

2009-
RESOLUTION NO. 22

A Resolution of North Kootenai Water District, Kootenai County, Idaho, setting a public hearing to receive input on the increase of certain capitalization fees in the District; directing that public notice of such hearing be given; 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 Board adopted Ordinance 99-4 on May 13, 1999 ("Ordinance No. 99-4") setting forth certain rules of operation for the District and further providing that water fees and charges, including Capitalization and Mitigation Fees, could be later established or modified by resolution of the District;

WHEREAS, the Board followed the processes outlined in Ordinance No. 99-4 to set the Capitalization and Mitigation fees, after a public hearing, by Resolution No. 2008-22 on July 3, 2008;

WHEREAS, the Board further directed its staff and District engineer to study the current capitalization fees for other than one-inch services;

WHEREAS, the Board wishes to clarify the changes as a "per ER" charge;

WHEREAS, the Board wishes to disseminate the proposed modified schedule of fees for capitalization to the ratepayers of the District and conduct a public hearing allowing residents of the District and others to provide public comment on the proposed fee schedule prior to its enactment;

NOW, THEREFORE, IT IS HEREBY 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: RATIFICATION OF CAPITALIZATION FEE AND MITIGATION FACTORS.

The Board hereby ratifies the action taken in 2008-22, including, but not limited to, the adoption of the Capitalization fee, the factors to be considered in setting such a fee and the factors to be considered in setting Mitigation fee factors.

Section 3: INCREASE OF CHARGES NECESSARY IN THE VARIOUS SERVICE AREAS OF THE DISTRICT

The Board previously determined that the Capitalization Fee for the District should be set at \$4,200 per ER, or equivalent residential unit. The Board wishes to clarify and adopt the Meter-ER Equivalent Table attached hereto as Exhibit "A" in the Notice of Public Hearing.

Section 4: PUBLIC HEARING

The Board hereby sets Thursday, August 6, 2009 at the hour of 12:30 p.m. as the date and time for a public hearing on the modification of rates, charges and other costs as set forth in this Resolution. The public hearing shall be held at:

North Kootenai Water District
1841 West Hayden Ave.
Hayden, ID 83835

All interested parties are invited to attend this public hearing and provide any comments they wish to provide on the proposed rates and charges.

Any individual who is unable to attend the public hearing, but has comments to make on rates and charges is invited to provide written comments on or before the date of the public hearing by mailing or emailing such comments to:

North Kootenai Water District
Attn: Board of Directors
1841 West Hayden Ave.
P.O. Box 2290
Hayden, ID 83835
Email: mikeg@nkwsd.com

The Board will consider all written and oral communication in making a final determination of the appropriate fee schedule.

Section 5: PUBLICATION OF THE NOTICE OF PUBLIC HEARING ON CAPITALIZATION FEES AND MITIGATION FEES

The secretary is directed to provide notice of this public hearing by publishing Notice of the Public Hearing (in the form generally shown in Exhibit "A" at least once each week for the two (2) weeks preceding the date of the public hearing.

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: 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 the Capitalization Fee Schedule, and the hearing process is hereby ratified and approved.

Section 8: EFFECTIVE DATE OF RESOLUTION


This Resolution shall take effect and be in force and effect from and after its passage and approval.

PASSED at a special meeting of the Board of Directors of the North Kootenai Water District, held on the 16th day of July, 2009, upon which a roll call vote was duly taken and duly enacted.

NORTH KOOTENAI WATER DISTRICT


Chairman

ATTEST:


Secretary



K:173824310000317040_MCO17040R2HEW

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 July 16, 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: 5

NAYS, Boardmembers: 0

ABSENT, Boardmembers: 0

ABSTAIN, Boardmembers: 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 Board on July 16, 2009.

NORTH KOOTENAI WATER DISTRICT
CORPORATION
Secretary
STATE OF IDAHO




EXHIBIT "A"

**NOTICE OF PUBLIC HEARING ON CLARIFICATION OF
INCREASE IN CAPITALIZATION AND MITIGATION FEES
BY NORTH KOOTENAI WATER DISTRICT**

The Board of Directors of North Kootenai Water District

Date: August 6, 2008

Time: 12:30 p.m.

**Place: North Kootenai Water District
1841 West Hayden Ave.
Hayden, ID 83835**

The North Kootenai Water District ("District") staff, manager and engineer have conducted a review of the costs of the capital infrastructure of the water system ("System") of the District, including the acquisition of the System, costs in improvements to the System since then, capital costs and the capital plan of the District. Based upon the review of these costs and the equity that the current customers of the System have acquired, the Board of Directors ("Board") of the District wishes to reaffirm a Capitalization Fee of \$4,200.

The Board wishes to clarify that the following Capitalization Fees will be charged, based upon the Meter-ER Table set forth below:

Meter or Service Size	ER	New 2008 Capitalization Fee
1	1	\$4,200
1.5	1.25	\$5,250
2	2	\$8,400
3	8	\$33,600
4	10	\$42,000
6	15	\$63,000
8	20	\$84,000

If you are unable to attend the public hearing and wish to provide input to the Board, you may do so by mail or email at the following addresses:

Mike Galante
North Kootenai Water District
P.O. Box 2290
1841 West Hayden Ave.
Hayden, ID 83835
Email: mikeg@nkwsd.com