

**POINT ROBERTS WATER DISTRICT NO. 4
79 TYEE DRIVE, SUITE A
POINT ROBERTS, WA 98281**

RESOLUTION NO. 597

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF POINT ROBERTS WATER DISTRICT NO. 4 OF WHATCOM COUNTY, WASHINGTON, MODIFYING AND AMENDING RESOLUTION NO. 591 ESTABLISHING POLICIES AND PROCEDURES RELATING TO THE ISSUANCE OF WATER AVAILABILITY NOTIFICATIONS AND WATER SERVICE CONNECTIONS BY THE DISTRICT.

WHEREAS, Point Roberts Water District No. 4 (“District”), as a special purpose water district, is authorized to provide water supply within its municipal corporate and service area boundaries pursuant to Title 57 RCW; and

WHEREAS, when acting under Title 57 RCW the District exercises the police power of the State of Washington which has been delegated to it to provide for the public health, safety and welfare by providing potable water to its customers; and

WHEREAS, the District previously provided for the allocation of Available ERUs as that term is defined in Resolution No. 591 adopted on July 20, 2007, and, pursuant to the provisions of Resolution No. 591, an allocation of Available ERUs was held on September 10, 2007; and Available ERUs were made available to parties who were successful in the allocation of such ERUs; provided, Resolution No. 591 also created MIR ERUs as that term is defined in the resolution to be allocated to parties applying for water allocation where the District and such parties have entered into a written agreement ("MIR Agreement") providing for the construction of major infrastructure improvements to the District's water system such as water storage tanks which will create additional water supply and capacity; and

WHEREAS, the District received applications from certain parties seeking allocation of the MIR ERUs on the condition that they enter into a MIR Agreement with the District; and the District and such parties have undertaken the good faith negotiation of an MIR Agreement but have not yet concluded the negotiations of such a MIR Agreement, although the District retains the discretion and authority to determine not to enter into a MIR Agreement with any party relating to the MIR ERUs; and Section 7(H) of Resolution No. 591 provides that if an MIR Agreement is not developed by March 3, 2008, the MIR ERUs will be transferred to the Available ERUs for the March 10, 2008 Allocation; and

WHEREAS, District staff and the District's general counsel have recommended that the schedule to negotiate an MIR Agreement be extended to provide that the next Allocation be

scheduled for May 9, 2008, and therefore the deadline to negotiate and enter into a MIR Agreement be extended to May 5, 2008, and that all other dates and schedules set forth in Resolution 591 be modified and amended accordingly: now, therefore,

BE IT RESOLVED, by the Board of Commissioners of Point Roberts Water District No. 4, Whatcom County, Washington, as follows:

1. The date for the second Allocation as established in Section 5(D) in Resolution No. 591 currently established for March 10, 2008 shall be May 9, 2008, the date of March 3, 2008 as set forth in Resolution No. 591 for various purposes, including the negotiation and completion of a MIR Agreement, shall be May 5, 2008.
2. This resolution shall be effective on the date of its adoption and shall supersede and amend Resolution No. 591 and all other prior District resolutions, policies and procedures to the extent they are inconsistent with this resolution.

ADOPTED at a special open public meeting of the Board of Commissioners, Point Roberts Water District, Whatcom County, Washington, held on the 29th day of February, 2008.

N. Madeleine Anderson, Commissioner

Scott Hackleman, Commissioner

William H. Meursing, Secretary