

**HARTSTENE POINTE WATER AND SEWER DISTRICT
RESOLUTION 2009-35**

**A RESOLUTION OF THE
HARTSTENE POINTE WATER AND SEWER DISTRICT BOARD OF
COMMISSIONERS REVISING WATER AND SEWER RATES**

WHEREAS, RCW 57.08 authorizes water and sewer districts to establish water and sewer rates; and

WHEREAS, Resolution 2009-30 established the District's water and sewer rates; now

**THEREFORE THE BOARD OF COMMISSIONERS OF HARTSTENE
POINTE WATER AND SEWER DISTRICT HEREBY RESOLVES:**

A. Water Rates: The following water rates are applicable.

1. Flat Rate Charge. A flat rate charge shall be assessed monthly for each account that is physically connected to the water system:

a) Water: \$21.50 per month

2. Ready to Serve Charge. Each lot which has been using water services from the District but is not currently using the water service will be charged a ready to serve rate equal to the flat rate charge, as established above.

3. RV Lots each lot designated for use by Recreational Vehicles (RV) shall be charge as follows for water service:

a) \$56.00 for the period 1 April to 30 September

b) \$23.00 for the period 1 October to 31 March

4. Non-Connected Lots

a) Residential lots that have paid the water connection fees but have not connected to the water system shall be charged a rate of \$9.00 per month.

b) Residential lots that have not paid the water connection fees and are not connected to the water system shall not be charged for water.

B. Sewer Rates: The following sewer rates are applicable.

1. Flat Rate Charge. A flat rate charge shall be assessed monthly for each account that is physically connected to the sewer system:

a.) Sewer: \$34.50 per month

2. Ready to Serve Charge. Each lot which has been using sewer services from the District but is not currently using the sewer service will be charged a ready to serve rate equal to the flat rate charge, as established above.

3. Non-Connected Lots

c) Residential lots that have paid the sewer connection fees but have not connected to the sewer system shall be charged a rate of \$14.00 per month.

d) Residential lots that have not paid the sewer connection fees and are not connected to the sewer system shall not be charged for sewer.

C. Out of District Surcharge: Properties outside the District's corporate boundary will not be served by Hartstene Pointe Water and Sewer District.

D. Abandoned Services: If ready to serve charges become delinquent for a period of two years, the service will be considered abandoned. When water and/or sewer service is resumed for an abandoned account, the property owner is required to pay any and all connections fees that are in effect at that time.

E. Customer Classes: For purposes of this resolution the definition and method of calculation for each customer class shall be as follows:

1. **Residential Class.** The residential class consists of single family units. The flat rate charge for residential class shall be assessed for each established lot. The unit charge shall be assessed for a second dwelling unit. Guest houses and/or accessory dwelling units (as defined by the Mason County Zoning ordinance) shall be charged as a second dwelling unit:

2. **Commercial Class.** The commercial class consists of the community center, marina, and wastewater treatment plant. The flat rate charge for commercial class shall be equal to the residential flat rate charge.

F. Billing Dispute Policy

G.

1. Time Limitation: should any customer disagree with the amount of any bill or relating to a customer account for any reason, the customer may request a meeting with the General Manager in writing within sixty calendar days following the due date of the contested utility bill. Such written request shall set forth the reasons for the disagreement and the customer's estimate of the proper amount of the bill if the customer has an opinion about the amount.

2. Appeal to General Manager: The General Manager and customer should make their best efforts to meet within ten business days after the District receives the request. The General Manager may require the customer to

produce reasonable evidence and documentation to support the customer's request.

3. After reviewing the customer's request and supporting documentation, the General Manager shall have the authority to correct the bill should it be determined that the change results in a credit to the customer account of less than five hundred dollars or a further debit to the customer account. If the General Manager believes the customer account should be credited in an amount equal to or greater than five hundred dollars, the General Manager shall submit the recommendation to the Board of Commissioners.
4. Permit Expiration A sewer permit issued by the District shall be valid for 180 days, and shall expire at the end of such period, unless the District extends its duration in writing. The permit extension is allowable if the construction is delayed. If a new sewer permit is requested to replace the expired permit, the new permit shall be subject to connection charges in amounts that are in effect on the date of issuance of the new permit, with credit given for the previous paid amount. The \$250 refundable deposit shall remain in effect.
5. Unauthorized Connections If a property is discovered that has been connected to the water or sewer system without the required payment of fees, charges, and/or monthly service payments, the District shall require payment of the applicable fees, charges and/or monthly service payments.
 - a) If a property is discovered that has expanded its facilities to a degree that additional fees, charges and/or monthly service payments are due to the District, the District shall require payment of the applicable fees, charges and/or monthly service payments.
 - b) The District has the authority to require back payment of up to 36 months of monthly service payments. The General Manager may authorize a waiver of the full 36 month back payments of the monthly service fee if in the General Manager's opinion that extenuating circumstances provide for such a waiver. Economic hardship of the rate payer and the property owner not knowing that the property was illegally connected to the sewer system are examples of the extenuating circumstances.
 - c) The General Manager or designated representative, is authorized to negotiate a payment plan for the payment of applicable fees, charges and/or monthly service payments that are due as a result of illegal sewer connections. The General Manager is not authorized to establish payment plans for approved developments.

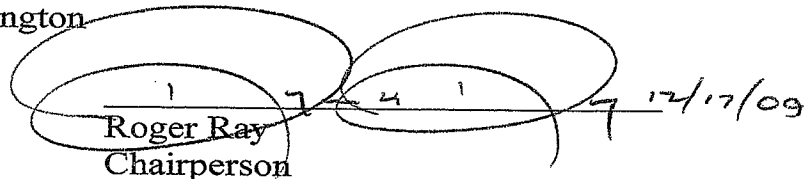
6. Hearing Before Board of Commissioners If a real property owner objects to the amount of the water/sewer billings computed specifically by the District for the real property, the owner may request a hearing before the District's Board of Commissioners. The owner shall file a notice in writing with the District before connection, stating the owners name, the legal description of the real property sought to be connected to the District's system, the total amount of the charges computed by the District, the owners contention as to what the reasonable charges should be, if any, and the basis for the owners calculation of the charges. The Board of Commissioners, upon receiving the notice, shall set a time and date for the hearing. At the hearing, the Board shall afford the property owner reasonable opportunity to present evidence and argument in support of the property owner's contention regarding the charges. After considering the evidence presented and the argument made, the Board shall render its decision, in writing, as to the correct charges.

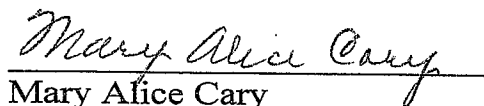
7. Savings Clause If any section, sentence, or portion of this resolution is for any reason determined to be unenforceable or invalid, such determination shall not affect the remaining portions of this resolution.


8. Repeal Resolution 2009-30 is hereby repealed.

ADOPTED, by the Board of Commissioners of Hartstene Pointe Water and Sewer District, at a regular scheduled meeting on December 17, 2009.

HARTSTENE POINTE WATER AND SEWER DISTRICT
Mason County, Washington


Roger Ray
Chairperson


Mary Alice Cary
Secretary


William Parisio
Commissioner