

RESOLUTION NO. 784

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, in October 2021, the District last increased its general facilities charges based on a June 2021 report completed by its Consulting Engineer David Evans & Associates, Inc. and information within its approved water system plan (2020) and sewer system plan (2020), adjusted to “December 2020 dollars”; and

WHEREAS, the District periodically increases general facility charges based on increases in the Engineering News Record Construction Cost Index (ENR), to reflect the costs of future projects identified in the District’s water and sewer system plans; and

WHEREAS, the ENR reported construction costs increased 18.4% for the period of December 2020 to November 2022; and

WHEREAS, the Board finds that the increase in its general facilities charges approved herein is necessary to offset the recent increase in inflation, particularly in cost of construction; 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(11); and

WHEREAS, the District has previously consolidated its fees and charges in 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: 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Section 3: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this Resolution.

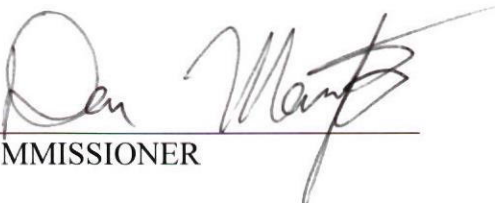
Section 4: If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have passed this code and each 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 on June 1, 2023.

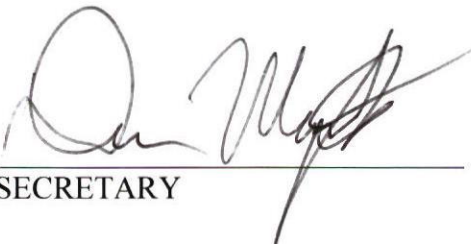
ADOPTED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 13 day of April, 2023.

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 784 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on April 13, 2023.

  
SECRETARY

**EXHIBIT A**

<b>Description of Charge</b>	<b>Applicable Code Section</b>	<b>Fee/Charge Amount</b>
Water general facilities charge, per ELU	7.04.081	\$5,350
Sewer general facilities charge, per ELU	8.08.050	\$8,900