

RESOLUTION NO. 727

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, AMENDING RESOLUTIONS 642, 683, 697, AND 699 PERTAINING TO
CHARGES FOR DELINQUENCY AS WELL AS TIME AND MATERIALS AND DISTRICT
CODE SECTIONS 2.24.010 AND SECTION 13.01.010 TO AMEND FEES AND CHARGES
FOR DELINQUENCIES AS WELL AS TIME AND MATERIALS

WHEREAS, the Board of Commissioners (“Board”) of the Birch Bay Water & Sewer District (“District”) is responsible for setting fair and equitable fees and charges consistent with State law for the services and products it provides; and

WHEREAS, some of said fees and charges are intended to be revised or added to; and

WHEREAS, the District wishes to continue to consolidate the location of all of its fees and charges to a single location in the District Code; 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: District code Chapter 2.24.010 shall be amended to read as follows:

2.24.010 Charge for work by district employee.

The charge made to any person for work performed by employees of the district shall be the hourly wage and benefits paid to that employee for the work performed for such person or persons, plus an overhead rate based on the direct cost of employee benefits plus indirect costs including without limitation risk management, accounting, telephones, information services, building and vehicle maintenance and other administrative expenses as determined by the district. This calculation shall be based on the district's latest adopted budget and other appropriate district accounting records. Any materials used shall be charged at the district replacement cost for such materials plus an overhead rate of fifteen percent (15%).

Section 2: District code Chapter 7.04.200 shall be amended to read as follows:

7.04.200 Delinquent accounts.

The district may, by act of its board of commissioners, shut off water service to any user who is delinquent in payment of water charges. Notice of intent to shut-off for nonpayment shall be mailed to the user at least one week prior to actual shut-off. The District may charge a fee for delinquency as set forth

in chapter 13.01 of this code. Water service shall not be turned on again until all charges are paid or a satisfactory arrangement for payment has been made with the district. Any charges of the district to the user which become delinquent shall constitute a lien against the property being served

Section 3: Portions of the table found in Chapter 13.01 of Title 13 shall be amended as set forth in Exhibit A to this Resolution, All other lines, amounts, and descriptions shall remain unchanged.


Section 4: The table found in Chapter 13.01 of Title 13 shall be amended to remove the fee below. All other lines, amounts, and descriptions shall remain unchanged.

Water turn-on charge (during normal business hours)	7.04.110.A	\$10.00, plus turn-off charge, plus all charges to date
---	------------	---

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 become effective Sept 27, 2013.

ADOPTED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 12th day of September, 2013.



COMMISSIONER



COMMISSIONER



COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 727 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on September 12, 2013.



SECRETARY

EXHIBIT A

Description of charge	Applicable Code Section	Fee/Charge Amount
Late charges for current unpaid balance after exceeding \$18.00	3.24.010	6%
Water service connection, over 1"	7.04.070.A	Time and materials as per 2.24.010 but in no case less than \$1,490.00
Delinquent water shut-off charge (When payment is not received in the district office during normal business hours by the utility shut off date.)	7.04.110.A	\$35.00
Water turn-on charge (outside of normal business hours)	7.04.110.A	\$250.00
Delinquent account service tampering, damage, or vandalism	7.04.110.A	Time and materials as per 2.24.010 but in no case less than \$250.00