

Resolution No. 2010-06

Resolution of the Board of Directors of North Kootenai Water District, Kootenai County, Idaho setting rates and charges for use of district fire hydrants and also adopting rules applicable to this use; and providing for other matters properly relating thereto; and providing for the effective date of the resolution

WHEREAS, North Kootenai Water District, Kootenai County, Idaho (the "District") is a duly and properly formed water district under and by virtue of the constitution and laws of the state of Idaho and governed by an elected Board of Directors (the "Board");

WHEREAS, the District provides water service through its water system ("System") throughout Kootenai County, Idaho;

WHEREAS, the District has a number of fire hydrants connected to its system to provide fire protection to certain residents within the boundaries of the District;

WHEREAS, certain individuals, specifically contractors, may have need to connect to these hydrants for excess water for dust control and other purposes associated with their projects and the Board wishes to facilitate the reasonable use of its fire hydrants;

WHEREAS, the Board provided public notice of a hearing to set these rates and other operational rules of the District relating to the fire hydrants and this public hearing was held on August 19, 2010;

NOW, THEREFORE, be it resolved by the Board of Directors of North Kootenai Water District as follows:

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

Section 2. Finding of Costs Associated with the Connection of Third Parties to District Fire Hydrants. There is a cost associated with staff unlocking the fire hydrants and making proper connections for use by third parties of water from the fire hydrants. The Board wishes to recover this cost from those who benefit from the connection to the fire hydrants.

Section 3. Establishment of Rate Schedule for Use of Fire Hydrants by Third Parties. Effective as of the adoption of this resolution, the Board proposes implementation of the following rate schedule for third party use of District fire hydrants:

Installation Fee: \$50.00  
Monthly Minimum Rate: \$50.00 in the Gozzer area, \$15.00 in the remaining area of the District  
Water Usage Charges: At current rates in the service area where the Hydrant is located.

The District will also be allowed to charge up to 1% per month commencing the 30<sup>th</sup> day after the bill is sent, if said bill is not paid. Other late fees and charges, as determined by the Board of Directors shall also be applicable.

Section 4. Other Policies Relating to Fire Hydrant Access. The party who accesses water through the fire hydrant shall be responsible for any damage caused by such use. The District Manager is authorized to develop the appropriate checklist document and other forms for those desiring to connect to District fire hydrants.


Section 5. Severability. If any one or more of the provisions provided for in this resolution or the Policy shall be declared by any court of competent jurisdiction to be contrary to law, then such provisions shall be null and void and shall be deemed separable from the remaining provisions in this resolution or the Policy and shall in no way affect the validity of the other provisions of this resolution or the Policy.

Section 6. 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 hydrant charges and policies and they are hereby ratified and approved.

Section 7. Effective Date. This Resolution and the rates, charges and rules set forth herein are effective as of the date of adoption of this Resolution.

Passed and adopted by the Board of Directors of North Kootenai Water District, Kootenai County, Idaho at a regular meeting this 19<sup>th</sup> day of August, 2010.

NORTH KOOTENAI WATER DISTRICT,  
KOOTENAI COUNTY, IDAHO

By:   
Board Chairman

ATTEST:

  
District Secretary

CERTIFICATE OF DISTRICT SECRETARY

I DO HEREBY CERTIFY that I am the duly chosen, qualified and acting Secretary of the North Kootenai Water District, Kootenai County, Idaho (the "District"), and keeper of the records of the Board (the "Board"); and

I HEREBY CERTIFY:

1. That the attached resolution is a true and correct copy of Resolution No. 2010-06 (the "Resolution"), as finally passed at a regular meeting of the Board held on the 19<sup>th</sup> day of August, 2010, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Board voted in the proper manner for the passage of the Resolution; that all other requirements and proceedings incident to the proper passage of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 19<sup>th</sup> day of August, 2010.

  
Secretary