

RESOLUTION NO. 2009-02

A Resolution of North Kootenai Water District, Kootenai County, Idaho, regarding acknowledgement of previous receipt and/or waiver of certain annexation fees; providing for an effective date for 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 THE NORTH KOOTENAI WATER DISTRICT, Kootenai County, Idaho, as follows:

WHEREAS, the North Kootenai Water District ("District") is a duly and properly formed water district under and by virtue of the constitution and laws of the State of Idaho;

WHEREAS, the District is governed by an elected Board of Directors ("Board");

WHEREAS, the District was formed by Court Order in 1991 and took over operation of multiple water systems, which now constitute the District, in 1998;

WHEREAS, confusion has arisen regarding certain annexation proposals, wherein both property owners and/or the District felt that land had previously been annexed into the District and in fact final steps to complete the annexation have yet to occur;

WHEREAS, the Board has directed that all steps be taken to conform the District boundaries with those of the Kootenai County, Idaho (the election jurisdiction) and the Idaho State Tax Commission;

WHEREAS, the Board by Motion at their February 19, 2009 meeting directed that a resolution be developed that provides a policy for annexation fees or waiver of said fees for the areas where fees have already been paid and/or the District and the people in the area believed that they have already been annexed.

NOW, THEREFORE, IT IS HEREBY FURTHER RESOLVED as follows:

Section 1: INCORPORATION BY REFERENCE.

The recitals set forth in this resolution are hereby incorporated in by this reference.

Section 2: WAIVER OF CERTAIN ANNEXATION FEES

Idaho Code Section 32-4218(a) requires the Board to set certain fees associated with annexation into the District. The District has identified properties which have already paid annexation fees and felt they had been annexed into the District and/or that the District felt was

already annexed into the District and the Board has determined it in the best interest of the District, property owners and ratepayers to waive any annexation fees for inclusion of these properties in annexation proposals to the District. The Board does not feel that it is fair to recharge these residents for the right to petition to annex into the District where they have either previously paid a fee for annexation and/or have felt and been treated as though they were residents of the District as the District also thought the annexations had been completed.

Section 3: AREAS COVERED BY THIS ANNEXATION FEE WAIVER

The areas covered by this annexation fee waiver include, but are not limited to, the areas depicted in Exhibit "A" attached hereto and incorporated in this resolution by this reference.

Section 4: RATIFICATION

The Board hereby ratifies and approves all acts taken by members of the Board and/or agents on behalf of the Board or District relative to the annexation of areas into the District where a fee was previously paid or where the property owners and District thought the area was part of the District.

Section 5: 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 6: EFFECTIVE DATE OF RESOLUTION


This Resolution shall be and is effective as of the date of its adoption.

PASSED at a special meeting of the Board of Directors of the North Kootenai Water District, held on the 5th day of March, 2009, upon which a roll call vote was duly taken and duly enacted.

NORTH KOOTENAI WATER DISTRICT


Chairman

ATTEST:


Secretary

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I, the undersigned, Secretary of the 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 special meeting of the Board of Directors, duly and regularly held at a special meeting place thereof on March 5, 2009 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, Boardmembers: *unanimous (5)*

NAYS, Boardmembers:

ABSENT, Boardmembers:

ABSTAIN, Boardmembers:

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 Board on March 5, 2009.

NORTH KOOTENAI WATER DISTRICT

Bainhurst

Secretary

Woodland Heights 7th Addition

Deer Park Estates

Pinetree Ranch

Martin & Gretchen Mohr

West Hayden Estates

Rimrock Forest Estates

Jerry & Lisa Hayes

Seasons Acres and
Peak

Selkirk Meadows

Fox Hollow

Ranch Valley

Mark's Marine

Soft Pines

Lovlyn/Davis Property

Chanticleer

Twin Lakes Village Condos

Seventh Day Adventist

Bear Creek Estates

Windsor Court (Blue Heron)

Corbin Hill Estates

Lone Mountain

Avondale 8th Addition