

RESOLUTION NO. 758

A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER AND SEWER DISTRICT,  
WHATCOM COUNTY, WASHINGTON,  
AMENDING RESOLUTION 725 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: District Code section 13.24.020 (A) shall be amended to read as follows:

A. When Delinquencies Certified. On or about January 1 and July 1 of each year, 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:

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 00/100<sup>th</sup> dollars (\$400.00), or
3. The outstanding account balance exceeds five hundred and 00/100<sup>th</sup> dollars (\$500) for six (6) consecutive months, or
4. The Board determines the nature of the delinquency is such that filing is appropriate.

All other lines, amounts, code sections references and descriptions in section 13.24.020 shall remain unchanged.

Section 2: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.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 12th day of September, 2019.

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 758 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on September 12, 2019 .

  
SECRETARY