

POINT ROBERTS WATER DISTRICT NO. 4

Special Board Meeting of May 22, 2006

A special meeting of the Point Roberts Water District No. 4 Board of Commissioners was called to order by Chairperson Anderson at 10:00 a.m. at the District office located at 79 Tyee Drive, Suite A, Point Roberts, Washington. Also in attendance were Commissioners Johnson and Coe. District Manager Bourks was also present and District Attorney John Milne was present via telephone conference call. The purpose of the special meeting was to consider matters relating to the District water supply status and moratorium.

1. EXECUTIVE SESSION - POTENTIAL LITIGATION:

Milne requested an executive session to discuss potential litigation to which the District may become a party relating to requests by the Hansen/Tulin, Vick and Zablocki parties for water service to identified properties for one equivalent residential unit. The District or Milne have received correspondence from attorneys representing those parties contending that their respective clients' request for water service was exempt from the District's moratorium on new connections or water service. Following discussion, Commissioner Johnson so moved to convene an executive session on that basis. Commissioner Coe seconded the motion which was carried unanimously. Before convening the executive session at 10:05 a.m., Chairperson Anderson advised that the executive session would be concluded at approximately 10:30 a.m. At 10:30 a.m., Chairperson Anderson publicly announced that the executive session was extended to 10:45 a.m. At 10:45 a.m., the executive session was concluded and open public meeting was reconvened.

2. WATER CONNECTION REQUESTS:

On advice of counsel, following discussion, Commissioner Coe made the motion to approve the request of Hansen/Tulin for a lot located at 731 Claire Lane, the request of Vick for Lot 14 Ocean View Court, and the request of Zablocki for Tax Parcel No. 405303 147202 0000 for water service for one equivalent residential unit (ERU) for those respective properties because those requests were exempt based on the circumstances of each request from the District's moratorium on new water services; however, approval was conditioned on the parties applying to the District within thirty days of notice from the District to do so and complying with all applicable District rules and regulations for service, including the payment of all District fees and connection charges owing for the service; otherwise, failure to do so will result in the cancellation and withdrawal of the District's approval of the request for water service to the respective property. The motion was seconded by Commissioner Johnson and carried unanimously. The Manager was directed to advise the parties of the Board's action by letter and Mr. Milne will also advise their attorneys of the Board action.

3. TERMINATION OF SERVICE:

The Manager requested clarification of the District policy regarding requests to discontinue District water service and the removal of services that have not been used or that have been vacated and requests subsequent to those actions to renew or restore water service. The Manager presented the District's policy on those matters which were in effect pursuant to Resolution No. 572 prior to the Board's adoption of Resolution No. 573 imposing a moratorium on water services and connections to the District's water system after July 20, 2005. Following discussion, Commissioner Johnson made the motion to confirm that the provisions and policies in

Resolution No. 573 superseded and amended the policies in Section F "Termination of Service" and Section H. "Removal of Unused Service" to provide that parties had no right to the renewal, restoration or reconnection of water services that were discontinued by customer request or removed because the services were unused or vacated under those policies. Commissioner Coe seconded the motion which was carried unanimously.

4. ADJOURN:

As the Commissioners had no further business, the meeting was adjourned at 11:15 a.m. on motion made by Commissioner Coe, seconded by Commissioner Johnson and unanimously carried.

N. Madeleine Anderson – Chairperson

Susan M. Johnson – Secretary

Reneé Coe - Commissioner

Date: _____