

**POINT ROBERTS WATER DISTRICT NO. 4
WHATCOM COUNTY, WASHINGTON**

RESOLUTION NO. 639

RESOLUTION OF THE BOARD OF COMMISSIONERS OF POINT ROBERTS WATER DISTRICT NO. 4, WHATCOM COUNTY, WASHINGTON, ESTABLISHING A SEWER GENERAL FACILITY INSTALLATION/CONNECTION CHARGE FOR THE MARINA LOSS.

WHEREAS, RCW 57.08.005(11) authorizes the Point Roberts Water District No. 4 ("District") to charge property owners seeking connection to the District's utility systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charges as the District Board of Commissioners shall determine to be proper in order that those property owners shall bear their equitable share of the cost of the utility system; and

WHEREAS, the District entered into a "Lease and Management Agreement" dated December 4, 1978, and as such may have been amended ("Agreement"), with Point Roberts Marina, Inc. ("Developer"), whereby the Developer agreed to lease to the District and the District agreed to lease from the Developer an on-site sewage disposal system to serve the Marina and other property located at Pt. Roberts ("Marina LOSS" or "LOSS"); pursuant to the Agreement, the District agreed to undertake and perform all duties necessary and proper for the maintenance and operation of the LOSS; and the Agreement authorized the District to levy assessments and service charges to pay the operation and maintenance costs related to the LOSS, and to levy installation/connection charges to pay for the major repair and replacement of the LOSS and its equipment; and

WHEREAS, District staff have advised it is necessary to establish and collect a fee for the initial installation and connection of property to the LOSS to provide funds to undertake and perform major repairs and replacement of the LOSS and other emergent or extraordinary expenses in the future; and

WHEREAS, Financial Consulting Solutions Group, Inc., the District's financial consultant, by technical report entitled "LOSS Sewer Rate Study" dated May, 2013 analyzed existing and future District capital costs and expenses related to the LOSS, and

recommended the District Board of Commissioners establish a general facility connection/installation charge ("GFC") so the owners of property seeking to connect their property to the LOSS will fund such capital costs and pay their equitable share of the cost of the LOSS; and

WHEREAS, the District Board of Commissioners having considered such consultant and staff recommendations related to the proposed establishment of a GFC related to the LOSS and having held a public hearing on June 25, 2013 for public comment on such proposed revisions pursuant to public notice regarding such hearing published in the All Points Bulletin and the Bellingham Herald; and

WHEREAS, the District Board of Commissioners having considered staff and consultant recommendations and public comments related to the proposed establishment of a GFC so the owners of property seeking to connect their property to the LOSS will fund future capital costs and pay their equitable share of the cost of the LOSS; now therefore,

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

1. Definitions. For the purposes of determining sewer installation/connection charge customer classifications, the following definitions shall apply, unless otherwise provide for:

A. Single Family Residential Customer: single family residential customer means a detached structure containing up to four (4) dwelling units.

B. Dwelling Unit: dwelling unit means any building or portion of a building which contains complete housekeeping facilities for one family, including facilities for sleeping, cooking and sanitation, physically separated from any other dwelling unit which may be in the same building.

C. Equivalent Residential Unit or ERU: equivalent residential unit ("ERU") is comprised of one (1) dwelling unit and is presumed to use on average 600 cubic feet (cf) of water per bimonthly billing period.

D. Commercial Customer: commercial customer means all users and uses other than single family residential customer as defined herein.

2. Sewer General Facility Connection Charge. Property owners seeking (a) to connect to, or (b) increased sewer service from (such as a new service or change in service) the LOSS to serve real property for which the property owner has not paid an equitable share of the cost of such system shall pay a GFC in the amount of Three Thousand Seven Hundred Eighty Dollars and No Cents (**\$3,780.00**), provided, the District may adjust the GFC owing based on meter size if the District determines, in its

sole discretion, that the GFC owing is substantially less than or exceeds a property owner's equitable share of the LOSS costs.

3. Effective Date. This resolution and the policies and charges set forth herein shall be effective on July 1, 2013.

4. Repealer. All District resolutions, policies and procedures relating to District sewer general facility connection charges are hereby revised, modified, and superseded to be in accordance with the charge set forth herein.

5. Notice of Adoption. Notice of the foregoing adoption of the sewer general facility connection charge applicable to the LOSS shall be recorded with the Whatcom County Recorder pursuant to the provisions of the RCW 65.08 et seq., together with exhibits describing the real property affected by such water general facility connection charge.

ADOPTED at a special open public meeting of the Board of Commissioners, Point Roberts Water District No. 4, Whatcom County, Washington, held on the 25th day of June, 2013.

N. Madeleine Anderson, Commissioner

Scott Hackleman, Commissioner

William H. Meursing, Commissioner

