

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

RESOLUTION NO. 630

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF POINT ROBERTS WATER DISTRICT NO. 4 OF WHATCOM COUNTY, WASHINGTON, ESTABLISHING POLICIES AND PROCEDURES FOR THE COLLECTION OF PAST DUE CONNECTION CHARGES.

WHEREAS, Point Roberts Water District No. 4 ("District") is a water-sewer special purpose district existing pursuant to Title 57 Revised Code of Washington ("RCW"), and owns and operates water system within its corporate and service area boundaries in Whatcom County, Washington for the benefit of its customers; and

WHEREAS, pursuant to RCW 57.08.005(11), the District is authorized to charge property owners seeking to connect to the District's water system, as a condition to granting the right to connect, and in addition to the cost of the connection, such reasonable connection charges as the District's Board of Commissions determines to be proper so that those property owners bear their equitable share of the cost of the water system; and

WHEREAS, in resolution, the District has established water connection charges in the form of general facilities charges; and

WHEREAS, pursuant to RCW 57.08.081(3), connection charges are deemed charges against the property served by the District, and the District Board of Commissioners is authorized to enforce the collection of connection charges by addition of penalties of not more than ten percent of the delinquent amount in case of failure to pay the connection charges at times fixed by resolution; and

WHEREAS, RCW 57.08.081(3) further authorizes the District Board of Commissioners to provide by resolution that if connection charges are delinquent for any specified period of time, the District shall certify the delinquencies to the auditor of the county in which the real property is located, and the charges and any penalties added thereto and interest at the rate of not more than the prime lending rate of the District's bank plus four percentage points per year shall be a lien against the real property upon which the service was received, subject only to the lien for general taxes; and

WHEREAS, the District Board of Commissioners has determined that it is the best interest of the District to establish the policies for collection of connection charges as referenced in this Resolution, in accordance with state law; now, therefore,

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

Section 1. Collection of Water General Facilities Charges.

A. Water general facility connection charges shall be paid on the date as required by other applicable District resolutions, policies and procedures; provided, that if the District sends the property owner an invoice for the general facilities charges, the charges shall be paid within thirty (30) days of the date of the District's invoice for such charges.

B. All water general facility charges that are not paid by the due date shall be delinquent. A penalty charge computed at a rate of 10% of the delinquent amount shall be added to the past due connection charge account balance. All delinquent connection charge amounts shall bear interest at a rate equal to the prime lending rate of the District's bank plus four percent until paid in full to the District. Additional penalty charges shall not be computed on prior penalty charges or on a delinquent amount previously charged a penalty charge.

C. The District shall provide the property owner with written notice of any delinquent general facilities charges, together with the amount of the penalty and interest, and shall advise the owner of the owner's right to file a written notice of appeal with the District by no later than ten (10) days after the date of the notice. Such notice of appeal shall state the reasons why the owner disputes the delinquent amounts, or the penalty or interest thereon, and the owner's estimate of the proper charges, penalties and interest. The owner's notice of appeal shall be heard by the Board of Commissioners at the next available Board meeting. After reviewing the owner's notice of appeal and any supporting documentation or other evidence, the Board shall make a final determination on the amount of disputed charges, penalties and interest.

D. Notwithstanding any right of appeal as set forth in Section C. above, if any general facility charges are delinquent for thirty (30) days, the District shall certify the delinquencies to the Whatcom County auditor, and the delinquent general facility charges, and any penalties and interest thereon, shall be a lien against the real property to which service is provided or for which connection is sought, subject only to the lien for general taxes. The District may, at any time after the general and local facility charges are delinquent for sixty (60) days, enforce, collect and foreclose the lien in accordance with RCW 57.08.081.

E. The regulations and procedures established in this section apply to the collection of all water general facility charges owed to the District; provided, that if the District and the owner of the property seeking to connect to the District's water system have entered into a developer extension agreement or other agreement that

contains provisions relating to the time for payment of general facility connection charges, the provisions of such agreement shall control.

Section 2. Repealer. All District resolutions, regulations, policies, and procedures are hereby modified, amended, repealed and/or superceded to be in accordance with the regulations, policies and procedures stated in this Resolution.

ADOPTED at a regular open public meeting of the Board of Commissioners of Point Roberts Water District No. 4, Whatcom County, Washington, held on the 10 day of April, 2012.

Scott Hackleman, Commissioner and chair

William H. Meursing, Commissioner

N. Madeleine Anderson, Commissioner