sup>~~637~~ of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on February 10, 2005.

  
SECRETARY