

RESOLUTION NO. 688

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, AMENDING RESOLUTION 650 AND DISTRICT CODE SECTIONS
9.04.010 AND 9.08.010 PERTAINING TO DEVELOPER EXTENSION AGREEMENTS

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 specifically developer extension agreements; and

WHEREAS, the District has discovered the need for an additional revision to sections 9.04.010 and 9.08.010 of the District code as they pertain to developer extension agreements; and

WHEREAS, the District has determined that sections 9.04.010 and 9.08.010 of the District code should be amended to incorporate these 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: Section 9.04.010 of the District code and Section 2 of Resolution No. 650 shall be amended to read as follows:

The Developer Extension Agreement for Water System Extensions shall be as adopted by Section 1 of Resolution No. 650, which by this reference shall be incorporated herein in its entirety. The Developer Extension Agreement for Water System Extensions may be found in the Developer Project Manual adopted pursuant to said resolution. Nothing herein shall preclude modification of a Developer Extension Agreement for Water System Extensions when determined by the Board to be in the best interest of the District.

Section 2: Section 9.08.010 of the District code and Section 3 of Resolution No. 650 shall be amended to read as follows:

The Developer Extension Agreement for Sewer System Extensions shall be as adopted by Section 1 of Resolution No. 650, which by this reference shall be incorporated herein in its entirety. The Developer Extension Agreement for Sewer System Extensions may be found in the Developer Project Manual adopted pursuant to said resolution. Nothing herein shall preclude modification of a Developer Extension Agreement for Sewer System Extensions when determined by the Board to be in the best interest of the District.

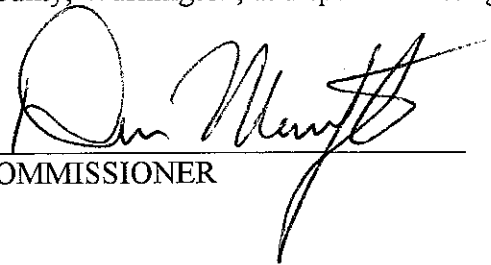
Section 3: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

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 special meeting held the 17th day of December 2009.



COMMISSIONER

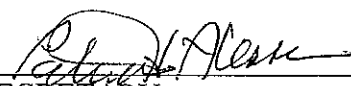


COMMISSIONER



COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 688 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on December 17th, 2009.



SECRETARY