

Resolution No. 2011-09

Resolution of the Board of Directors of North Kootenai Water District, Kootenai County, Idaho approving a fire hydrant meter installation fee of \$100.00 and the requirement for a deposit for use of district fire hydrants; providing for certain policies which impact fire hydrant use; and providing for other matters properly relating thereto

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, on August 19, 2010 the Board adopted Resolution No. 2010-06 which set forth the rates and charges associated with the use of District fire hydrants;

WHEREAS, it has come to the attention of the Board that fire hydrants have been returned to the District after their use with damaged meters and/or faulty backflow devices, which can currently cost up to \$1,500.00 to repair;

WHEREAS, the Board wishes to increase the installation fee to \$100.00 and charge a deposit no less than \$1,500.00 for the use of the hydrant, which would be fully refundable if the hydrant is returned in full working order;

WHEREAS, the Board held a public hearing on July 7, 2011 allowing the residents of the District and others to provide public comment on the proposed deposit for use of District fire hydrants, prior to the enactment of the deposit;

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 Increased Installation Fee and Deposit Associated with Use of District Fire Hydrants. It has come to the attention of the Board that District fire hydrants may be returned with damaged meters and/or faulty backflow devices. The cost to the District associated with the repair of these damages currently costs up to \$1,500.00.

It has further come to the attention of the Board that the current installation fee of \$50.00 is insufficient to cover the District's costs and expense associated with installation of the fire hydrant meter.

Section 3. Increase of Installation Fee and Establishment of Deposit for Use of Fire Hydrants by Third Parties. The Board hereby increases the installation fee to \$100.00 and implements a deposit of \$1,500.00 for third party use of District fire hydrants. If the fire hydrant is returned in good working order such deposit would then be refunded to the third party that made such deposit. If the fire hydrant is returned and not in good working order, then the District shall repair such fire hydrant, charge against such deposit all costs and expenses associated with such repair, and refund any remaining funds of such deposit to the third party.

Section 4. 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 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 hydrant deposit and they are hereby ratified and approved.

Section 6. Effective Date. This Resolution shall take effect and be in force and effect 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 7th day of July, 2011.



NORTH KOOTENAI WATER
DISTRICT, KOOTENAI COUNTY,
IDAHO

By: 
Board Chairman

ATTEST:


District Secretary

CERTIFICATE OF DISTRICT SECRETARY

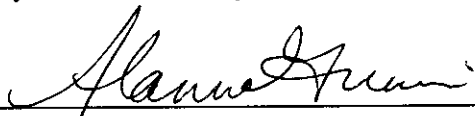
I DO HEREBY CERTIFY that I am the duly chosen, qualified and acting Secretary of the North Kootenai Water District, Kootenai County, Idaho (the "District"), and keeper of the records of the Board (the "Board"); and

I HEREBY CERTIFY:

1. That the attached resolution is a true and correct copy of Resolution No. 2011-09 (the "Resolution"), as finally passed at a regular meeting of the Board held on the 7th day of July, 2011, 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 7th day of July, 2011.


Secretary

