

RESOLUTION NO. 2013-04

A Resolution of North Kootenai Water District, Kootenai County, Idaho, amending, reestablishing and providing for the future determination of connection fees, including capitalization fees and installation fees for water service connections established on or after May 16, 2013, to the water supply system of the North Kootenai Water District

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 Ordinance No. 99-4 on May 13, 1999, setting forth certain rules of operation for and policies of the District and further providing that charges, including capitalization fees and service installation fees ("Connection Fees"), could be later established or modified by resolution of the District;

WHEREAS, the Board adopted Resolution No. 2011-14 on September 1, 2011, and Resolution No. 2012-14 on June 7, 2012, consolidating the various amendments and clarifications by the Board over time to such rules of operation and policies of the District set forth in Ordinance No. 99-4 and setting forth the amended and clarified rules of operation and policies regarding Connection Fees of the District in a complete and comprehensive format;

WHEREAS, the Board desires to amend such rules of operations and policies regarding Connection Fees of the District to further clarify the same, and specifically clarify Section I(C)(1) of such resolution, and the rules of operations and policies regarding Connection Fees of the District;

WHEREAS, such clarification had no material or immaterial effect on the application of such rules of operation and policies regarding Connection Fees of the District since adoption of Resolution No. 2011-14;

WHEREAS, pursuant to such rules of operations and policies regarding Connection Fees of the District, the District has the duty to review and adjust, as necessary, the Connection Fees charged by the District;

WHEREAS, after engaging in such review the Board, pursuant to Idaho Code Section 63-1311A, published notice and conducted a public hearing on April 18, 2013, to provide an opportunity for the public to comment on the proposed increase in the District's capitalization fee;

WHEREAS, the Board has considered and discussed the information it has accumulated and comments and input received at the public hearing, as well as any telephone and written comments received by the District; and

WHEREAS, the Board desires to set the Connection Fees for the District as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT FURTHER RESOLVED AS FOLLOWS:

DEFINITIONS

Board or Board of Directors: The Board of Directors of the District, as it may be constituted from time to time.

Boarding House: Any building or portion thereof which includes separate bedrooms for rent and common kitchen and/or bathroom facilities.

Capitalization Fee: The fee calculated and collected according to this Resolution, with respect to any Parcel credited or otherwise brought under this Resolution and representing an equitable buy-in to the Water System and fair share of the net value of the Water System capacity, as allocated to any individual Parcel.

Connection Fees: Fees to be collected by the District in conjunction with each new Service Connection to the Water System. These fees consist of the Capitalization Fee and Service Installation Fee, each of which shall be separate and distinct.

District: The North Kootenai Water District.

District Boundary: All Parcels annexed into the District.

Engineer: The Engineer(s) or engineering firm(s) (or the duly authorized employee or representative thereof) contracted or otherwise designated by the District from time to time to advise the Board with respect to Water Systems provided by the District.

Equivalent Residence or "ER": The basic unit of measurement utilized by the District to establish relative water consumption requirements of various uses, with one (1) Equivalent Residence or "ER" being defined as one (1) typical single-family residence.

Guest House: A secondary improvement (including a mobile home, trailer, garage apartment and the like) which is designed or intended to accommodate overnight human occupancy and which is located on a residential Parcel that is also improved with a primary single-family residence or a multi-family dwelling.

