

RESOLUTION NO. 646

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, REGARDING SEWER CHARGES FOR
THE BIRCH BAY VILLAGE MARINA PUMP STATION

WHEREAS, the Birch Bay Village has requested that an alternative method be used to determine the sewage charges at the gas dock pump station at the Birch Bay Village Marina; and

WHEREAS, the District is willing to implement this new billing method, described in Section 1 of this Resolution; and

WHEREAS, such a change to the method used to determine sewage charges would more closely align the Birch Bay Village Marina with the District's standard procedure of billing; and

WHEREAS, if the billing method for sewer use by the Birch Bay Village Marina Pump Station described in Section 1 is later found to be unacceptable to either the customer or the District, the Birch Bay Village shall be required to install a magnetic flow meter to measure actual sewer flows at said location, thereby requiring amendment of this Resolution; and

WHEREAS, the foregoing recitals and findings are a material part of this Resolution;

NOW, THEREFORE, be it resolved by the Board of Commissioners of Birch Bay Water & Sewer District ("District"), Whatcom County, Washington, as follows:

Section 1: District Code Section 8.12.020 (D) is hereby amended to read as follows:

D. Sewer Charge Only – Birch Bay Village Marina Pump Station.

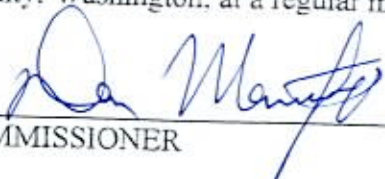
The charge shall be one (1) equivalent living unit multiplied by the rate established in District code section 8.12.020 C.1., plus the charge established therein based on quantity of water used at the gas dock's water meter. The proviso in code section 8.12.020 C.1. shall not apply.

Section 2: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.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 3: 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 4: This Resolution shall be effective immediately.

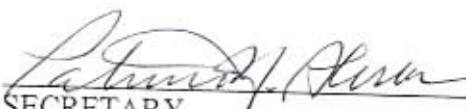
ADOPTED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 14th day of April, 2005.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 646 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on April 14th, 2005.


SECRETARY