

Resolution No. 2019-003

A resolution of the Board of Directors of Bayview Water and Sewer District, Kootenai County, Idaho providing terms for advancing the request for service from the Idaho Department of Fish and Game; providing for an effective date of the resolution and policies as adopted; and providing for other matters properly relating thereto.

WHEREAS, Bayview Water and Sewer District, Kootenai County, Idaho (the "District") is a duly and properly formed water district under and by virtue of the Idaho Constitution and Title 42 Chapter 32 of the Laws of the State of Idaho and governed by an elected Board of Directors (the "Board");

WHEREAS, Idaho Statute Title 42 Chapter 32.12 Part D provides that the Board may, "*enter into contracts and agreements, cooperative and otherwise, affecting the affairs of the district, including contracts with the United States of America and any of its agencies or instrumentalities, and contracts with corporations, public or private, municipalities, or governmental subdivisions, and to cooperate with any one (1) or more of them in building, erecting or constructing works, canals, pipelines, sewage treatment plants, and other facilities within or without the district.*"

WHEREAS, the Idaho Department of Fish and Game (IDFG) an agency of the State of Idaho has indicated a desire to have water service on property adjacent and contiguous to BWSD;

WHEREAS, the Board is charged with responsibility for the operation of the District and in that role has previously agreed that it serves the public interest, and potentially those of the District, its customers and its employees to provide the water service as requested provided that related costs for but not limited to, evaluation, design, surveying and legal review are to be paid by IDFG;

WHEREAS, Resolution 2007-01 of BWSD provides that, "the service area may be expanded . . . by the execution of appropriate agreements between the Water System and those seeking services from the water system as the BOARD may determine."

WHEREAS, the Board is currently reviewing District policies and resolutions and contemplates adopting Water and Waste Water policies that utilize a basic and common unit of consumption similar to or as presently defined in BWSD Resolution 1990-001 as an "ER" or Equivalent Residence;

NOW, THEREFORE, be it resolved by the Board of Directors of Bayview Water and Sewer District (**BWSD**) as follows:

1. That the proposed IDFG project be assessed Capacity fees for water service of .7 ER per each residential pad and 1.0 ER for the proposed Bathhouse building.
2. That water rates be charged on the same basis where each ER is charged as a single domestic residence and at current rates presently and as may amended in the future.
3. That a Memorandum of Understanding (MOU) between the BWSD and IDFG be developed by the IDFG and approved by each agency, such MOU upon approval, to be appended to this Resolution and thereby made available for future reference.
4. That BWSD shall incur no additional expense nor expend additional staff time until approval of said MOU.

5. That costs for engineering and staff time to date are now due and shall be payable upon receipt of invoice from BWSO.
6. That the MOU provide that IDFG shall be fully responsible for all costs related to perfection and advancement of the water connection for the proposed project.
7. That no additional expense shall be undertaken nor shall connection to the BWSO system be made until BWSO is in receipt of:
 1. Full payment for all BWSO invoices presented for payment.
 2. Full payment of all Capitalization fees
 3. Full payment for all Other fees and costs as agreed in the MOU.
 4. Evidence that the proposed Land Use Change from wildlife habitat to residential use has been approved by the appropriate agency of the property grantor, believed to be the General Services Agency of the United States Government.

This resolution shall go into effect upon the date adopted.

Upon a motion to adopt the text of the foregoing Resolution made by:

Director: Edwards, and

Seconded by Director: Doney

the following roll call vote was recorded:

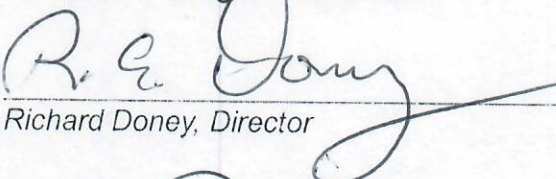
Director Doney:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Director Meyer:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Director May:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Director Jones:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Director Edwards:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

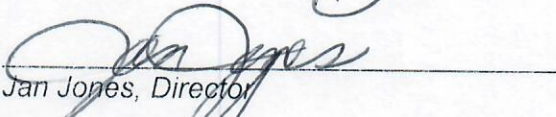
Upon said *roll call vote*, the text of the foregoing was duly enacted as a Resolution of the Board of Directors in Bayview, Idaho, on the 9th day of May, 2019.

Bayview Water and Sewer District

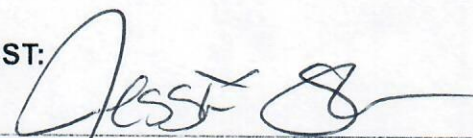

Sharon Meyer, Chairman


Robyn Edwards, Vice Chairman


Richard Doney, Director


Jan Jones, Director


Stephen May, Director

ATTEST: 
Jessie Roe, Secretary for the District