

RESOLUTION NO. 647

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, REGARDING FINANCING SEWER CONSTRUCTION
IN THE BIRCH BAY VIEW DEVELOPMENT

WHEREAS, residents of the Birch Bay View area are within the District's service area and have approached the Board about their need for sewer services; and

WHEREAS, the Birch Bay View area contains a high percentage of low income residents and is already developed at urban densities; and

WHEREAS, the soils in the Birch Bay View area are generally of poor quality to support on-site sewage systems and there have been numerous failures of such systems in the past; and

WHEREAS, the District decided to consider extension of its sewer system and services to the Birch Bay View without forming a U.L.I.D.; and

WHEREAS, financing said improvements via collection of local facilities charges has appeared to be substantially more favorable to Birch Bay View property owners than financing by way of U.L.I.D. formation; and

WHEREAS, in November 2003, the Board of Commissioners of the Birch Bay Water and Sewer District adopted Resolution No. 628 to establish a financial plan for extension of sewer system to Birch Bay View area; and

WHEREAS, notice of a Public Hearing concerning the extension and financing of sewage facilities at the Birch Bay View development ("Birch Bay View Sewer Project") was mailed to property owners on April 29, 2005; and

WHEREAS, the Public Hearing was held at the District's regular meeting on May 12, 2005; and

WHEREAS, following the Public Hearing, and after consideration of the factors identified in Section 5 of Resolution No. 640, the Board of Commissioners has determined that it is in the best interest of the District to proceed with establishing the Project Service Area and ordering design and construction of the Birch Bay View Sewer Project in accordance with State and District requirements; and

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

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

Section 1: The Project Service Area for the Birch Bay View Sewer Project shall be as defined in the Project Service Area Report prepared by the District General Manager and

approved by the Board at the May 12, 2005, Public Hearing. A copy of said Report is attached hereto as Exhibit 1.

Section 2: Design and construction of the project is hereby ordered in accordance with State and District requirements, subject to Section 3 below.

Section 3: Prior to awarding project construction bids or entering into contractual commitments for project financing, the project and potential financing mechanism shall be identified in the District's adopted comprehensive sewer system plan. The procedures established in District Resolution No. 640 shall apply to the Birch Bay View Sewer Project.

Section 4: 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 5: 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 6: 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 26th day of May, 2005.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 647 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on May 26, 2005.


SECRETARY