

RESOLUTION NO. 694

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
WHATCOM COUNTY, WASHINGTON,
PROVIDING FOR CERTIFICATION OF DELINQUENT ACCOUNTS

WHEREAS, RCW 57.08.081 requires the District to enforce collection of connection charges, and rates and charges for water supplied against property owners connecting with the system or receiving such water, and for sewer services charged against property to which and its owners to whom the service is available; and

WHEREAS, a process for collection of delinquent connection charges and rates and charges for water and sewer services is set forth in RCW 57.08.081; and

WHEREAS, the intent of this resolution is to formally establish the aforementioned process to facilitate establishment of liens and collection of delinquent connection charges and rates and charges; and

WHEREAS, the foregoing recitals are a material part of this resolution;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

Section 1: A. When Delinquencies Certified. Following adoption of this resolution and thereafter on December 1 of each year, beginning with the calendar year 2010, or at such other time as it deems appropriate, the District will certify to the Whatcom County Auditor any delinquencies in residential or commercial water and/or sewer accounts where either:

- a) No payment has been received on the account for eight (8) months or more; or
- b) No payment has been received for four (4) months and the balance due is more than seventy-five and 00/100ths dollars (\$75.00).

B. Who Certifies. The District Treasurer shall certify such delinquencies.

C. Additional Penalties and Interest. Upon determination that a delinquency qualifies for certification, as outlined in subsection A hereof, a ten percent (10%) surcharge, plus all applicable recording fees, shall be added to the delinquent amount. Delinquent accounts shall also bear interest at the rate of eight percent (8%) per year from the date of certification to the Whatcom County Auditor; except that, in the event eight percent (8%) per year exceeds the prime lending rate of the District's bank plus four percentage points, the annual interest rate on such delinquent accounts shall be the prime lending rate of the District's bank plus four percentage points per year.

D. Lien. The delinquencies and the charges levied pursuant to this Resolution shall be a lien against the property upon which the service was received, subject only to the lien for general taxes, as set forth in RCW 57.08.081.

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 hereby declares 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 shall be in full force and effect.

Section 4: This Resolution shall be effective immediately.


PASSED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 26 day of August, 2010.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 694 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on August 26, 2010.


SECRETARY