

RESOLUTION NO. 725

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT,
WHATCOM COUNTY, WASHINGTON,
REPEALING RESOLUTION 694 AND PROVIDING FOR CERTIFICATION OF LIENS ON
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, recording certificates of delinquencies and removals thereof adds an administrative expense to the District and requires payment of recording costs to the County Auditor; 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 to recover aforementioned expenses incurred by the District; 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 new section 3.24.020 is hereby added to the Birch Bay Water & Sewer District Code and shall read as follows:

3.24.020 Certification of Charges on Delinquent Accounts. The following process shall be followed for certification of charges on delinquent accounts.

A. When Delinquencies Certified. Following adoption of this resolution and thereafter on or about January 1 and July 1 of each year, beginning with the calendar year 2013, or at such other time as it deems appropriate, the District will certify by filing a lien with the Whatcom County Auditor any delinquencies in residential or commercial water and/or sewer accounts where either:

- 1) No payment has been received on the account for twelve (12) months or more; or
- 2) No payment has been received for six (6) months and the balance due is more than four hundred and 00/100ths dollars (\$400.00).

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, Lien Fee and Removal charges as specified in 13.01.010, shall be added to the delinquent amount.

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. Portions of District Code section 13.01.010 shall be amended to add the following charges to the Fee Schedule..

Lien Fee + Removal \$220.00

Lien Removal Fee \$110.00

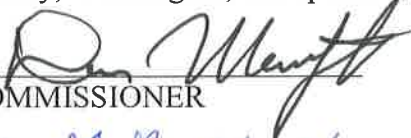
All other lines, amounts, code sections references and descriptions in section 13.01.010 shall remain unchanged.

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 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 5: This Resolution shall be effective immediately.

PASSED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a special meeting held the 26th day of June, 2013.


COMMISSIONER

COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 725 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the special meeting of the Board of Commissioners on June 26, 2013.

Asst. 
SECRETARY