

RESOLUTION NO. 2017-12

A Resolution of North Kootenai Water District, Kootenai County, Idaho, amending and restating the basis upon which mitigation fees are assessed against property owners developing property within the boundaries of the District; rescinding Resolution No. 2008-25; providing for an effective date of this resolution; and providing for other matters properly relating thereto.

NORTH KOOTENAI WATER DISTRICT
KOOTENAI COUNTY, IDAHO

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF NORTH KOOTENAI WATER DISTRICT, KOOTENAI COUNTY, Idaho, as follows:

WHEREAS, North Kootenai Water District (the "District"), is a duly and properly formed water district existing and operating under and by virtue of the Constitution and laws of the State of Idaho and is governed by a Board of Directors ("Board");

WHEREAS, the District owns and operates a water utility system, including sources of supply, storage and distribution lines;

WHEREAS, the District acquired and improved the water utility system and certain other necessary property and improvements related thereto through the District's issuance of revenue bonds; and

WHEREAS, the Board adopted Resolution No. 2008-25 on August 8, 2008, setting the appropriate process for establishing Mitigation Fees of the District (as defined in Resolution No. 2008-25) in accordance with Ordinance No. 99-4;

WHEREAS, pursuant to Idaho Code Section 63-1311A, the Board published public notice and conducted a public hearing on November 2, 2017 to provide an opportunity for public comments regarding a proposed new fee and/or increases, in excess of five percent (5%) over the amount last collected, for the Mitigation Fee for the District's Twin Lakes service area;

WHEREAS, the Board desires to amend and restate such process of establishing the District's Mitigation Fees as set forth herein;

WHEREAS, the Board desires to set the Mitigation Fees for the District's Rimrock and Twin Lakes service areas as set forth in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, this resolution, upon adoption by the Board, will supersede Resolution No. 2008-25 in its entirety.

NOW, THEREFORE, BE IT FURTHER RESOLVED AS FOLLOWS:

Section 1: Incorporation of Recitals. The Board hereby incorporates the recitals set forth herein as a part of this Resolution.

Section 2: Mitigation Fee Factors. Mitigation Fees are intended to fund an expansion of the capacity of the Water System (“System”) beyond what is currently available (at System build-out of existing parcels) in order to serve a proposed use on unplatted parcels or on existing platted parcels, when the proposed use will increase System demand beyond:

- (1) One equivalent residence (ER) for domestic service on a single parcel; and
- (2) The currently available fire flow or fire storage.

Proposed uses may trigger payment of Mitigation Fees for a portion of the required improvement depending on existing System capacity and the demand of the proposed use.

The following process is used by the District to determine Mitigation Fees:

(1) Determine the anticipated demands that the proposed property use will impose on the existing System, including:

- (a) Average day demand;
- (b) Peak day demand;
- (c) Peak hour demand; and
- (d) Fire flow requirements (which are provided by the local fire authority based on proposed use).

(2) Analyze the existing System capacity with respect to the proposed use. The following System components will be analyzed using standards adopted by the District and the Idaho Rules for Public Drinking Water Systems:

- (a) Source capacity;
- (b) Storage capacity; and
- (c) Distribution capacity (including transmission mains and booster pumping facilities)

(3) Based on the System analysis, identify System capacity deficiencies created by the proposed use and determine improvements required to resolve the System deficiencies.

(4) Prepare Engineer’s Opinion of probable Project Costs (construction, contingency, and engineering) for each improvement identified.

(5) Distribute the total project cost over the total equivalent dwelling units that can be served by the improvement(s).

(6) Mitigation Fees will be adjusted annually using the Engineering News Records Construction Cost Index (CCI).

(7) Mitigation Fees are collected at the time of the approval of the Final Plat.

Section 3: Mitigation Fees for the District. The Mitigation Fees for the District's Rimrock and Twin Lakes service areas shall be as set forth in Exhibit "A" attached hereto and incorporated herein by this reference. Unless otherwise set forth in Exhibit "A," all other rates, fees and charges for customers and users of the System shall remain in full force and effect, and as previously set and/or approved by the Board. The rates, fees, and charges set forth in Exhibit "A" shall be applicable on or after November 2, 2017.

Section 4: Rescission of Resolution No. 2008-25. Resolution No. 2008-25 is hereby rescinded and shall have no further force or effect.

Section 5: Ratification. The Board hereby ratifies all acts taken by members of the Board and/or agents on behalf of the Board or District relative to the implementation of new rates and charges.

Section 6: Severability. If any section, paragraph, clause, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of each section, paragraph, clause, or provision shall in no manner affect any remaining provision of this Resolution.

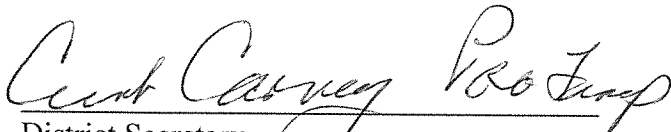
Section 7: Effective Date. This Resolution shall become and is effective as of the date of its adoption.

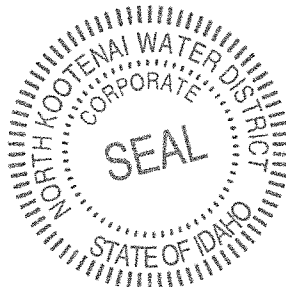
PASSED at a regular meeting of the Board of Directors of North Kootenai Water District, held on the 2nd day of November, 2017.

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho


Chairman, Board of Directors

ATTEST:


District Secretary



(SEAL)

I, the undersigned, Secretary Pro Tem of North Kootenai Water District, Kootenai County, Idaho, hereby certify that the foregoing Resolution is a full, true, and correct copy of a Resolution duly adopted at a regular meeting of the Board of Directors, duly and regularly held at a regular meeting place thereof on November 2, 2017, of which meeting all members of said Board had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote:

AYES, and in favor thereof, Directors: - 3

NAYS, Directors: - 0

ABSENT, Directors: - 2

ABSTAIN, Directors: - 0

I further certify that I have carefully compared the same with the original Resolution on file and of record in my office; that said Resolution is a full, true, and correct copy of the original Resolution adopted at said meeting; and that said Resolution has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the District on November 2, 2017.

Court Carney Pro Tem
District Secretary

(S E A L)



EXHIBIT "A"

Item	Fee Amount - Current	Fee Amount - Effective November 2, 2017
Mitigation Fees (per dwelling unit)		
Rimrock Water System		
Booster	\$ 38.29	\$ 42.30
Source	1,194.17	1,319.37
Twin Lakes Water System		
Source	0.00	1,875.00