

**BIRCH BAY WATER AND SEWER DISTRICT
RESOLUTION NO. 786**

A RESOLUTION OF THE COMMISSIONERS OF THE BIRCH BAY WATER AND SEWER DISTRICT,
WHATCOM COUNTY, WASHINGTON, AMENDING DISTRICT CODE 7.04, THE COMMISSION POLICY
REGARDING PROCEDURES FOR UTILITY SHUT-OFF, AND RESOLUTIONS NOS. 139, 727, 739, AND
777 REGARDING DELINQUENT WATER ACCOUNTS

WHEREAS, the Board of Commissioners (“Board”) of the Birch Bay Water & Sewer District (“District”) is responsible for enforcing rates and charges for water services supplied against property owners receiving such water (RCW 57.08.081(3)); and

WHEREAS, in 2023 the Washington State Legislature passed Engrossed Substitute House Bill 1329 (“HB 1329”), which amended RCW 57.08.081 to address utility shutoffs during extreme heat events; and

WHEREAS, the District wishes to revise its District Code and its Commission Policy regarding Procedures for Utility Shut-Off to comply with the requirements of HB 1329; and

WHEREAS, the foregoing recitals are a material part of this resolution.

NOW, THEREFORE, the Board of Commissioners (“Board”) of the Birch Bay Water and Sewer District do hereby resolve:

Section 1: The following new section shall be added to District Code Chapter 7.04:

7.04.201 Service During National Weather Service Heat Advisory

- A. Service shut-off during National Weather Service Heat Advisory. The District will not effect, due to lack of payment, an involuntary termination of service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user’s address is located.

- B. Temporary service reconnection during National Weather Service Heat Advisory. A residential user whose service has been disconnected by the District for lack of payment may request that the District reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat

watch, or a similar alert, for the area in which the residential user's address is located. Reconnection requests can be made by contacting the District by phone at (360) 371 7100 or in person at 7096 Point Whitehorn Rd., Blaine, Washington. The District may require a residential user requesting reconnection to enter into a payment plan prior to reconnecting service. Any such payment plan required by the District shall comply with the requirements of RCW 57.08.081(10), as presently enacted or hereafter amended.

Section 2: District Code 7.04.110 shall be amended to read as follows:

7.04.110 Dispatch/shut-off and turn-on charge.

- A. Charges for dispatching to shut off a service for nonpayment of delinquent charges, charges to turn back on a service after the payment of delinquent charges, and charges for meter service or lock damages caused by the customer shall be as set forth in Chapter 13.01 of this code.
- B. There shall be no charge for turning off a water service during normal business hours of the district at the customer's request.
- C. There shall be no charge for turning on a previously disconnected residential water service during a heat-related alert issued by the National Weather Advisory for the area in which the residential user's address is located, when requested by a user pursuant to District Code 7.04.201.

Section 3: The Commission Policy regarding "Procedures for Utility Shut-off" shall be amended to read as follows:

SUBJECT: Procedures for Utility Shut-off

Utility bills are past due or late for the current billing cycle on the day following the due date. A late charge shall be added to the account after that time if not paid.

Utility bills that are past due for the current billing cycle shall be mailed notice of delinquent water shut-off at least one week prior to the scheduled shut-off date. The District will proceed to shut off service if full payment is not received in the district office during normal business hours by the utility shut-off date. The District will not shut off accounts where the balance is less than or equal to the delinquent water shut-off charge as found in District Code 13.01.010.

In the following circumstances, District staff may extend the shut-off date to discuss the situation with the Board prior to shut off:

1. Customers where shutting off the water would also shut off the customers' private fire hydrants.
2. Customers that communicate with staff that shut off may cause a potentially life threatening situation.
3. Customers that communicate with staff that they have suffered a life changing circumstance such as medical emergency, death in family, and other rare conditions.
4. Customers that are a federal, state or local government entity.

For convenience to the customer, scheduled utility shut-offs will not be done after noon on Wednesday.

Notwithstanding the above, the District will not effect, due to lack of payment, an involuntary termination of service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

Section 4: Any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

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 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 section, 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 6: This Resolution shall be effective immediately.

ADOPTED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, at a regular meeting thereof, on the 27th day of July, 2023.