

RESOLUTION NO. 696

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, AMENDING RESOLUTION NO. 681 AND
AMENDING THE DISTRICT'S COMPREHENSIVE WATER SYSTEM PLAN
("AMENDMENT NO. 1")

WHEREAS, April 9, 2009, the District Board of Commissioners adopted Resolution No. 681, adopting a new Comprehensive Water System Plan for water supply and distribution; and

WHEREAS, in May 2008, the District entered into a long-term agreement to supply potable water to the BP Cherry Point Refinery, subject to satisfaction of two conditions precedent; and

WHEREAS, the first condition precedent of obtaining additional water rights has been satisfied and fully recognized in an amendment to the District's potable water supply contract with the City of Blaine entered on August 6, 2010 ("Second Amendment"); and

WHEREAS, the second condition precedent of Boundary Review Board approval for the District to supply potable water to the BP Cherry Point Refinery was satisfied on September 24, 2010; and

WHEREAS, the District issued a final determination of non-significance ("DNS") on July 9, 2010, for the Comprehensive Water System Plan Amendment No. 1 (attached as Exhibit A hereto); and

WHEREAS, the Board of Commissioners has reviewed and considered Amendment No. 1 to the District Comprehensive Water System Plan; and

WHEREAS, the Board of Commissioners hereby find that adoption of Amendment No. 1 in its present form is in the best interest of the District; 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 and Sewer District, Whatcom County, Washington as follows:

Section 1: That Amendment No. 1 to the Comprehensive Water System Plan be adopted as an amendment to the official Comprehensive Water System Plan of the Birch Bay Water and Sewer District, Birch Bay, Washington. The Comprehensive Water System Plan remains in full force and effect, except as modified by Amendment No. 1 set forth in Exhibit A attached hereto.

Section 2: 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 3: 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 14 day of October, 2010.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 696 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on October 14, 2010.


SECRETARY