

RESOLUTION NO. 773

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY, WASHINGTON,
AMENDING DISTRICT CODE TO REVISE THE GENERAL FACILITIES CHARGE FOR
WATER AND SEWER

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

WHEREAS, the District retained CHS Engineers, LLC, and David Evans & Associates, Inc., (together, “Consulting Engineer”) to prepare an update of its general facilities charges along with an update of its comprehensive water and sewer plans; and

WHEREAS, the District obtained final approval of its new updated water system and sewer system plans in 2020; and

WHEREAS, the Consulting Engineer completed a report on District general facilities charges for water and sewer dated June 2021; and

WHEREAS, based on the June 2021 report completed by its Consulting Engineer and information within its approved water system plan (2020) and sewer system plan (2020), the District intends to revise the general facilities charges for water and sewer connections in the District; and

WHEREAS, the District has previously consolidated its fees and charges in a single location in the District Code; and

WHEREAS, the District finds that the new general facilities charges established herein represent a fair and equitable *pro rata* share of the District’s costs as identified in RCW 57.08.0005(10); 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: Portions of the District Code section 13.01.010 shall be amended as set forth in Exhibit A to this Resolution. All other lines, amounts, code sections, references, and descriptions in section 13.01.010 shall remain unchanged. This Resolution specifically amends District Code section 7.04.081, as it pertains to water general facilities charges, and section 8.08.050, as it pertains to sewer general facilities charges.

Section 3: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this Resolution.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 or resolutions shall be in full force and effect.

Section 5: 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 28th day of October, 2021.

Don Montfort

COMMISSIONER

Jeff Benner

COMMISSIONER

Fred Reid

COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 773 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on October 28th, 2021.

Per Res 760 I certify
this was approved
on 10/28/2021

Yandee McMan

Fred Reid

SECRETARY

EXHIBIT A

Description of Charge	Applicable Code Section	Fee/Charge Amount
Water general facilities charge, per ELU	7.04.081	\$4,550
Sewer general facilities charge, per ELU	8.08.050	\$7,550