



**District Administrative Code**



## **PREFACE**

The Covington Water District Administrative Code is a codification of the general and permanent resolutions and minutes of the Covington Water District.

Originally published in 1996 and revised in 2009, the code was republished by Quality Code Publishing in 2009. The current code is under the direction of Thomas Keown, General Manager, and will be periodically updated to incorporate new legislation.

The code is current through Resolution No. 4256, adopted November 1, 2017.



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- 1.04 General Provisions**
- 1.06 Duty to Serve**
- 1.08 Annexations**
- 1.10 Water Sales**
- 1.20 Standard Operating Programs,  
Procedures and Plans**



**Chapter 1.01**

**CODE ADOPTION**

**1.01.010 Adoption of District Administrative Code.**

**COVINGTON WATER DISTRICT  
KING COUNTY, WASHINGTON  
RESOLUTION NO. 3751**

A RESOLUTION approving a revised District Administrative Code (DAC) and providing amendments to and repealing of obsolete or superseded portions of the DAC for Covington Water District.

WHEREAS, the Board of Commissioners wish to update and amend the District Administrative Code (DAC);

WHEREAS, the DAC as a whole has not been revised since 1996;

WHEREAS, action on specific sections have been taken by the Board as necessary from time to time, but not included in the DAC document;

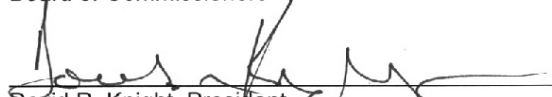
WHEREAS, the District has engaged Quality Code Publishing to update the DAC with all standing Board actions through June 3, 2009; and

WHEREAS, this revision includes a reorganization of the document, rewriting of some previous sections for consistency, incorporation of new Board actions and repealing of out-of-date or inconsistent sections or language; now, therefore

BE IT RESOLVED, that the Board of Commissioners approve the September 2009 DAC and authorize the General Manager to act on behalf of the District to coordinate the DAC update with Quality Code Publishing and make the final copy available to the public.

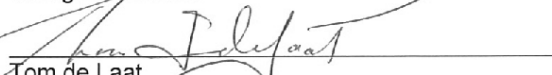
ADOPTED at a meeting of the Board of Water Commissioners held this 16th day of September, 2009.

Covington Water District  
Board of Commissioners

  
David R. Knight, President

Jeff Clark, Secretary

  
George D. Holden

  
Tom de Laat

Jan Stafford



## Chapter 1.04

### GENERAL PROVISIONS

#### Sections:

#### 1.04.010 Definitions.

#### 1.04.010 Definitions.

As used in this code, the following words will have the meanings given:

“Board” means the Board of Commissioners of the Covington Water District.

“Budget” means the annual details of revenues and expenses to provide guidelines for District operations.

“Comprehensive plan” means the comprehensive water system plan for the District, required by state and county law, as amended.

“Connection charge” means the total fee for service installation made up of the meter installation charge, future facilities charge and existing system charge consisting of the existing distribution and existing general facilities charges as defined in Section 5.04.110 of this code.

“CWSP” means coordinated water system plan.

“DAC” means the Covington Water District Administrative Code.

“District” means the Covington Water District.

“RCW” means the Revised Code of Washington.

“DE” means developer extension application.

“System” means the District’s water system, including mains, tanks, pumps and all other facilities.

“System extension” means a water main and/or other water facility to be connected to, and “extending” the District’s system.

“WAC” means the Washington (State) Administrative Code.

“WAL” means Water Availability Letter/Certificate.

“WSP” means water system plan or the District’s comprehensive plan.

## Chapter 1.06

### DUTY TO SERVE

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- 1.06.040 Reasonable service.**
- 1.06.050 Exempt wells.**
- 1.06.060 Administrative appeal.**

#### **1.06.010 Purpose and intent.**

- A. The District will meet its “Duty To Serve” under the 2003 Municipal Water Law (RCW 43.20.260) by providing direct service to all properties located within its retail service area boundaries. The District boundaries are defined as the existing and future service area designated in the adopted South King County Coordinated Water System Plan; or
- B. The District will provide satellite management services if the property meets the conditions established for this type of water service within the District Administrative Code.

#### **1.06.020 Timely service.**

The District defines “timely” as 120 days (RCW 70.116.060 (3) (b)), after agreement for service is reached between the District and the applicant as follows:

- A. 120 days after an “Application for Meter Installation” to serve a property that fronts an adequate existing District water main is received along with applicable rates, charges and fees outlined in the most current Rate Table for Connection Charges referenced in the District Administrative Code; or
- B. Once an application for developer extension agreement (DE) is received along with all applicable rates, charges and fees outlined in the most current Rate Table for DE’s as referenced in the District Administrative Code, the 120 days begins after:
  - 1. Applicant submits a water main design and plan considered by the District to be complete and ready for construction; and after
  - 2. Applicant has received all necessary permits and approvals for construction; and after
  - 3. Applicant holds a pre-construction conference at a time mutually agreeable with the District, which conference includes attendance by the appropriate representatives of the owner, developer, contractor, District and other affected utilities.

**1.06.030 Procedure for service agreement extension.**

If the DE applicant is unable to complete all requirements and conditions of the DE for District acceptance within 120 days, as defined in Section 1.06.020 of this chapter, the applicant must:

- A. Make written request to the District for a time-extension, stating a new and reasonable time limit for completion of the DE; and
- B. Hold the District harmless for the applicant's failure to complete the DE within the 120 days period provided for in RCW 70.116.060.

**1.06.040 Reasonable service.**

The District defines "reasonable service" based on factors that compare levels of service, economic, environmental and water quality aspects of District water service with private well water service. Each service request shall be reviewed for the following:

- A. All services shall be consistent with similar requests for water service:
  - 1. Local land use plans and development regulations, and
  - 2. Conditions as described in the District's current Water System Plan, and/or contained in the most current update of the District Administrative Code, and
  - 3. Experiences (requirements) of other applicants requesting similar service, and
  - 4. Applicable rates in effect when the applicant has an agreement for service with the District as defined in Section 1.06.020 of this chapter.
- B. Any new service request located within the Urban Growth Area, as defined by the Washington State 1990 – 1991 Growth Management Act and implemented by the King County Council in the King County Comprehensive Plan and code, shall be required to connect to District service; and
- C. Any new service request located within the Rural Growth Area and within 700 feet of an existing main shall be required to connect to District service.
- D. Cost of District water service per connection shall be compared to the cost of installing, operating and maintaining a permit-exempt well per connection on a full life cycle cost basis using a District form developed for this purpose. The cost differential between District and exempt well service is not the sole criteria for consideration of an exception to the District's "reasonable" provision of service and exceptions to connection requirements will be based primarily on environmental constraints (wetlands, railroad crossings, etc.) where future main extensions are unlikely to exist or be required;
- E. Developers within the Rural Growth Area required to connect to the District's system shall be offered the opportunity to petition for Utility Local Improvement District long-term financing, in accordance with RCW 57.16 and DAC Section 3.08.
- F. If the property to be served by District water service has an existing permitted or permit-exempt well, the property owner must agree to decommission the well and further agree not to construct a well or other auxiliary water system on the property thereafter for any purpose.

**1.06.050 Exempt wells.**

- A. Exempt wells are defined in RCW 90.44.050 as withdrawals from public ground water for which a permit is not needed given certain uses of stock-watering, lawn or non-commercial garden not exceeding one-half acre, domestic uses not exceeding 5,000 gallons a day, or industrial purposes not exceeding 5,000 gallons a day.
- B. A property owner seeking to connect to the District water system must not be served by an exempt well. If the property is served by an exempt well, the property owner must agree to decommission any existing well and further agree not to construct an exempt well on the property thereafter for any purpose.
- C. Installed water service connections meet the definitions of “timely” and “reasonable” service relating to the District’s “Duty to Serve”. Property served by District water service shall not be served by, or allowed to construct, an exempt well to serve the same property.
- D. Connection charges paid for water service that a property owner subsequently chooses to discontinue will not be refunded. The paid connection fees will remain current (as a credit) for a period of six (6) years, after which a return to District water service shall incur new connection charges.

**1.06.060 Administrative appeal.**

If an applicant for District water service or a party seeking a developer extension contends the availability of District water service is not “timely and reasonable”, the applicant shall request that the District Board of Commissioners consider the applicant’s complaint and that the applicant be given a hearing before the Board of Commissioners to present the applicant’s evidence that District water service is not available on a “timely and reasonable” basis consistent with applicable District resolutions, policies and procedures and applicable state or local law. The District Manager shall submit a recommendation and the basis thereof to the Board of Commissioners for consideration as part of the hearing. The applicant may attend and present the applicant’s position at the hearing. Once a request for a hearing is submitted to the District, a hearing before the Board of Commissioners on the matter shall be held within sixty (60) days of the District’s receipt of the request. A written decision of the Board of Commissioners on the matter shall be provided within twenty-one (21) business days of the conclusion of the hearing. Applicants shall be required to utilize and exhaust this District administrative hearing procedure as a precondition to requesting that anybody on behalf of the South King County Coordinated Water System Plan or King County consider any appeal or contention that District retail water service is not available to the applicant’s property on a “timely and reasonable” basis.

## Chapter 1.08

### ANNEXATIONS

#### Sections:

- 1.08.010 Policy.**
- 1.08.020 Annexation required for service.**
- 1.08.030 What can be annexed.**
- 1.08.040 Approvals required.**
- 1.08.050 “Election” and “petition” methods of annexations.**
- 1.08.060 Annexations of unincorporated areas less than 100 acres.**
- 1.08.070 Annexation boundaries.**
- 1.08.080 Costs.**
- 1.08.090 Intent of DAC provisions.**

#### **1.08.010 Policy.**

It is the policy of the District to extend water service, at the owner's expense, to any area within the District's approved service area that is not presently served with water.

#### **1.08.020 Annexation required for service.**

The District will not extend water service to any area that has not been formally annexed to the District's corporate boundaries, except in the following instances:

1. Existing water mains located outside the District's corporate boundaries;
2. Future water mains constructed outside the District's corporate boundaries for general supply and comprehensive plan purposes;
3. Service within the boundaries of another water district, under a Board-approved agreement with that other water district; and
4. Where annexation is not contiguous to the District's existing incorporated boundary and therefore not immediately possible, a failure to serve water will result in a substantial hardship to the affected property owners and no other water utility can service the area.

#### **1.08.030 What can be annexed.**

The District can annex any property which “adjoins” or is “in close proximity” to the District.

#### **1.08.040 Approvals required.**

Annexation must be approved by the King County Boundary Review Board, and the King County Council, as well as the District's Board.

**1.08.050 “Election” and “petition” methods of annexations.**

There are two methods of annexing property to the District: The “election method” and the “petition method.” Each requires a different petition.

- A. In the election method, the petition must be signed by 10% of the registered voters residing in the area proposed to be annexed, and who voted in the last municipal general election. (RCW 57.24.010)
- B. In the election method, King County submits the matter to the registered voters within the area proposed for annexation.
- C. In the petition method, there is no election. Instead, the petition must be signed by the owners of 60% of the land in the area, excluding certain state and county public ownerships, proposed for annexation. The 60% is based upon the King County Auditor’s records of the acreage in the subject territory. (RCW 57.24.070)
- D. For petition method annexations the District’s Board shall conduct a public hearing and cause notice of the hearing to be published one time in a newspaper of general circulation within the proposed annexation area and posted in three public places within the proposed area of annexation. A resolution providing for annexation, if approved, shall be forwarded to the King County Council and Boundary Review Board for approval.
- E. No such District-held public hearing is required for the election method prior to submitting the proposal to the King County Council and Boundary Review Board.
- F. All annexations must be approved by the King County Council and Boundary Review Board.
- G. The District Commissioners shall approve by Resolution the annexation once the King County Council and Boundary Review Board notify the District of their approval.

**1.08.060 Annexations of unincorporated areas less than 100 acres.**

- A. The District Commissioners may choose to annex an unincorporated area if the area contains less than 100 acres and has a minimum of 80% of its boundaries contiguous with the District’s boundaries.
- B. The District shall notify the public of its annexation interest by resolution establishing a public hearing date consistent with RCW 57.24.170.
- C. The District shall provide a minimum of 45 days for 10% of the eligible voters in accordance with RCW 57.24.190 to submit a referendum requesting an election to determine the outcome of the District’s annexation intent.
- D. If no timely and sufficient referendum is filed within 45 days following the District’s adoption of an intent to annex resolution, the District shall approve by Resolution the annexation once the King County Council and the Boundary Review Board notify the District of their approval.

1.08.070

**1.08.070 Annexation boundaries.**

- A. The boundaries of a proposed annexation are within the sole discretion of the District. The Board of Commissioners shall determine the boundaries in advance of circulation of a petition. Annexations are to be drawn so as to result in reasonably straight, regular District boundaries.
- B. If petitions are circulated without the knowledge of the Board of Commissioners, they need not be accepted until such additional area as the Board determines is included or a separate petition is circulated for the additional area. The criteria for the Board's decision will include duplication of costs in the case of multiple rather than a single annexation; the District's comprehensive plan; and elimination of irregular District boundaries.

**1.08.080 Costs.**

- A. The cost of each annexation where the petition for annexation was not initiated by the District shall be borne by the property owners within the annexation area.
- B. The term "cost of annexation" includes time incurred by District personnel, charges by the District's engineers or attorneys and all matters related to the annexation, including: drafting the legal description of the annexed area; documents and maps required by the King County Boundary Review Board, King County Council and other governmental bodies; costs of publication; appearances at public hearings; negotiations with county and other government officials; and filing or other fees charged by other governmental bodies.

**1.08.090 Intent of DAC provisions.**

The provisions in Chapter 1.08 of the DAC are intended to summarize and reflect the statutory procedures set forth in Chapter 57.24 RCW. In the event of a conflict between the code and the statute, the statute shall control.

## Chapter 1.10

### WATER SALES

#### Sections:

- 1.10.010 Purpose and intent.**
- 1.10.020 Determination of availability.**
- 1.10.030 Water Sales Agreement.**
- 1.10.040 Infrastructure necessary for sale of water.**
- 1.10.050 Charges to connect.**

#### **1.10.010 Purpose and intent.**

The District has invested in several regional water supply systems and has access to water rights greater than current demand. As a result of these investments, the District has access to water that may be made available for purchase by neighboring water purveyors. It is the intent of the District to generate additional revenue through the sale of available water to other municipal purveyors, when appropriate.

#### **1.10.020 Determination of availability.**

The District will assess its short and long term demand to determine availability. The assessment will be based on the Water System Plan and include factors relevant to the operational situation of the District. From that assessment, District staff will determine if water might be made available for purchase by other municipal entities.

#### **1.10.030 Water Sales Agreement.**

If the assessment outlined above indicates that water can be made available for purchase by other municipal purveyors, the District will define the details of the sale in a Water Sales Agreement, to be approved by the Board of Commissioners. Any water sales agreement approved by the Board of Commissioners will include the following terms:

- A. Quantity of water to be provided and conditions under which it will be provided; and
- B. Price, including inflation factors for multi-year agreements; and
- C. Billing procedures and frequency of invoicing; and
- D. Duration of the contract, including the ability to extend and any conditions upon which an extension would be based; and
- E. Conditions of operation of the intertie, including any facilities that need to be constructed and related funding of such; and
- F. Any conditions related to the loss of availability, either permanent or temporary, of the water being supplied; and
- G. Conditions for termination of the agreement; and
- H. Any other conditions or restrictions that the District deems are necessary or appropriate based on the specific situation.



1.10.040

**1.10.040 Infrastructure necessary for sale of water.**

Any purveyor requesting water from the District will be responsible for construction of all infrastructure (intertie) necessary to allow for the provision of said water. Such facilities may include, but are not limited to;

- A. Water Main; and/or
- B. Control Valves, including flow control, pressure reducing, and pressure relief; and/or
- C. Meter(s); and/or
- D. Booster Pump Stations; and/or
- E. All SCADA/Telemetry components necessary to allow the District to operate the intertie facility.

Any such facilities built by the requesting agency will be donated with a Bill of Sale to the District and will become the sole property of the District. The District shall operate these facilities and the conditions of operation shall be as set forth in the Water Sales Agreement (Section 1.10.030).

Agencies with an existing connection(s) to the District's system will only be required to adjust or modify the existing connection to allow for operation by the District.

**1.10.050 Charges to connect.**

The District will make a determination, at its sole discretion, whether the requesting agency will be required to pay a connection charge to take water from the District, or if the incremental costs of connection will be incorporated into a wholesale rate to be paid based on consumption. The detail of this determination will be outlined in the Water Sales Agreement (Section 1.10.030).

## Chapter 1.20

### STANDARD OPERATING PROGRAMS, PROCEDURES AND PLANS

#### Sections:

- 1.20.010 Emergency Management Program.**
- 1.20.020 Interties.**
- 1.20.030 Comprehensive Water System Plan.**
- 1.20.040 Construction Standards & Specifications.**
- 1.20.050 Employee Handbook.**

#### **1.20.010 Emergency Management Program.**

- A. The District shall maintain an Emergency Management Program which will be accepted by motion of the Board of Commissioners.
- B. The District's Emergency Management Program may be amended from time to time and each amendment will become official upon the Board of Commissioner's acceptance by motion.

#### **1.20.020 Interties.**

- A. The District has contractual agreements with other districts and cities, which have been approved by the Board of Commissioners.
- B. Standard operating procedures are maintained and monitored by the District in partnership with the appropriate agency.
- C. The District has active intertie contracts with the following entities:
  - 1. Cedar River Water Sewer District - Joint Facilities Agreement.
  - 2. Second Supply Project—Howard Hansen Dam/Pipeline 5 Partnership with the City of Tacoma, Lakehaven Utility District and the City of Kent.
  - 3. King County Water District #111 – Emergency Water Supply and Wholesale Supply of Water.

#### **1.20.030 Comprehensive Water System Plan.**

- A. The District shall maintain a Comprehensive Water System Plan, which will be accepted by motion of the Board of Commissioners.
- B. Consistent with the process established in WAC 246-290-100 the Water System Plan will be updated at least every six years from the most recent Washington State Department of Health (DOH) approval.
- C. The District's Comprehensive Water System Plan may be amended from time to time and each amendment will be forwarded to King County for review and to DOH for approval upon the Board of Commissioner's acceptance by motion.

1.20.040

**1.20.040 Construction Standards & Specifications.**

- A. The District shall maintain Construction Standards & Specifications, which will be accepted by motion of the Board of Commissioners.
- B. The District's Construction Standards & Specifications may be amended from time to time and each amendment will become official upon the Board of Commissioner's acceptance by motion.

**1.20.050 Employee Handbook.**

- A. The District shall maintain an Employee Handbook, which will be accepted by motion of the Board of Commissioners.
- B. The District's Employee Handbook may be amended from time to time, and each amendment will become official upon the Board of Commissioner's acceptance by motion.



## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

- 2.04 Board of Water Commissioners**
- 2.08 Travel and Expenses**
- 2.12 Small Works Roster  
Construction/Vendor List**
- 2.14 Open Government and Public  
Records Policies**
- 2.16 Public Records**
- 2.20 District Employee Handbook**



## Chapter 2.04

### BOARD OF COMMISSIONERS

#### Sections:

#### Article I. Commissioners\*

- 2.04.010 Compensation.
- 2.04.020 Compensation—Limitations.
- 2.04.030 Election of President and Secretary.
- 2.04.040 President—Duties and responsibilities.
- 2.04.050 Secretary—Duties and responsibilities.
- 2.04.060 Secretary—Compensation.
- 2.04.070 Commissioners' mail – Postal or electronic.
- 2.04.080 Commissioners' phone numbers.
- 2.04.090 Number of Commissioners.

#### Article II. Meetings

- 2.04.100 Regular meeting times.
- 2.04.120 Special meetings.
- 2.04.130 Notice—Special meetings.
- 2.04.140 Adjournments.
- 2.04.150 Adjournment—Notice to Commissioners.
- 2.04.160 Adjournment—Notice on door.
- 2.04.170 Executive sessions.
- 2.04.180 Executive sessions—Subject matter.
- 2.04.200 Agenda—Board meetings.
- 2.04.210 Robert's Rules.
- 2.04.220 Conflicts—Robert's Rules.

#### Article I. Commissioners\*

\* For indemnification of Commissioners, see Section 2.20.010 of this code.

#### **2.04.010 Compensation.**

- A. Each member of the Board of Commissioners shall be compensated for each day or major part thereof devoted to the business of the District, at the daily or other rate, and subject to the maximum annual or other limitation, presently provided in RCW 57.12.010 and/or any future amendments thereto or other statutes governing the subject of compensation of Commissioners. The intention of the foregoing is to establish compensation at the maximum amount presently or in the future allowed by state and that if, in the future, the present statutory limit established by RCW 57.12.010 is increased, then all Commissioners then in office shall be entitled to, and are hereby granted, compensation at any such increased rate.

- B. The Board of Commissioners shall be entitled to participate in the medical, dental and vision insurance plans offered by the District. The District pays 100% of the health insurance premiums for Commissioners and their dependents. Any remaining difference between the annually published per month cost of the PEBB Uniform Classic “full family” rate and the level of coverage selected will be deposited at a 75% rollover rate to individual Commissioner’s HRA/VEBA accounts.

Commissioners who have the option of medical only, or medical, dental and vision health insurance coverage elsewhere may choose to “opt out” of coverage through District plans. If a Commissioner chooses to decline coverage, the District will make an employer contribution equal to the 75% rollover rate for the employee only level of coverage into the Commissioner’s HRA/VEBA account in lieu of coverage through the District’s medical only, or medical, dental and vision insurance programs.

#### **2.04.020 Compensation—Limitations.**

The term “...spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district” as used in RCW 57.12.010 is interpreted, for purposes of compensating Commissioners of this District, to include attendance at District meetings, both special and regular; and, on approval in advance by the Board, the following:

- A. Meetings, conventions, seminars, programs and similar activities related to the Board-authorized representation matrix;
- B. Other conferences or meetings with representatives of other governmental bodies in respect to District business, such as AWWA, etc.;
- C. Attendance at state, county or other public hearings;
- D. Attendance in court as a witness, or as an observer on a District case;
- E. Attendance at meetings of water and similar association either on District business or as a director or officers of such association, including construction consortiums;
- F. Attendance, when requested by the manager, at meetings with District contractors, suppliers or purveyors; and
- G. Other matters where the Board of Commissioners determines that the matter is District business.

#### **2.04.030 Election of President and Secretary.**

Annually, at the first meeting in January, the Board shall elect from its members, a President and Secretary who shall serve until the next annual election unless they resign or are otherwise removed by a majority of the Board.



**2.04.040 President—Duties and responsibilities.**

The duties and responsibilities of the President of the Board of Commissioners shall, including those provided by statute, include the following:

- A. Preside at all meetings of the Board of Commissioners;
- B. Be the official representative of the District to organizations and other governmental bodies such as King County and the State of Washington. Provided, however, that the Board of Commissioners may, in its discretion, appoint another Commissioner or the General Manager to represent the District to specific organizations or governmental bodies;
- C. Be the spokesperson for the District to the media and in other major or important matters. Provided, however, that in advising customers, suppliers, contractors and other routine matters, the General Manager shall be the spokesperson for the District unless the Board of Commissioners shall, in advance, notify the General Manager that the President will act as spokesperson in that specific instance.

Note: The foregoing has been adopted by the Board of Commissioners in order to eliminate past problems created by different Commissioners and District employees advising customers, suppliers, and/or the media, with a resultant conflict of opinions or confusion being created. As elected officials, each of the Commissioners are entitled to express personal opinions, but must advise the recipient that it is a personal rather than an official statement on behalf of the District;

- D. Execute, with the Secretary of the Board of Commissioners, all deeds, contracts and other documents or instruments which require more than the signature of the Secretary of the Board of Commissioners alone.

**2.04.050 Secretary—Duties and responsibilities.**

The duties and responsibilities of the Secretary of the Board of Commissioners shall, including those provided by statute, include the following:

- A. Perform the above duties of the President, in the absence of the President;
- B. Supervise the preparation, and signature to, minutes of the meetings of the Board of Commissioners; resolutions of the Board of Commissioners; and all other official documents and instruments;
- C. Execute, on behalf of the District, all official District documents, including deeds and contracts;
- D. Sign and be responsible for publication of all official District notices such as calls for bids and notices of special hearings such as ULIDs and street lighting hearings;
- E. Execute all water revenue and other bonds or other evidences of indebtedness of the District;
- F. Review and approve (unless approved by the Board as a whole) all financial statements; audits; special fund accounts; and other reports concerning the finances of the District;

- G. Sign all official letters and correspondence from the Board of Commissioners as contracted with letters and correspondence concerning routine District matters which shall be signed by the General Manager;
- H. Supervise, through the General Manager, the books and records of account of the District, and preparation thereof;
- I. Perform such clerical matters as are routine to the Board of Commissioners, or as are delegated to the Secretary by the Board of Commissioners.

**2.04.060 Secretary—Compensation.**

- A. Present and future Secretaries of the Board of Commissioners shall, pursuant to RCW 57.12.010, receive compensation at the rate of forty dollars (\$40.00) per month for clerical services performed for the District. Provided, however, that the foregoing amount shall not be paid to the Secretary unless the Secretary attends at least one meeting of the Board of Commissioners during that month. If no meetings of the Board of Commissioner are held during that month, then the secretary compensation shall not apply.
- B. The foregoing compensation shall be paid over and above the amounts and annual limit which the Secretary is entitled to for serving as a Commissioner of the District.

**2.04.070 Commissioners' mail – Postal or electronic.**

Mail or email addressed to Commissioners shall be forwarded to the Executive Assistant to be opened, date stamped in the standard manner as the other District mail and forwarded. Envelopes that are labeled personal or confidential will remain unopened. Items which may be sensitive in nature or require immediate action will be routed through the General Manager. Pamphlets or brochures of specific interest to individual Board members will also be forwarded.

**2.04.080 Commissioners' phone numbers.**

The home phone numbers of Commissioners will not be given to the public by District staff members. Public requests to speak directly to a Commissioner will be relayed to the Executive Assistant. The Executive Assistant will relay to the Board member at the earliest possible time, and the Board member will then respond as appropriate.

**2.04.090 Number of Commissioners.**

- A. The number of Commissioners shall be five.
- B. Any future increase in the number of Commissioners shall be subject to the requirements of RCW 57.12.015, including the right of voters to file a petition requiring the issue to be submitted to the voters in a special election.

## **Article II. Meetings**

### **2.04.100 Regular meeting times.**

Regular meetings of the Board of Commissioners will be held on the first and third Wednesdays of each month beginning at 5:30 p.m. at the District office. If by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the designated time and place, the meetings of the Board may be held for the duration of the emergency at such a time and place as designated by the President of the Board.

### **2.04.120 Special meetings.**

A special meeting can be called either by the President of the Board, or a majority of the Commissioners.

### **2.04.130 Notice—Special meetings.**

- A. Notice of a special meeting must be mailed, emailed, faxed or delivered to each of the Commissioners, and to each local newspaper of general circulation, radio or television stations which has on file a written request to be notified of special meetings. The notices must be delivered at least 24 hours before the meeting, and must specify the time and place of the meeting and the business to be transacted. A copy of the notice and the agenda will also be posted conspicuously outside the District headquarters. The Board will not take action on any matter not included in the notice of special meeting.
- B. If a Commissioner either attends the meeting from the time it convenes or gives a written waiver in advance of the meeting, notice to that Commissioner can be dispensed with. Also, in an emergency involving, or with the likelihood of injury or damage to persons or property, the notice can be dispensed with if the time requirements make it impractical and would increase the likelihood of such injury or damage. In such case, phone or other notice to each of the Commissioners and to any media that has filed a request will suffice.

### **2.04.140 Adjournments.**

Any regular or special meeting can be adjourned to a definite time and place specified in the motion for adjournment. If a quorum of the Commissioners is not present, any Commissioner who is present can adjourn a meeting (or an adjourned meeting) to the new time. If all of the Commissioners are absent, the Manager or attorney can adjourn the meeting to a stated time and place.

### **2.04.150 Adjournment—Notice to Commissioners.**

Written notice of the adjournment must be given to the Commissioners and media in the same manner as notices of special meetings. However, when a Commissioner is present at the time a vote to adjourn is taken, it is not necessary for that Commissioner to be

given written notice. Also, by signing the minutes containing the motion to adjourn the Commissioner waives notice.

#### **2.04.160 Adjournment—Notice on door.**

In addition to the above notice to the Commissioners and media, a copy of the notice of adjournment shall be conspicuously posted immediately on or near the door of the place where the meeting was held. In the case of the District, notice should be posted both on the front door and on the fence gate if the front door is behind a locked fence after regular business hours.

#### **2.04.170 Executive sessions.**

Executive sessions (closed meetings) can only be held during a regular or special meeting. A meeting can, however, be adjourned to the time and place of the executive session.

#### **2.04.180 Executive sessions—Subject matter.**

Executive sessions can only be held in the following instances:

- A. To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;
- B. To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased prices. However, final action selling or leasing public property shall be taken in a meeting open to the public;
- C. To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;
- D. To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;
- E. To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by the Board of Commissioners of salaries, wages, and other conditions of employment to be generally applied within the District shall occur in a meeting open to the public, and when the Board of Commissioners elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;
- F. To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

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- G. To discuss with legal counsel representing the District matters relating to District enforcement actions, or to discuss with legal counsel representing the District litigation or potential litigation to which the District, the Board of Commissioners, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the District;
- H. To discuss any other matters which are authorized by RCW 42.30.110, or any other applicable statute.

Before convening in executive session, the presiding officer of District shall publicly announce the purpose for the executive session, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

### **2.04.200 Agenda—Board meetings.**

There shall be a written agenda for each meeting of the Board of Commissioners. The agenda will include a section titled "Unscheduled Public Comment." Any member of the public having a question, comment or complaint shall be heard at that time unless the subject is on the agenda, in which case any public input shall be taken during or after the agenda item. Customers are encouraged, but not required, to advise the District 48 hours in advance if they wish to be on the agenda, so that the District can investigate and have the District's records available to assist the Board of Commissioners in the review of the matter.

### **2.04.210 Robert's Rules.**

The most current edition of "Robert's Rules of Order" will be the recognized procedure to be used by the Board of Commissioners in the conduct of its meetings.

### **2.04.220 Conflicts—Robert's Rules.**

If there is any conflict between Robert's Rules of Order and any resolutions or rules adopted by the Board of Commissioners, the resolutions or rules will govern.

## Chapter 2.08

### TRAVEL AND EXPENSES

#### Sections:

- 2.08.010** Travel advances.
- 2.08.020** Persons covered.
- 2.08.030** Travel – Definition.
- 2.08.040** Mileage reimbursement – Personal automobiles.
- 2.08.050** Use of District vehicles.
- 2.08.060** Reimbursement – Meeting expenses.
- 2.08.070** Use of District credit cards.

#### **2.08.010** Travel advances.

- A. The District may elect to advance actual and/or estimated conference, seminar and/or convention; travel expense (including air, airport, bus, ground and/or taxis); lodging; and meals and incidental expenses per diem.
- B. Money shall be advanced through accounts payable for travel on District business, and then only on prior approval by the Board of Commissioners and/or the General Manager.
- C. The incurrence of actual travel expenses shall be in strict accordance with the provisions outlined in the Employee Handbook, Chapter 6.17, Travel and Expense Reimbursement.

#### **2.08.020** Persons covered.

Travel advances and expense reimbursement may be utilized by anyone traveling on District business with prior approval of the Board of Commissioners and/or General Manager, including employees and Commissioners.

#### **2.08.030** Travel - Definition.

The term “travel” includes any destination outside the District boundaries and shall, also, include attendance within the District on District business or public relations.

#### **2.08.040** Mileage reimbursement – Personal automobiles.

The Board of Commissioners encourages the use of District vehicles for conducting District business. However, when District vehicles are not readily available or use of a personal vehicle is preferred, the District will reimburse Commissioners, the General Manager, or Managers for use of their personal vehicle while conducting business for the District at the rate per mile established by the Internal Revenue Service (IRS). In addition, when District vehicles are not readily available for the District employees’ use, as determined by the General Manager, the General Manager may authorize use of an employ-

## 2.08.050

ee's personal vehicle in conducting business for the District with reimbursement of mileage at the rate established by the IRS.

If an accident occurs while driving a personal vehicle on District business, the individual's insurance policy will provide primary insurance and the District's policy will provide secondary coverage. Depending on the circumstances of the accident the Board of Commissioners, in its discretion, may elect to compensate a Commissioner or employee fully, or in part, toward their insurance deductible. In any case the reimbursement of deductible may not exceed \$1,000 in either comprehensive or collision.

### **2.08.050 Use of District vehicles.**

- A. To and From Work. No District employee may utilize District vehicles to drive to or from work, except as provided in this section.
- B. "On-Call" Employee. The District's on-call field employee may, on that employee's duty day, drive a District vehicle home and to work the next day, in order that the on-call employee may respond in a District vehicle to emergency calls, perform security checks, and monitor system operations during non-business hours.
- C. Special Exceptions. In unusual cases, where it is District rather than personal business, after hours use of a District vehicle will be permitted where it has been approved, in advance, by the General Manager.

### **2.08.060 Reimbursement – Meeting expenses.**

Persons authorized to attend meetings on District business may be reimbursed for meals and attendant expenses. Examples are Utility Coordinating Council, inter-District meetings, Chamber of Commerce and meetings with county and/or public officials.

### **2.08.070 Use of District credit cards.**

- A. District credit card accounts are authorized for use by Commissioners and staff under the following conditions and limitations:
  - 1. The credit limit does not exceed the amount of twenty thousand dollars (\$20,000.00) per issuer;
  - 2. The General Manager is authorized to sign the credit application on behalf of the District;
  - 3. Cards are not issued to or permanently held by individuals;
  - 4. The District agrees to pay credit card transactions initiated by any Board member or staff person in a timely manner consistent with the credit card application and credit agreement.
- B. The following conditions and limitations apply to the use of all District credit cards:
  - 1. Any staff person issued a credit card must return the card with all original, detailed receipts immediately upon return to the District;

2. Persons issued credit cards will be personally responsible for certification that the credit card was used only for authorized official District purchases;
3. Persons issued credit cards agree not to use the card for cash advances or cash for returns, which are expressly prohibited under RCW 42.24.115;
4. Any credit card charges included on the monthly statement that are not properly identified and supported by a detailed receipt or disallowed following audit must be paid by the person in cash, by check or salary deduction immediately.



## Chapter 2.12

### SMALL WORKS ROSTER/VENDOR LIST

#### Sections:

- 2.12.001** General provisions.
- 2.12.005** Public works contract—Definition.
- 2.12.010** Construction, materials, supplies and equipment contract—Definition.
- 2.12.015** Prevailing wage rates requirements.
- 2.12.020** Small Works Roster.
- 2.12.022** Purchase contract vendor list.
- 2.12.040** Annual review.
- 2.12.050** Pre-qualification.
- 2.12.060** Liability insurance.
- 2.12.070** Removal from roster/vendor list.
- 2.12.080** Monetary limit.
- 2.12.090** Solicitation of proposals.
- 2.12.100** Exceptions.
- 2.12.110** Proposal award.
- 2.12.115** Posting of small works roster or purchase awards.
- 2.12.120** Written contract.
- 2.12.130** General information.

#### **2.12.001** General provisions.

RCW 57.08.050 authorizes the District to use the small works roster process under RCW 39.04.155 for public works contracts. The District is also authorized by RCW 57.08.050 to purchase materials, supplies and equipment using the process described in RCW 39.04.190.

#### **2.12.005** Public works contract—Definition.

- A. The term “public works” shall include all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the District which is by law a lien or charge on any property therein.
- B. Work that is performed on a regularly scheduled basis (e.g., daily, weekly, monthly, seasonally, semiannually, but not less frequently than once per year) to service, check, or replace items that are not broken; or work that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary, is considered “ordinary maintenance.”

#### **2.12.010** Construction, materials, supplies and equipment contract—Definition.

- A. All construction work ordered, the estimated cost of which is in excess of that amount specified in RCW 57.08.050(1) shall be let by contract and competitive bidding in conformance with RCW 57.08.050.

- B. As an alternative to requirements of competitive bidding, the District may let construction contracts under the amount specified in RCW 39.04.155, using the small works procedure defined in that section.
- C. Any purchase of materials, supplies or equipment with an estimated cost in excess of that amount specified in RCW 57.08.050 (3) shall be let by contract in conformance with RCW 57.08.050.
- D. As an alternative to the requirement of competitive bidding, the District may purchase materials, supplies or equipment with an estimated cost of less than that amount specified in RCW 57.08.050(3) using the purchase contract process provided in RCW 39.04.190. Any purchase of materials, supplies or equipment with an estimated cost of that amount specified in RCW 57.08.050(3) or more shall be made by competitive bidding.

### **2.12.015 Prevailing wage rates requirements.**

- A. The Washington State Public Works Act requires that workers be paid prevailing wages when employed on public works projects and on all publicly contracted work (for example: janitorial or landscape maintenance and HVAC or storm system maintenance) contracts in accordance with Chapter 39.12 RCW.
- B. Intent and Affidavits.
  - 1. Public works contracts require that each and every employer on the project shall file the Statement of Intent to Pay Prevailing Wages (Intent), and Affidavit of Wages Paid (Affidavit) forms. The forms are filed with the Department of Labor and Industries and once they are approved, are submitted by the employer to the agency administering the contract. There is no lower dollar limit. Intent and affidavit forms are required for every public works contract, regardless of the size of the contract.
  - 2. The intent form is filed immediately after the contract is awarded and before work begins, if possible. The agency administering the contract may not make any payments until all contractors have submitted an intent form that has been approved by the Industrial Statistician.
  - 3. The affidavit form is not filed until after all the work is completed. The agency administering the contract may not release final retainage until all contractors have submitted an affidavit form that has been certified by the Department of Labor and Industries.

### **2.12.020 Small Works Roster.**

The District shall contract with the Municipal Research and Services Center of Washington (MRSC) to have the official roster hosted in an online database for small public works contracts. The roster shall be developed and maintained by MRSC. (RCW 57.08.050, 39.04.155)

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**2.12.022 Purchase contract vendor list.**

The District will use the MRSC Vendor Roster to award contracts for the purchase of supplies, materials, and equipment not being purchased in connection with public works contracts and limited service contracts, as authorized in lieu of the requirements for formal sealed bidding. The District shall be independently responsible for its own and the selected business compliance with all additional or varying laws governing purchases. (RCW 57.08.050, 39.04.190)

**2.12.040 Annual review.**

MRSC shall advertise at least biannually for the Small Works Roster, Consultant Roster, and Vendor Roster in accordance with statutory requirements on behalf of the Public Agency members. MRSC will receive and review small works, consultant, and vendor business applications for compliance with basic statutory eligibility requirements, and will maintain business applications. (RCW 39.04.155 and 39.04.190)

**2.12.050 Pre-qualification.**

- A. Every contractor who asks to be on the small works roster and is determined to be a responsible contractor shall be placed on the small works roster. As used herein, the term “responsible contractor” shall mean a contractor that has satisfied the following criteria:
  - 1. Has a current certificate of registration as a contractor in compliance with Chapter 18.27 RCW, which must have been in effect at the time of bid submittal;
  - 2. Has a current Washington Unified Business Identifier (UBI) number;
  - 3. If applicable:
    - a. Has Industrial Insurance (workers’ compensation) coverage for its employees working in Washington, as required in Title 51 RCW;
    - b. Has a Washington Employment Security Department number, as required in Title 50 RCW;
    - c. Has a Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
  - 4. Is not disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3).
  - 5. Provides evidence of completion of at least five previous municipal contracts, to the satisfaction of the District; and
  - 6. Provides proof that it can meet the insurance requirements identified in Section 2.12.060.
- B. Every vendor who asks to be on the purchase contract vendor list and is determined to be a responsible vendor shall be placed on the vendor list.

- C. If a contractor/vendor is refused a place on the small works roster or vendor list, the District shall give the contractor/vendor the opportunity to appear before and be heard by the General Manager, if so requested.

#### **2.12.060 Liability insurance.**

Prior to award of any contract, the contractor must present proof to the District of public liability and property damage insurance with limits of at least two million dollars (\$2,000,000.00) and five hundred thousand dollars (\$500,000.00) respectively; provided, however, that the District may accept lower limits where, in its sole discretion, the risk of liability warrants it. Contractors must add the District as additional insureds.

#### **2.12.070 Removal from roster/vendor list.**

A contractor/vendor shall remain on the small works roster or vendor list until such time as the contractor/vendor:

- A. Notifies MRSC that he or she wishes to be deleted from the roster/list;
- B. Fails to maintain or otherwise satisfy any of the prequalification criteria described above in Section 2.12.050(A).

In the case of subsections A and B the contractor/vendor shall be automatically deleted from the roster/list upon occurrence of that event, without the necessity of action by the Board.

#### **2.12.080 Monetary limit.**

- A. Small works construction proposals shall be solicited only on projects for work which have an estimated cost of that amount specified in RCW 39.04.155 or less, and then only when the General Manager determines not to call for formal bids on the project. Purchases made using the purchase contract vendor list process shall be made only when the estimated cost to purchase materials, supplies, equipment and related services is less than that amount specified in RCW 57.08.050(3) and then only when the General Manager determines not to call for formal bids on the project.
- B. Where the estimate for construction work is less than that amount specified in RCW 57.08.050(1), or purchase of materials, equipment, supplies and related services is less than that amount specified in RCW 57.08.050(3), and except where practical, the project or purchase may be awarded without following the small works construction or vendor list purchasing procedure. The General Manager shall have the authority to execute such contracts up to the amount outlined in the above subsections (1) and (3) for contracting thresholds without prior approval from the Board.

#### **2.12.090 Solicitation of proposals.**

- A. A good faith effort shall be made to request written proposals from all contractors/vendors on the small works roster /vendor list whose specialty or qualifications include that type of work, materials, supplies or equipment. Such invitations for quota-

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tions shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished or a brief description of the product to be purchased.

- B. Whenever possible at least five contractors or at least three vendors shall be invited to submit proposals. The solicitation may be informal, either electronic, in writing, or by telephone. The District may waive irregularities and informalities in the solicitation of proposals.
- C. The District shall follow the guidelines listed in Chapter 39.04 RCW for small works roster contracting procedures.
- D. The District shall keep and post the proposals from all bidders, which shall be open to public inspection and available by telephone inquiry.

### **2.12.100 Exceptions.**

- A. Competitive bidding requirements may be waived pursuant to RCW 39.04.280.
- B. Contracts made necessary by a disaster as set forth in RCW 38.52.070 are exempt from competitive solicitation.
- C. The District shall maintain a list of contracts awarded under a declaration of emergency which shall include the name of the contractor and the contract amount, which list shall be open to the public for inspection or available by telephone inquiry.
- D. Contracts or purchases involving an amount less than twenty thousand dollars (\$20,000.00) do not require competitive bidding.

### **2.12.110 Proposal award.**

If a contract is awarded, it shall be awarded to the lowest responsible bidder in accordance with the following Bidder Responsibility Criteria:

- A. Have a current certificate of registration as a contractor in compliance with Chapter 18.27 RCW, which must have been in effect at the time of bid submittal;
- B. Have a current Washington Unified Business Identifier (UBI) number;
- C. If applicable:
  - 1. Have Industrial Insurance (workers' compensation) coverage for the bidder's employees working in Washington, as required in Title 51 RCW;
  - 2. Have a Washington Employment Security Department number, as required in Title 50 RCW;
  - 3. Have a Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
- D. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3); and
- E. Satisfy any supplemental bidder responsibility criteria adopted by the District for the particular work.

The Board reserves the right to reject all proposals for any reason, including its determination that: (a) none of the proposals are reasonable; or (b) for any other reason the District has decided not to immediately perform the work.

#### **2.12.115 Posting of small works roster or purchase awards.**

When utilizing the small works roster process established in RCW 39.04.155 to award contracts for public works projects, or the uniform process established in RCW 39.04.190 to award contracts for purchases, a list of the contracts awarded under RCW 39.04.155 and 39.04.190 will be maintained for the previous 24-month period and periodically posted by the District. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

#### **2.12.120 Written contract.**

Prior to commencing the work, the successful contractor shall sign a contract on the District's standard small works roster contract form. Prior to placing an order for materials, supplies or equipment and related services, vendors will sign a contractual agreement approved by the District.

#### **2.12.130 General information.**

This chapter does not cover architectural or engineering services which are covered by Chapter 39.80 RCW, or professional or general services.

## Chapter 2.14

### OPEN GOVERNMENT AND PUBLIC RECORDS POLICIES

#### Sections:

- 2.14.010** Open Government and Public Records – General Policy Statement.
- 2.14.020** Definitions of “Public Record” and “Writing.”
- 2.14.030** Emails, text messages, voice messages, social media, and other electronic records.
- 2.14.040** Policies relating to email platforms.
- 2.14.050** Policies relating to text messages.
- 2.14.060** Policies relating to voice messages.
- 2.14.070** Policies relating to social media and other electronic forums.
- 2.14.080** Policies relating to electronic communications and compliance with the Open Public Meetings Act.
- 2.14.090** Policies relating to the use of personal email accounts and devices to conduct District business.
- 2.14.100** Employee Handbook.
- 2.14.110** Violations of Open Government and Public Records Policies.
- 2.14.120** Open Government Trainings Act.

#### **2.14.010 Open Government and Public Records – General Policy Statement.**

Open government leads to a better informed electorate, greater public participation, better government, and more effective use of public resources. It is the policy of the District that all persons are entitled to the greatest possible information regarding the affairs of the District and the official acts of the Board members and employees that serve them. The District’s Board members and employees shall do nothing to hinder the District’s obligation to possess, retain and store public records in a manner consistent with the Public Records Act, chapter 42.56 RCW (the “PRA”), the Preservation and Destruction of Public Records Act, chapter 40.14 RCW, and any other applicable laws or regulations.

#### **2.14.020 Definitions of “Public Record” and “Writing.”**

- A. Under the PRA, the term “public record” includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. Further, under the PRA, the term “writing” means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

- B. Given the broad definition of the terms “public record” and “writing” under the PRA, the District desires to adopt this policy in order to provide guidance to the District’s Board members and employees relating to their obligations under the PRA.

**2.14.030 Emails, text messages, voice messages, social media, and other electronic records.**

- A. Under the PRA, an email, text message, voice message, or an entry or comment on a website, blog, twitter, or other social media internet site, is a “writing,” and could constitute a “public record” if it falls within the definition provided in Section 2.14.020.A.
- B. Additional regulations have been adopted by the Washington Secretary of State which further elaborate on the legal duty of public agencies to store and archive not only public records of traditional hard-copy kinds but also electronic public records. See Chapter 434-662 of the Washington Administrative Code (WAC). In recognition of its legal duty and desire to maintain open and transparent government, and to support the District’s duty to accessibly store and archive electronic public records, it is the policy of the District that Board members and employees shall conform to the following practices described in Sections 2.14.040 – 2.14.90.

**2.14.040 Policies relating to email platforms.**

- A. For each email that is a public record, Board members and employees shall: (i) take all reasonable steps to ensure that each such email sent or received by them is sent or received on the District-maintained email system utilizing the individual’s District assigned email address at “\_\_\_\_@covingtonwater.com”; (ii) promptly forward any such email received by them on a personal email account or personal electronic device to the individual’s District assigned email address at “\_\_\_\_@covingtonwater.com”; and/or (iii) except as otherwise authorized herein, cease utilizing any personal, private, or proprietary email service other than the District’s, for the sending or receiving of any such emails that meet the definition of a public record, unless such personal, private, or proprietary email service and/or the personal electronic device (e.g., phone, computer, tablet) is configured and synchronized with the District’s computer system so that such emails can be maintained by the District according to the State records retention requirements.
- B. The District has the ability to configure and synchronize personal electronic devices (e.g., phone, computer, tablet) to send and receive email through the District’s computer system. Board members and authorized employees that are using their own personal electronic devices to conduct District business are required to coordinate with the District’s Information Technology (IT) Division to ensure that any personal electronic devices being used to conduct District business are properly configured and synchronized with the District’s computer system.



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- C. The District may provide Board members with District-owned mobile devices for use in conducting District business. The term “mobile device” means a handheld device that combines computing, telephone, messaging, internet and networking features (e.g., iPhones, Droids, Blackberries, iPad). District provided mobile devices will be configured and synchronized to send and receive email through the District’s computer system. Mobile devices provided by the District are for District business use only; therefore personal calls on District provided mobile devices are prohibited, except in cases of emergency.

### **2.14.050 Policies relating to text messages.**

Due to the technological difficulties and expenses associated with capturing and retaining text messages that constitute public records, Board members and employees shall avoid using text messages to conduct District business, regardless of whether such text messages are sent using a District issued mobile device or a personal mobile device. The term “mobile device” means a handheld device that combines computing, telephone, messaging, internet and networking features (e.g., iPhones, Droids, Blackberries, iPad). The District recognizes the possibility that text messages may be sent inadvertently or due to an emergency or other conditions present at the time. To the extent any text messages may be sent, for each text message constituting a public record the Board members and employees shall: (i) promptly forward the text message to their District assigned email address at “\_\_\_\_@covingtonwater.com”; or alternatively, (ii) take a screen shot of the text message and promptly forward the screen shot to their District assigned email address at “\_\_\_\_@covingtonwater.com”.

### **2.14.060 Policies relating to voice messages.**

Under the PRA, a voice message is a “writing,” and could constitute a public record if it falls within the definition provided in Section 2.14.020.A. To the extent practical, the content of voice messages should be kept short and to the point (e.g., name, time called, subject matter of call and contact information) in order to reduce or limit the retention value, if any, associated with the voice messages. To the extent any voice messages relating to District business are received by Board members and employees on their personal mobile devices, the Board members and employees shall: (i) promptly forward the voice message to their District assigned email address at “\_\_\_\_@covingtonwater.com”; or alternatively, (ii) transfer the voice message to the District following a process established by the District’s IT Division.

### **2.14.070 Policies relating to social media and other electronic forums.**

Board members should avoid engaging in any discussion of District business through social media, blog comments, email or any other electronic forum with more than two other Board members in order to avoid the potential that such discussions would constitute a meeting under the Open Public Meetings Act, chapter 42.30 RCW (the “OPMA”).

**2.14.080 Policies relating to electronic communications and compliance with the Open Public Meetings Act.**

Any electronic communication sent by a Board member that is a public record as defined in Section 2.14.020.A shall not be sent or copied to more than two other Board members, and any Board member who receives such an electronic communication shall not forward the communication to any other Board member. While the mere use or passive receipt of an email does not automatically constitute a meeting under the OPMA, this policy is intended to limit such communications in order to avoid inadvertent violations of the OPMA.

**2.14.090 Policies relating to the use of personal email accounts and devices to conduct District business.**

- A. Board members and employees shall avoid using personal email accounts and personal electronic devices (e.g., phone, computer, tablet) to conduct District business, except as otherwise provided in Chapter 2.14 of the DAC. However, the District recognizes that Board members and employees may from time to time use personal email accounts and/or personal electronic devices as a matter of convenience or in other situations such as an emergency. The use of personal email accounts and/or personal electronic devices is permitted by Board members and authorized employees only, provided that such personal email accounts and/or personal electronic devices are configured and synchronized with the District's computer system so that any emails relating to District business and any other public records can be maintained by the District according to the State records retention requirements.
- B. If configuration and synchronization with the District's computer system is not completed or becomes temporarily unavailable, any Board member or employee who uses any personal email account or personal electronic device (e.g., phone, computer, tablet) to create or receive an email relating to District business or any other public record shall save all such emails or public records in a labeled, designated spot in the account or on the device. The Board member or employee shall, upon request of the District General Manager, Public Records Officer or District legal counsel, promptly transfer all public records from his or her personal email account or device to the District. The Board member or employee shall not delete any public records from any account or device until all such public records have been transferred to the District. Once the transfer has been completed, and so long as there is no pending request relating to the public records, the Board member or employee may delete the transferred records from the account or device. A Board member or employee that maintains any public records on a personal email account or personal electronic device shall be required to cooperate with the District in responding to a public records request, which may include the need to prepare an affidavit with sufficient facts to show that information on the Board member's or employee's personal email account or personal electronic device is not a public record under the PRA. In addition, the Board member or employee shall consent to the District or its agent searching the

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account or device, subject to reasonable safeguards to protect the privacy of information that is not a public record, if a court finds that a search is necessary.

### **2.14.100 Employee Handbook.**

The District shall update its Employee Handbook to implement the Open Government and Public Records Policies provided for in Chapter 2.14 of the District Administrative Code (DAC) as it relates to District employees.

### **2.14.110 Violations of Open Government and Public Records Policies.**

- A. A Board member who violates the Open Government and Public Records Policies provided for in Chapter 2.14 of the DAC may be determined by the Board of Commissioners to be acting outside the scope of his or her official duties which will preclude the District from granting a request for the defense of any action or proceeding against a Board member as authorized by RCW 4.96.041. In addition, a determination by the Board of Commissioners that a Board member is acting outside the scope of his or her official duties may result in the loss of liability insurance coverage for such Board member which may have been provided by the District pursuant to the authority granted by RCW 57.08.105.
- B. A Board member who violates the Open Government and Public Records Policies provided for in Chapter 2.14 of the DAC may be held liable for any costs, expenses, attorneys' fees, damages, or penalties incurred by the District arising from or relating to the Board member's violation of such policies.
- C. An employee who violates the Open Government and Public Records Policies provided for in Chapter 2.14 of the DAC will be subject to the policies and procedures adopted by the District.

### **2.14.120 Open Government Trainings Act.**

The District's Board members and Public Records Officer shall complete the trainings required under the Open Government Trainings Act in accordance with RCW 42.56.150-.152 and RCW 42.30.205, as such statutes may be amended from time to time.

## Chapter 2.16

### PUBLIC RECORDS

#### Sections:

- 2.16.010** Records available.
- 2.16.020** Indexing.
- 2.16.030** Request for public records/inspection.
- 2.16.040** Copying.
- 2.16.050** Copying—Charges.
- 2.16.060** Protection of records.
- 2.16.070** Exemptions from disclosure.
- 2.16.080** Denial of requests.
- 2.16.090** Court protection.
- 2.16.100** Retention and destruction—Schedule.

#### **2.16.010** Records available.

The District will make its records available for public inspection and copying in accordance with Chapter 42.56 RCW, the Public Records Act.

#### **2.16.020** Indexing.

- A. The District will maintain an index of numbered resolutions adopted by the Board of Commissioners.
- B. The District will maintain an administrative code and index of District procedures, policies and regulations which is current and up to date.
- C. To the extent that District records do not lend themselves to separate files, they shall be maintained in alphabetically indexed files. However, because of limited personnel and voluminous records it would burden and interfere with operation of the District to index staff and consultants' reports, correspondence and other routine District records. The District shall, in such cases, maintain alphabetically indexed files, to the extent practical, on each different construction project, main extension, bond issue and other significant matter.

#### **2.16.030** Request for public records/inspection.

Public records shall be available for inspection and copying, and the District shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Within five business days of receiving a public record request, the District must respond by either (1) providing the record; (2) acknowledging that the District has received the request and providing a reasonable estimate of the time the District will require to respond to the request; or (3) denying the public record request. Additional time required to respond to a

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request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the District may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the District need not respond to it. Denials of request must be accompanied by a written statement of the specific reasons therefore.

### **2.16.040 Copying.**

- A. At the time of inspection of District records, the person inspecting the same may designate those records of which they wish copies made. To the extent possible, the District will make the copies at the time of inspection. If, however, the number of copies requested are more than ten pages, the District shall advise the person of a reasonable time when the copies will be available.
- B. Requests for public records shall be submitted on the District's "Request for Public Records" form. The completed form will be accepted by mail, email or other written delivery.

### **2.16.050 Copying—Charges.**

There is established a charge per page for photocopies of public records or documents to be picked up at the District's administrative office. See Rate Table II adopted by the Board. In appropriate circumstances an additional charge shall be made for the actual postage or delivery charge and the cost of any container or envelope used to mail the public records to the requestor.

### **2.16.060 Protection of records.**

No person shall be allowed to remove any records from the District office for inspection. Inspection must be done in the presence or near presence of a District employee. The inspector must restore all District records to the same order and sequence in which they were prior to inspection. If, in the opinion of the District, the inspector is damaging or mutilating any records, further inspection may be denied. Excessive interference with essential functions of the District office shall not be allowed. The District retains the discretion to either allow the inspector to go through the District file personally, or to have a District employee find and present to the inspector the requested records.

### **2.16.070 Exemptions from disclosure.**

Documents exempt from public inspection under Chapter 42.56 RCW, or other statutes which exempt or prohibit disclosure, may not be inspected or copied by the public.

**2.16.080 Denial of requests.**

Denial of a request to inspect or copy a document must be accompanied by a written statement by the District of the specific reasons therefore.

**2.16.090 Court protection.**

Notwithstanding the foregoing, the District may, with the prior approval of the Board of Commissioners, apply to the superior court to enjoin inspection of public records if it appears to the District that examination would clearly not be in the public interest and would substantially and irreparably damage any person or vital District function.

**2.16.100 Retention and destruction—Schedule.**

- A. The General Manager shall designate an employee of the District to serve as Records Management Coordinator for the District.
- B. The District has an established records retention policy. The policy includes a retention/destruction schedule for all public records of the District. The schedule shall be kept on file with the District's Records Management Coordinator and shall be available for public inspection. Said schedule shall be submitted for approval by the Local Records Committee of the Washington State Division of Archives and Records Management. District records shall be maintained, archived or destroyed in compliance with the approved records control program, pursuant to RCW 40.14.070, and except upon written and witnessed documentation of such destruction by the District Records Management Coordinator.

## Chapter 2.20

### DISTRICT EMPLOYEE HANDBOOK

#### Sections:

- 2.20.010 Employee Handbook Maintained.**
- 2.20.020 Amendments to Employee Handbook.**
- 2.20.030 Additions to Employee Handbook.**

#### **2.20.010 Employee Handbook Maintained.**

Covington Water District shall maintain an Employee Handbook, which will be accepted by motion of the Board of Commissioners.

#### **2.20.020 Amendments to Employee Handbook.**

The Covington Water District Employee Handbook may be amended from time to time, and each amendment will become official upon the Board of Commissioner's acceptance by motion.

#### **2.20.030 Additions to Employee Handbook.**

Sections may be added to the Covington Water District Employee Handbook from time to time, and each addition will become official upon the Board of Commissioner's acceptance by motion.





## **Title 3**

### **REVENUE AND FINANCE**

#### **Chapters:**

- 3.04 District Finances Generally**
- 3.08 Utility Local Improvement Districts**
- 3.12 Identity Theft Prevention Program**



**Chapter 3.04****DISTRICT FINANCES GENERALLY****Sections:**

- 3.04.010 Vouchers—Board approval required.**
- 3.04.020 Vouchers—Certification.**
- 3.04.030 Auditing officers—Appointment.**
- 3.04.040 Revolving funds.**
- 3.04.050 District investments.**
- 3.04.060 Deposit (transmittal) account.**
- 3.04.070 Deposit account—Transfer to treasurer.**
- 3.04.080 Deposit account—Signatures.**
- 3.04.090 Accounts established.**
- 3.04.100 Financial Policies.**

**3.04.010 Vouchers—Board approval required.**

The Board of Commissioners shall approve all vouchers by resolution, said approval to be reflected in the minutes of a Board meeting.

**3.04.020 Vouchers—Certification.**

In accordance with the King County comptroller's memorandum dated April 15, 1982, the blanket voucher approval form, and any other required voucher documentation, may be signed by a District auditing officer. The signature of a Commissioner is not required if the vouchers have been approved for payment, or payment is later ratified, by the Board of Commissioners.

**3.04.030 Auditing officers—Appointment.**

The General Manager and Finance Manager are appointed as auditing officers, and each is authorized to certify vouchers for payment by the county subject to the above provision of this code.

**3.04.040 Revolving funds.**

The District's revolving funds shall be held and administered in the following manner:

- A. Customer Service Till Change Fund. The Customer Service Till Change Fund is authorized in the amount of six hundred dollars (\$600) and shall be maintained in cash at the District office. The Customer Service Till Change Fund is to be monitored and balanced monthly by the Customer Service Manager and reviewed by the Finance Manager.
- B. Petty Cash Change Fund. The Petty Cash Change Fund is authorized in the amount

of four hundred dollars (\$400) and shall be maintained in cash at the District office. The Petty Cash Change Fund is to be monitored and balanced at least monthly by the Finance Division.

- C. Small Checking Petty Cash Fund. The Small Checking Petty Cash Fund is authorized in the amount of one thousand dollars (\$1,000) and shall be deposited to and maintained in a checking account at the District's regular banking institution, or such other depository as the Board of Commissioners shall, in the future, designate.
- D. Signatures. Checks on the foregoing bank account shall be signed by the General Manager or the Finance Manager.
- E. Payment Limit. No single payment from cash on hand and/or the checking account shall exceed the one hundred fifty dollars (\$150) unless it is payable to a bank or governmental agency. The only other exception is an emergency with specific approval from the General Manager.
- F. Reconciliation. The revolving funds shall be monitored and balanced monthly by the Finance Division. Reports of an overage or shortage of five dollars or more will be immediately reported to the General Manager for action. Revolving funds are to be replenished by voucher at least quarterly and more often as deemed necessary.
- G. Custodian. The General Manager is appointed custodian of the revolving funds.

#### **3.04.050 District investments.**

The District is a member of the King County Investment Pool. The General Manager is authorized and appointed to supervise the investment, and transfer, of District funds. All instructions pertaining to investment and transfer of funds shall be transmitted to the King County treasurer, as the ex officio treasurer of the District, with documented approval by the General Manager or Finance Manager., Receipt of such letter by the King County treasurer shall carry the same authority as if executed or adopted by the Board of Commissioners.

#### **3.04.060 Deposit (transmittal) account.**

The District shall maintain at its regular banking institution, or such other depository as the Board of Commissioners shall in the future designate, an account into which shall be deposited all cash and checks received by the District from all sources including, but not limited to, payment of water bills, connection charges, developer deposits, repair charges and sale of supplies or property.

#### **3.04.070 Deposit account—Transfer to treasurer.**

- A. In accordance with King County Treasurer's rules, all moneys in the deposit account must be transferred to the King County Treasurer at such intervals as the Treasurer shall direct. No withdrawals can be made from the deposit account except payable to the King County Treasurer.
- B. The deposit account bank's signature card or other documents must provide that no check will be honored except one drawn to the King County Treasurer.

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**3.04.080 Deposit account—Signatures.**

The General Manager or Finance Manager may sign checks on the deposit account.

**3.04.090 Accounts established.**

The Board of Commissioners of the District has established with the King County Department of Finance the following cash management and reserve accounts: Maintenance Account, Construction Account, Covington Water District/Cedar River Water and Sewer District Joint Facility Maintenance Account, Revenue Bond Account, Rate Stabilization Account, Emergency Account, Asset Replacement Account, Bond Sinking Account, and Covington Water District/Kent Joint Facility Maintenance Account.

**3.04.100 Financial Policies.**

- A. The District shall maintain District Financial Policies, which will be accepted by motion of the Board of Commissioners.
- B. The District's Financial Policies may be amended from time to time and each amendment will become official upon the Board of Commissioner's acceptance by motion.

## Chapter 3.08

### LOCAL IMPROVEMENT DISTRICTS

#### Sections:

- 3.08.010 Authority.**
- 3.08.020 Methods of initiation.**
- 3.08.030 Notice of adoption—Resolution of intention to form.**
- 3.08.040 Formation hearing.**
- 3.08.050 Bid call.**
- 3.08.060 Hearing on assessment roll.**
- 3.08.070 Assessment protests.**
- 3.08.080 Assessments - Changes.**
- 3.08.090 Final assessment roll.**
- 3.08.100 Notice of confirmation of the roll.**
- 3.08.110 Appeal.**
- 3.08.120 Construction.**
- 3.08.130 Revenue bonds.**
- 3.08.140 Assessments—Time and interest rate.**
- 3.08.150 Segregation of assessments.**
- 3.08.160 Segregation certificate.**
- 3.08.170 Intent of DAC provisions.**

#### **3.08.010 Authority.**

The District's authority to establish local improvement districts (LID) or a utility local improvement district (ULID) is derived from RCW 57.16.050.

#### **3.08.020 Methods of initiation.**

Pursuant to RCW 57.16.060, a LID or ULID may be initiated either by resolution of the Board of Commissioners indicating its intent to form an improvement district, or by petition signed by the owners of record, according to the County Auditor, of at least 51% of the area of the land within the limits of the improvement district to be created.

If the Board finds the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for. The resolution shall set forth the date, time and place for a public hearing on the formation of the proposed improvement district.

#### **3.08.030 Notice of adoption—Resolution of intention to form.**

Notice of the adoption of the resolution of intention, whether adopted by initiation of the Board or pursuant to a petition of property owners, shall be published in at least two consecutive issues of a newspaper of general circulation within the proposed improvement area. The date of the first publication must be at least 15 days prior to the date fixed for the public hearing. Notice of the adoption of the resolution of intention shall also be

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mailed to each owner or reputed owner of property within the proposed LID or ULID, as shown on the tax rolls of the County Treasurer, at least 15 days prior to the public hearing. The notice to owners must also include the estimated cost of improvement to be borne by the individual property and shall include a statement that the actual assessment may vary from the estimate so long as it does not exceed a figure equal to the increased true and fair value the improvement adds to the property. (RCW 57.16.060 and RCW 57.16.065)

#### **3.08.040 Formation hearing.**

Whether an improvement district is initiated by petition or resolution, the Board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the Board shall hear objections from any person affected by the formation of the LID or ULID and may make changes in the boundaries of the improvement district or modifications in the plans for the improvement. The Board may not change the boundaries to incorporate property not previously included without first passing a new resolution of intention and providing a new notice to property owners as prescribed in DAC Section 3.08.030.

After the hearing and expiration of the 10-day period for filing protests, the Board shall have jurisdiction to overrule protests and proceed with the improvement district. However, jurisdiction of the Commissioners to proceed with a LID or ULID initiated by resolution shall be divested if property owners representing at least 40% of the area file written and signed protests with the Secretary of the Board within 10 days after the public hearing. If the written protests amount to less than 40%, the Board can still decide not to form the LID or ULID. The Board may consider a lack of a 40% protest as an indication that the Board should proceed with formation of the improvement district.

If the Board finds that the improvement district should be formed, they shall adopt a resolution forming the LID or ULID and ordering the improvement. Following execution of the resolution, the Board Secretary shall publish public notice that a formation resolution has been adopted and that a legal action challenging the formation must be filed, and the District served notice, within 30 days of the public notice. If legal action is unsuccessful or no appeal is made, the District may proceed with formation. (RCW 57.16.062)

#### **3.08.050 Bid call.**

The District will call for bids for construction of the improvement in order to determine the actual assessments. Assessments will roughly equal the cost of construction of the improvements; the legal, engineering and administrative expenses attendant upon the construction and formation of the LID or ULID; and the printing, sales commission and other costs connected with any bond issue and financing expenses.

#### **3.08.060 Hearing on assessment roll.**

After bids are received, the Board of Commissioners will schedule a hearing on the proposed assessment roll. Public notice of the hearing shall be published once a week for (2) consecutive weeks in a newspaper of general circulation. Notice shall also be given by mailing to the property owners in the improvement district at least 15 days prior to the pub-

lic hearing. The notice will set forth the amount of the assessment that the Board proposes to levy against each owner's property. The purpose of this hearing is to receive protests and/or answer questions concerning the assessments. Matters unrelated to the assessments will not be heard.

### **3.08.070 Assessment protests.**

Any affected property owner can file a written protest to his or her assessment. Assessment protests must be filed not less than fifteen nor more than 30 days from the date of the first publication notice of the assessment roll hearing. Those who have filed written protests are entitled to be heard personally by the Board of Commissioners at the hearing.

### **3.08.080 Assessments - Changes.**

At the assessment roll hearing, the Board may correct, change or modify an assessment. The Board will not, normally, reduce an assessment unless there is something peculiar to that particular property. A protest that an assessment is "too much" without further support or that the owner doesn't want water service, will generally not be considered by the Board of Commissioners to be a valid basis for protesting the assessment. In order for the Board to consider reduction of an assessment, it is necessary for the property owner to clearly demonstrate that, for some specific reason, the assessment is incorrect or should be reevaluated.

### **3.08.090 Final assessment roll.**

At the conclusion of the hearing, the Board of Commissioners will adopt a resolution confirming the assessment roll, including any changes or adjustments made by the Board at the hearing.

### **3.08.100 Notice of confirmation of the roll.**

The District will publish once, in a newspaper of general circulation in the area of the LID or ULID, a notice that the assessment roll has been confirmed. No individual notices will be given to the property owners.

### **3.08.110 Appeal.**

A property owner has 10 days following publication of the notice of confirmation of the roll within which to appeal the assessment to the superior court. If no such appeal is taken, the assessment roll is final and cannot thereafter be changed.

### **3.08.120 Construction.**

Although it can do so sooner, the Board will normally wait until after the assessment roll hearing before it awards a construction contract. The Board will then proceed to construct the LID or ULID project.



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**3.08.130 Revenue bonds.**

The District may sell water revenue bonds to raise the money to pay the cost of the construction.

**3.08.140 Assessments—Time and interest rate.**

The time for payment of the assessment, and the interest rate on the unpaid balance, depends on the terms of the water revenue bond issue. However, the owner will usually have at least 15 years to pay off the assessment, in annual installments. The interest rate be based on what the District has to pay on the water revenue bonds, plus other factors, including the administrative costs associated with the improvement district project and the issuance of bonds.

**3.08.150 Segregation of assessments.**

At the request of a property owner, the District will direct the County Treasurer to “segregate” an assessment on a property that is subsequently subdivided in accordance with the appropriate land use jurisdiction. For instance, a person owning a ten-acre parcel (with a single water assessment against it) may wish to divide the parcel into ten one-acre parcels. The District will, if requested, divide the assessment between these one-acre parcels. The District must however be satisfied that each parcel meets county and state zoning and subdivision requirements and has sufficient security for the assessment against it.

**3.08.160 Segregation certificate.**

The District shall charge a fee to the property owner for preparation of the segregation certificate in an amount as set forth in Rate Table II.

**3.08.170 Intent of DAC provisions.**

The provisions in Chapter 3.08 of the DAC are intended to summarize and reflect the statutory procedures set forth in Chapter 57.16 RCW. In the event of a conflict between the code and the statute, the statute shall control.

## Chapter 3.12

### IDENTITY THEFT PREVENTION PROGRAM

#### Sections:

- 3.12.010 Program adoption.**
- 3.12.020 Program purpose and definitions.**
- 3.12.030 Identification of Red Flags.**
- 3.12.040 Detecting Red Flags.**
- 3.12.050 Preventing and mitigating identity theft.**
- 3.12.060 Program updates.**
- 3.12.070 Program administration.**

#### **3.12.010 Program adoption.**

The District developed this Identity Theft Prevention Program (“Program”) pursuant to the Federal Trade Commission’s Red Flags Rule (“Rule”), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. This Program was developed with the oversight and approval of the District Board of Commissioners and the District’s General Manager. After consideration of the size and complexity of the District’s operations and account systems and the nature and scope of the District’s activities, the District Board of Commissioners determined that this Program was appropriate for the District, and therefore approved this Program by the adoption of Resolution No. 3679 on the 15th day of October, 2008.

#### **3.12.020 Program purpose and definitions.**

- A. Fulfilling Requirements of the Red Flags Rule. Under the Red Flags Rule, every financial institution and creditor is required to establish an identity theft prevention program tailored to its size, complexity and the nature of its operation. The program must contain reasonable policies and procedures to:
  - 1. Identify relevant Red Flags as defined in the Rule and this Program for new and existing covered accounts and incorporate those Red Flags into the Program;
  - 2. Detect Red Flags that have been incorporated into the Program;
  - 3. Respond appropriately to any Red Flags that are detected to prevent and mitigate identity theft; and
  - 4. Update the Program periodically to reflect changes in risks to customers or to the safety and soundness of the District from identity theft.
- B. Red Flags Rule Definitions Used in this Program. For the purposes of this Program, the following definitions apply:
  - 1. “Account” means a continuing relationship established by a person with a creditor to obtain a product or service for personal, family, household or business purposes.
  - 2. A “covered account” means:

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- a. Any account the District offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions: and
  - b. Any other account the District offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the District from identity theft.
3. "Creditor" has the same meaning as defined in Section 702 of the Equal Credit Opportunity Act, 15 U.S.C. 1691a, and includes a person or entity that arranges for the extension, renewal or continuation of credit including the District.
  4. A "customer" means a person or business entity that has a covered account with the District.
  5. "Identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number or unique electronic identification number.
  6. "Identity theft" means fraud committed using the identifying information of another person.
  7. A "Red Flag" means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
  8. "Service provider" means a person or business entity that provides a service directly to the District relating to or connection with a covered account.

#### **3.12.030 Identification of Red Flags.**

In order to identify relevant Red Flags, the District shall review and consider the types of covered accounts that it offers and maintains, the methods it provides to open covered accounts, the methods it provides to access its covered accounts, and its previous experiences with identity theft. The District identifies the following Red Flags in each of the listed categories:

##### **A. Suspicious Documents.**

1. Red Flags.
  - a. Identification document or card that appears to be forged, altered or inauthentic;
  - b. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
  - c. Other document with information that is not consistent with existing customer information (such as a person's signature on a check appears forged); and
  - d. Application for service that appears to have been altered or forged.

2. District Prevention Program.
    - a. When presented with a credit card for payment, the customer service tech inspects the card for inconsistencies in the appearance of the card.
    - b. No application for service is required for starting a utility account so no comparisons can be made of signatures.
- B. Suspicious Personal Identifying Information.
1. Red Flags.
    - a. Identifying information presented that is inconsistent with other information the customer provides (such as inconsistent birth dates);
    - b. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a driver's license);
    - c. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
    - d. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
    - e. An address or phone number presented that is the same as that of another person; and
    - f. Identifying information which is not consistent with the information that is on file for the customer.
  2. District Prevention Program.
    - a. The District bills owners only for water services. Information is gathered from the following sources and verified through King County property records:
      - i. Escrow/title company;
      - ii. Buyer;
      - iii. Seller.
    - b. For changes to customer name or mailing address the King County property records are accessed for verification.
    - c. No personal identification information is required for new account set-up. No personal identification information is carried on the customer account
    - d. Customer Service personnel use due diligence when verifying the identity of a customer prior to revealing any account information.
- C. Suspicious Account Activity or Unusual Use of Account.
1. Red Flags.
    - a. Change of address for an account followed by a request to change the account holder's name;
    - b. Payments stop on an otherwise consistently up-to-date account;
    - c. Customer requests changes to their ACH account;

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- d. Account used in a way that is not consistent with prior use (such as very high activity);
- e. Mail sent to the account holder is repeatedly returned as undeliverable;
- f. Notice to the District that a customer is not receiving mail sent by the District;
- g. Notice to the District that an account has unauthorized activity;
- h. Breach in the District's computer system security; and
- i. Unauthorized access to or use of customer account information.

#### 2. District Prevention Program.

- a. For changes to customer name or mailing address the King County property records are accessed for verification.
- b. Should payments stop on a water bill, the required reminder and disconnect notices are sent. Should payment still not be paid, water service is discontinued.
- c. All changes to a customer's ACH information are required in writing.
- d. Bills are reviewed for abnormal consumption every billing period. Should use be abnormal the reading will be visually confirmed by field personnel.
- e. Repeatedly returned mail is noted on the account and efforts are made to contact the customer regarding mailing address information.
- f. The District's computer system is continuously reviewed for any security breach by the Information Technology Division.
- g. The District's software program has regulated authority for access to customer accounts by District employees.

#### D. Alerts from Others.

- 1. Red Flags. Notice to the District from a customer, a victim of identity theft, a law enforcement authority or other person that it has opened or is maintaining a fraudulent account for a person engaged in identity theft.
- 2. District Prevention Program. Any information gained through outside persons or organizations regarding identify theft are noted on the customer account.

### **3.12.040 Detecting Red Flags.**

A. New Accounts. In order to detect any of the Red Flags previously identified and which are associated with the opening of a new account. District personnel will take the following steps to obtain and verify the identity of the person opening the account:

- 1. Detect Red Flags.
  - a. Review documentation from the official King County Property Tax website showing the ownership of a property; and/or
  - b. Independently contact the customer.

- B. Existing Accounts. In order to detect any Red Flags previously identified and which are associated with an existing account, District personnel will take the following steps to monitor transactions with an account:
1. Detect Red Flags.
    - a. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
    - b. Verify the validity of requests to change billing addresses; and
    - c. Verify changes in banking information given for billing and payment purposes.

### **3.12.050 Preventing and mitigating identity theft.**

In the event District personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

- A. Prevent and Mitigate Identity Theft.
1. Monitor a covered account for evidence of identity theft;
  2. Contact the customer with the covered account;
  3. Not open a new covered account;
  4. Close an existing covered account;
  5. Notify the Program Administrator for determination of the appropriate step(s) to take;
  6. Notify law enforcement; or
  7. Determine that no response is warranted under the particular circumstances.
- B. Protect Customer Identifying Information. In order to further prevent the likelihood of identity theft occurring with respect to District accounts, the District shall take the following steps with respect to its internal operating procedures to protect customer identifying information:
1. Secure the District website but provide clear notice that the website is not secure;
  2. Undertake complete and secure destruction of paper documents and computer files containing customer information;
  3. Make office computers password protected and provide that computer screens lock after a set period of time;
  4. Keep offices clear of papers containing customer identifying information;
  5. Maintain computer virus protection up to date; and
  6. Require and keep only the kinds of customer information that are necessary for District purposes.

**3.12.060 Program updates.**

The Program will be periodically reviewed and updated to reflect changes in risks to customers and to the safety and soundness of the District from identity theft. The Program Administrator or designee shall at least annually consider the District's experiences with identity theft, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in types of accounts the District maintains and changes in the District's business arrangements with other entities and service providers. After considering these factors, the Program Administrator shall determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator shall update and implement the revised Program.

**3.12.070 Program administration.**

A. Oversight.

1. The General Manager is designated as the Program Administrator and shall be responsible for developing, implementing and updating the Program.
2. The Program Administrator shall be responsible for the Program administration, for appropriate training of District staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating identity theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports. District staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

C. Service Provider Arrangements. In the event the District engages a service provider to perform an activity in connection with one or more covered accounts, the District shall take the following steps to require that the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

1. Require, by contract, that service providers acknowledge receipt and review of the Program and agree to perform its activities with respect to District covered accounts in compliance with the terms and conditions of the Program and with all instructions and directives issued by the Program Administrator relative to the Program; or
2. Require, by contract, that service providers acknowledge receipt and review of the Program and agree to perform its activities with respect to District covered accounts in compliance with the terms and conditions of the service provider's identity theft prevention program and will take appropriate action to prevent and mitigate identity theft; and that the service providers agree to report promptly to the District in writing if the service provider in connection with a District covered account detects an incident of actual or attempted identity theft or is unable to re-

solve one or more Red Flags that the service provider detects in connection with a covered account.

- D. Customer Identifying Information and Public Disclosure. The identifying information of District customers with covered accounts shall be kept confidential and shall be exempt from public disclosure to the maximum extent authorized by law, including RCW 42.56.230(4). The District Board of Commissioners also finds and determines that public disclosure of the District's specific practices to identify, detect, prevent and mitigate identity theft may compromise the effectiveness of such practices and hereby directs that, under the Program, knowledge of such specific practices shall be limited to the Program Administrator and those District employees and service providers who need to be aware of such practices for the purpose of preventing identity theft.



## **Title 4**

### **WATER AVAILABILITY CERTIFICATES / DEVELOPER EXTENSIONS**

#### **Chapters:**

- 4.04 Water System Connections and Extensions**
- 4.08 Water Availability**
- 4.12 Cross-Connections and Backflow Prevention Devices**
- 4.20 Developer Reimbursement**
- 4.24 Fire Hydrants**
- 4.28 Satellite Systems**
- 4.32 Street Lighting**



## Chapter 4.04

### WATER SYSTEM CONNECTION AND EXTENSIONS

#### Sections:

#### Article I. Developer Extensions

- 4.04.100 Application.
- 4.04.110 Charges—Deposits.
- 4.04.120 Cost.
- 4.04.130 District approval.
- 4.04.150 Preliminary design—Approval.
- 4.04.160 Approval time limit.
- 4.04.170 Easements.
- 4.04.180 Future grade changes.
- 4.04.190 Permits.
- 4.04.220 Construction contractor—District approval.
- 4.04.230 Construction staking.
- 4.04.240 Construction inspection.
- 4.04.250 Deviation from plans.
- 4.04.260 Connection to the District's system.
- 4.04.270 Testing.
- 4.04.280 Final costs.
- 4.04.290 Bonds.
- 4.04.300 Record drawings.
- 4.04.310 Bill of sale.
- 4.04.320 Acceptance.

#### Article II. Minimum Standards and Specifications

- 4.04.400 Adoption by reference.

#### Article I. Developer Extensions

#### 4.04.100 Application.

- A. A property owner not served (or only partially served) by the District may apply to extend the District's distribution mains ("a Developer Extension") to serve the owner's property. The application must be on the District's standard form and signed by the owner and any authorized agent.
- B. The application must include a description of the developer extension by pipe size and location. The application shall also indicate the number of individual services to be connected and the size of each meter anticipated.

#### 4.04.110 Charges—Deposits.

The following deposits against these costs and expenses must be paid at the time of making application to the District for the extension.

- A. Developer Extension/Plan Review Fee. The owner/developer will be charged a plan review fee as set forth in Rate Table III.
- B. Plans. If the District, or at its option consulting engineer, is to prepare the plans, additional engineering fees and an administrative fee will be charged on a time and materials basis, as set forth in Rate Table II.
- C. Administrative Fee. An administrative set-up fee as set forth in Rate Table III will be charged.
- D. Inspection Charges. The District's estimate of its construction inspection charges is based on the lineal feet of water main required for the system extension as set forth in Rate Table III.
- E. Survey Charges. The District's estimate of its construction survey and staking charges will be deposited, with actual costs reimbursed to the District, plus a service fee.
- F. Comprehensive Plan Amendment. An additional fee as set forth in Rate Table III shall be charged to the developer if it is necessary for the District to obtain King County approval of a comprehensive plan amendment.
- G. Mapping Charges. These charges will be charged on a graduated scale as set forth in Rate Table III.
- H. Permits/Purity Testing/Recording of Legal Documents and Courier Deposit. All recording fees will be charged at actual cost. The deposit is as set forth in Rate Table III. For recording fees, see Section 5.04.220 of this code.
- I. Main Cleaning. A deposit as set forth in Rate Table III shall be collected to cover the cost of cleaning new water mains installed for the development.
- J. Connection Charges. Effective April 6, 2015, Connection Charges are payable in full at the time service is requested (e.g. meter application).

#### **4.04.120 Cost.**

- A. The owner of the property must bear the entire cost of the extension.
- B. A person constructing an extension to the District's system must pay to or reimburse the District for all out-of-pocket costs and administrative time the District incurs in association with the extension. The extension may not be connected to the District's system until the District's charges have been paid in full.

#### **4.04.130 District approval.**

- A. An application for a developer extension must be presented to the Board for approval and amendment of the District's comprehensive plan. No processing of the application or plan review will commence until Board action approves an application and the appropriate fees are paid.
- B. Plans for extension to the District's system will be prepared by a Professional Engineer licensed in the State of Washington in accordance with District Standards and Specifications.

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- C. Plans for all General Facilities must be prepared by a consulting engineer of the District's choice. The Engineer may not necessarily be the owner's consulting engineer. General facilities include, but are not limited to, supply mains, tanks, wells and pumping facilities.

#### **4.04.150 Preliminary design—Approval.**

- A. Prior to submitting plans for District review, plans shall include fire marshal's comment and signature.
- B. Plans for extension prepared by the owner's consulting engineer must be submitted to the District's engineer for review and approval.
- C. The District is the final authority in all matters related to design, location and specifications.

#### **4.04.160 Approval time limit.**

- A. The Board's approval of application for a developer extension, and the plans, shall be valid for a period of one year thereafter. If the construction is not completed within that time, the owner must apply for a time extension. In considering a time extension, the District may require changes in drawings, specifications, or the location of the mains, depending on changes occurring since the approval date.
- B. In the event a Developer chooses to suspend or abandon a developer extension project before construction and acceptance by the District, the following provisions shall apply:
  - 1. During the period when a project is in suspension, the Developer shall maintain the required developer receivable deposit as required by the developer extension agreement.
  - 2. In the event the developer receivable deposit becomes exhausted, the developer extension shall be rendered abandoned.
  - 3. Any deposits in the developer's receivable account at the time of abandonment, beyond District expenses to close the project, shall be returned to the Developer or the current owner of the property.
- C. The maximum amount of time allowed an DE to remain active will be comprised of five (5) years maximum with annual renewals with maintenance of a developer receivable account. Following the maximum time allowed for an DE, the Developer or the developer's successors or assigns must re-initiate the DE as a new project.

#### **4.04.170 Easements.**

Prior to commencement of construction of any water system improvement, the owner must provide the District with all required off-site easements, and prior to Board acceptance, provide any required on-site easements satisfactory to the District for (1) any water mains or facilities not located in existing public and/or District rights-of-way, and (2) any further anticipated extension of the mains across the owner's property, which the District determines may be necessary in the future.

**4.04.180 Future grade changes.**

- A. If a developer or anyone else shall change the grade of any easement or private road in which the District mains are located, then the developer or property owner must pay the District the cost of relocating the District's mains so that the amount of cover thereon meets the District's adopted standards. The District may grant exceptions from the foregoing requirement where, in its opinion, the grade change will not materially affect the District's future maintenance costs or the terms of an easement.
- B. The foregoing shall not apply to public roads where terms and conditions are determined by a franchise agreement.

**4.04.190 Permits.**

Any and all utility franchise permits and approvals necessary for the extension will be secured by the District, in the District's name, at the owner's expense. The contractor shall apply for and obtain specialty permits such as grading, fire system, electrical and plumbing.

**4.04.220 Construction contractor—District approval.**

- A. Before committing to construction of the extension, the owner must submit to the District the name, address and phone number of the water main contractor with whom the owner plans to contract construction of the extension. If the contractor is not known to the District, then the owner and/or contractor must submit such information as is requested concerning the contractor's financial responsibility, competency and experience in water main construction.
- B. A Pre-Construction Conference including the owner, the owner's engineer, the contractor and the District is required before commencing construction. The right-of-way permit must be in-hand before the conference will be held and the franchise owner shall be invited to participate.

**4.04.230 Construction staking.**

The District shall require such surveying and/or construction staking as it deems appropriate. Staking may be done by the owner or the developer's licensed surveyor. The District reserves the right to approve or disapprove the staking. If the owner or developer does not provide staking through a licensed surveyor, in adequate time for inspection by the District and use in the work, then construction staking will be done by the District, at the owner's expense.

**4.04.240 Construction inspection.**

- A. The District will inspect all construction and will be the final authority on whether the construction is satisfactory.
- B. No construction may be covered until it is inspected by the District.

#### 4.04.250

- C. A District representative must be present at the time of all final testing.
- D. The entire cost of the District's construction inspection must be paid by the owner. Construction inspection costs will vary according to the experience of the contractor and/or the District's confidence in the contractor and owner. In any event, the final determination of how much construction inspection is necessary, lies within the sole discretion of the District.

#### **4.04.250 Deviation from plans.**

- A. No deviations from the final plans and specifications will be allowed without the District Engineer's approval. Uncorrected and unapproved deviations will not be accepted by the District.
- B. Procedures for deviation from approved plans are included in the District's Standards and Specifications.
- C. Any changes in plans or specifications, whether arising from changes in the owner's plans, oversight by the District, or terrain problems, shall be accomplished at the owner's sole cost.
- D. If the District determines that any construction work deviates from the approved plans and specifications, the District Engineer shall give written notice to the owner or the owner's representative that unless the deviation is corrected, the work will not be accepted.

#### **4.04.260 Connection to the District's system.**

- A. Neither the owner nor the contractor shall be entitled to make any connection to the District's mains or operate any valve without advance approval by the District.
- B. Except for water main cubing, testing, flushing, and/or required construction fire protection, no water is allowed to the extension until its final acceptance. Construction fire protection and other allowed water use must be metered and paid for at the District's nonresidential rate.
- C. In the event that water is, for any reason, turned on to the extension without approval of the District Engineer, the District may, without notice or liability, immediately close and/or lock the valve connecting the extension to the District's system.
- D. Turning water into the system or operating any valve without District approval is considered water theft and tampering. Damage and Penalties for water theft and tampering are prescribed in Rate Table III and described further in Chapter 5 of this code.

#### **4.04.270 Testing.**

It is the owner's responsibility to obtain or perform, and pay for, water main tests as are required by the District Standards and Specifications prior to acceptance of the extension by the District Board of Commissioners. When District staff time, materials and laboratory costs are accrued for the developer's project, the Developer will pay for the time and materials related to the testing.

**4.04.280 Final costs.**

Upon completion of the construction and prior to acceptance of the extension by the District, the owner must pay all District costs incurred, including but not limited to engineering services; construction inspection; the District's administrative charge; attorney fees incurred in obtaining any necessary governmental or other approvals; costs of tests; taxes and other fees; and "record" drawing on the District's standard scale and maps.

**4.04.290 Bonds.****Project Completion Performance Bond:**

- A. The District will require a performance bond to guarantee full completion of construction and final approval and acceptance of the watermain extension. Attorneys-in-fact who sign bonds must file, with each bond, a certified and effective dated copy of their Power of Attorney.
- B. No water service, temporary or permanent will be allowed to any property within the plat until a bond issued by a surety company acceptable to the District is provided to the District.
- C. Prior to acceptance of such a bond, the District must be satisfied of the following:
  - 1. The face amount of the bond is at least 150% of the District's estimate of the cost to complete the watermain extension and appurtenant work. In no case shall the bond be less than \$25,000.00. If the developer has very minor work that is not a life safety issue, and as determined by the District Engineering Manager, the General Manager may approve a \$20,000 cash set aside that would cover costs for the work to be completed in the event the developer does not complete the minor task.
  - 2. The developer has complied with all pre-construction requirements set forth in this code including but not limited to a signed and approved watermain extension agreement, payment and maintenance of the deposit for developer receivable account, approval of the final plans for the extension and approval of a Notice to Proceed following a Pre-Construction Conference held by the District.
  - 3. All necessary easements have been provided.
  - 4. All requirements of the appropriate land use agency for final plat approval and recording have been met, including delivery of preliminary plat approval, right-of-way permits and copies of any bonds furnished in connection with erosion control, landscaping and road work.

Where the developer is a public agency, the District may allow a maintenance agreement which is consistent with terms of service or franchise provisions and provides for final completion.



#### 4.04.300

**Maintenance Bond:** Prior to acceptance of construction of the watermain extension, the owner must provide the District with a maintenance bond protecting the District for two years for (1) repair of roadway depressions, splitting or damage resulting from insufficient compaction, air pockets and/or other failures arising from trenching or boring for installation of mains or appurtenances, and (2) for repair of any other defects in the mains or appurtenances and/or construction and installation thereof. The face amount of the maintenance bond shall be 20% of the cost of construction, but not less than ten thousand dollars (\$10,000.00). The warranty time shall commence on the date of the District's resolution accepting the work. Where the developer is a public agency, the District may allow a maintenance agreement which is consistent with terms of service or franchise provisions.

#### **4.04.300 Record drawings.**

Prior to acceptance of an extension, the developer must provide signed record drawings on Mylar, PDFs of the signed mylars and a digital AutoCADD on compact disk. The District Standards and Specifications will contain additional requirements and further guidance for complying with requirements for Record Drawings.

#### **4.04.310 Bill of sale.**

When construction is complete, the owner shall transfer title of the extension to the District using the District's bill-of-sale form. Said bill of sale shall not be effective until the extension is accepted by the Board.

#### **4.04.320 Acceptance.**

- A. Following the owner's compliance with District requirements, the extension will be submitted to the Board of Commissioners for acceptance by resolution. The owner will be accorded the opportunity to address the Board at the time of project acceptance.
- B. By accepting the extension, the District does not undertake responsibility for any defects in construction and/or materials. Conditions of a maintenance bond shall apply, see Section 4.04.290.

### **Article II. Minimum Standards and Specifications**

#### **4.04.400 Adoption by reference.**

The most recent edition of the "Covington Water District Standards and Specifications" is on file at the District office, and is approved and adopted as the minimum standards and specifications for District system construction. The standards and specifications document can be found on the District's official website.

## Chapter 4.08

### WATER AVAILABILITY

#### Sections:

#### Article I. Water Availability Certificates

- 4.08.005** Certificates of water availability—General.
- 4.08.010** For applicants—Impact determination.
- 4.08.020** For a building permit.
- 4.08.030** Plats, rezones and other water availability certificates.
- 4.08.040** Fees.
- 4.08.050** Issuance of water availability certificates.

#### Article II. Connection Requirements

- 4.08.110** Benefitted area.
- 4.08.120** Outside benefitted area.
- 4.08.125** Permit-Exempt wells and other auxiliary water sources.
- 4.08.130** Residential main extension—“Full side.”
- 4.08.140** General policy—Subdivisions and multifamily.
- 4.08.150** General policy—Nonresidential, schools and public properties.
- 4.08.160** Exception - Single-family residential property.
- 4.08.170** Previous Temporary Service Agreements (TSA).

#### Article I. Water Availability Certificates

#### **4.08.005** Certificates of water availability—General.

- A. Certificates of water availability may be issued to all qualified applicants pursuant to all applicable laws and regulations and the District Administrative Code presently in effect or as amended in the future.
- B. The District may issue water availability certificates requiring potable water for uses including, but not limited to, hose bibs, fire suppression systems, irrigation, car washes, water parks and fountains to be metered separately from domestic service to the same account.
- C. All services shall be metered in accordance with DAC Chapter 5.12 and District Standards and Specifications.
- D. Application for a water availability certificate shall be submitted when required by the land use agency or otherwise determined by the District. Any change in water use or change to a water service line that places a higher demand on the District’s water system shall require approval of the District, and service continued with approval by the District through the issuance of a new water availability certificate.
- E. Applicants shall meet District requirements of a water availability certificate before receiving or continuing water service.

#### 4.08.010

- F. Expiration. Request for renewal of a water availability certificate may be made on or before the expiration date set forth in the certificate, for a fee as set forth in Rate Table III. A maximum of four renewal requests will be considered for a parcel. Upon expiration of the fifth certificate, an applicant must reapply for consideration of a new certificate.

#### **4.08.010 For applicants—Impact determination.**

- A. Prior to issuing a water availability certificate, the District shall review and estimate any increased demand on the District's system resulting from the extension. In estimating any increased demand, the District will take into account the length of the extension; the future pressure and volume needed for domestic and fire flow (as determined by the jurisdictional Fire Marshal on District minimum standards); the existing water mains and general facilities in the proposed location as related to the District's present capacity to provide domestic and fire flow; projected future growth and system needs in that area; inter-relation of that area and the remainder of the District; and all other relevant factors including water quality and cross connection control.
- B. No water availability certificate shall be issued and no extension to the District's system will be permitted if, in the District's opinion the extension will damage or contaminate a groundwater aquifer.
- C. Existing permitted and permit exempt wells on the property must be decommissioned within thirty (30) days of receiving service from the District. Water service may be terminated if the well(s) are not decommissioned or if an additional well(s) are made available to the property after the District meter is installed. Reference Section 4.08.125.

#### **4.08.020 For a building permit.**

The District will not issue a water availability certificate for a building permit until: (1) a water main meeting the District's minimum standards actually fronts the property (as defined in Section 4.08.130) or (2) an application for a developer extension is on file at the District office.

#### **4.08.030 Plats, rezones and other water availability certificates.**

Water availability certificates for plats, PUDs, rezones, boundary line adjustments, septic design and everything other than building permits, will only be issued on the condition that water will not be provided until the District's water system is extended in accordance with the District's standards set forth elsewhere in this code.

#### **4.08.040 Fees.**

Application for issuance of any water availability certificate by the District must be accompanied by a fee as set forth in Rate Table III. Fees are established for issuing water availability certificates for each lot in an approved plat served by District-accepted water system which must receive an individual water availability certificate for issuance of a

building permit. In cases outside an accepted plat, application must be accompanied by fees as set forth for all lots in the same land use action. Request for a water availability certificate for a nonresidential building permit must also be accompanied by a fee shown in Rate Table III. Renewal of water availability certificates may be made on or before the expiration date at a fee as set forth in Rate Table III.

#### **4.08.050 Issuance of water availability certificates.**

Only the General Manager or his/her designee may issue water availability certificates.

### **Article II. Connection Requirements**

#### **4.08.110 Benefitted area.**

- A. The area benefitted by a water main extends 180 feet from the centerline of the street in which the main fronting the property is located, except where specified otherwise in past LIDs or ULIDs.
- B. If the water main is not located in a street, then the 180 feet will be measured from the main fronting the property.
- C. A structure located entirely or partly within the benefitted area may connect to the water main provided that any connection charge which is due has been paid. Each structure can be on the same meter and shall pay individual connection charges for each structure based on the size of the domestic service meter as identified in Section 4.08.130 (D & E).

#### **4.08.120 Outside benefitted area.**

Where the structure to be served with water is outside the benefitted area, then the District's water system must be extended.

#### **4.08.125 Permit-Exempt wells and other auxiliary water sources.**

- A. Regarding permit-exempt domestic use wells inside or directly outside of the District's service area:
  1. The District is opposed to the drilling of permit-exempt wells within or directly outside of its service area due to factors and concerns related to aquifer protection, customer equity and water quality.
  2. The District shall issue a Water Availability Certificate (WAL) and expect to provide water service if it can meet the "timely" and "reasonable" criteria defined in District Administrative Code, Chapter 1.06.
  3. King County Code (KCC) 13.24.138 B.5 conditions its approval of private domestic use exempt-permit wells, located within an approved service area of a Group A water system, upon the future connection of the private well owners to the Group A water system when service from that system becomes available.

4. If the District cannot provide service in a timely or reasonable manner, as defined in Section 1.06, the District will not protest the drilling of a permit-exempt domestic use well, provided that the owner(s) enter into an agreement with the District for provision of future service connection (Future Connection Agreement), if and when the District's water system is extended to provide District water in lieu of the present permit-exempt domestic use well source, in accordance with KCC Chapter 13.24.138.
- B. As a condition of receiving water service from the District, a property owner with existing wells or other auxiliary water system on the property seeking to connect to the district's water system must meet the following requirements:
1. Permitted Wells – The District, at its sole discretion, will determine on a case-by-case basis whether or not to pursue a transfer to the District of any water rights associated with the well or wells on the properties seeking to connect to the District. Should the District determine to pursue such a transfer, the owner of the property on which the permitted well or wells are located must cooperate and work with the District to seek authorization from the Washington State Department of Ecology to transfer any water rights associated with the well or wells from the owner to the District. Regardless of whether the Department of Ecology allows such a transfer of water rights, the well or wells shall be decommissioned, unless otherwise determined by the District Engineer, in accordance with Washington State Department of Ecology requirements prior to connection to the District's water system. A Department of Ecology Water Well Report of Decommission must be provided to the District within thirty (30) days of receiving District service.
  2. Permit-Exempt Wells - The property owner will decommission an existing permit-exempt well or other auxiliary water source, according to Washington State Department of Ecology requirements, and further, agree not to construct a permit-exempt well on the property, or to make available any other auxiliary water source to the property, thereafter for any purpose. A Department of ecology Water Well Report of Decommission must be provided to the District within thirty (30) days of receiving District service.
- C. In exchange for the decommissioning of a registered, functioning well currently serving potable water to the property seeking District service, the District will credit half the value of connection charges applicable to the cost of the connection. The calculated credit shall be based on the size of the meter required to service the structure.
- D. Water service may be terminated if an existing well or other auxiliary water sources are not decommissioned within thirty (30) days of receiving District service, or a well is drilled or other auxiliary water source is made available to the property after the District meter is installed. Charges for metered service will begin when the meter is installed, regardless of when the well or other auxiliary water source is decommissioned. All other requirements for service shall remain in effect.
- E. Should the District terminate water service to a property for any reason, the owner(s) shall forfeit all connection charges and fees, including meter installation charges.

- F. If a property owner chooses to terminate water service from the District, and later wishes to reconnect, service will be subject to water availability and rates, as described in Section 1.06.050 (D) and Section 4.08 of this code.

#### **4.08.130 Residential main extension—“Full side.”**

Anyone who desires water service for a single-family residence and who is not then fronted by a District main, must extend the District’s system to and past at least one full side of the residential property. The following exceptions and/or explanations apply:

- A. **Narrow Strips.** Roads and other narrow strips connecting the property to the street in which the main is located, may not constitute a full side of the property. For example, a main extended past a narrow strip running from the street to the property does not meet the full side requirement. Likewise, points of triangles and similar unusual lot configurations do not meet the full side requirement. The decision of the District will control.
- B. **More Than One “Full Side.”** Where the property can presently or potentially in the future, be subdivided into more than one single-family lot, the property owner may be required to extend the water main past more than one full side of the property. An extension for more than one side may also be required under circumstances described above.
- C. **One Connection Per Ownership.** Notwithstanding the foregoing, every parcel of property under a single ownership fronting a water main shall be entitled to connect one single-family residence to the District’s system.
- D. **All permitted structures on one tax parcel are allowed to be served by a single meter;** the property owner must pay connection charges (Future Facilities Charge and Existing Capital Facilities Charge as identified in Rate Table III) for each structure as described below. An additional flat rate for each structure based on the meter size will be added to the monthly billing for an ADU only. Irrespective of the detached structure building type, the property owner will be required to enter into an agreement titled: Agreement for Additional Water Service Connections upon Property Subdivision. This agreement will be recorded with King County as a covenant attached to the property.
1. **An Accessory Dwelling Unit (ADU) will be required to pay the equivalent of the residential connection charges as identified in the Rate Table III.** An ADU is a habitable living unit single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation. ADUs may not be subdivided or otherwise segregated in ownership from the primary residential structure without incurring additional connection charges and other fees and requirements identified in the current District Standards and Specifications. ADU structures will pay an additional flat rate and could require an upsize of the meter if fixtures exceed the 5/8” meter capacity. Examples are detached apartments, mobile homes, and detached garages with a living space fitting the above definition.
    - a. **Attached Accessory Dwelling Unit.** In the event that the ADU is attached to

the existing single family dwelling, payment of connection charges is not required unless the additional fixtures result in the need for a meter upsize.

2. Detached Structures (Not an Accessory Dwelling Unit) will be assessed connection charges if the demand for both the original house plus the detached structure exceeds the original meter, the property owner will be required to pay the current connection charges (identified in Rate Table III) for the new meter less the current cost of the existing meter being upsized. A detached structure is defined as a structure that has water fixtures but doesn't include living or cooking as identified above. This structure can/will be subject to periodic inspection to verify that its status hasn't changed to an ADU. If it is determined that the structure has been changed to an ADU, the connection charges will be re-evaluated and could be subject to additional fees based on the rules for an ADU as identified above.

E. Temporary Medical Hardship.

1. If an ADU is permitted by a local jurisdiction as a Temporary Medical Hardship, a second dwelling may be temporarily connected to the service serving the primary dwelling. Connection charges for the temporary connection are not collected.
2. The second residence on the property must apply for and sign a temporary service agreement. The second residence must pay an additional flat charge based on the meter size serving both residences.
3. The applicant shall confirm the need for the medical hardship on an annual basis until the medical hardship no longer exists. The temporary service will be disconnected and the ADU water service shall be removed when the medical hardship no longer exists. The property owner shall not thereafter reconnect the ADU to the service serving the primary dwelling unit without the approval of the District.

**4.08.140 General policy—Subdivisions and multifamily.**

- A. It is the policy of the District that anyone who desires water service for more than one single-family residence, including subdivisions, multifamily structures and nonresidential development, must extend the District's system to, and past, at least one full side of the property; through all internal streets; loop to all adjacent mains which will, in the District's opinion, extend past or through the property in the future; and stub to the property line where it is likely that mains will be needed to connect to future mains. In addition, and depending on the property size, shape and comprehensive plan, the District may require mains to be constructed on more than one, and up to all, full side(s) of the property.
- B. The above provisions concerning the definitions of a "full side" and the depth of the benefitted area, apply equally to this type of property.

**4.08.150 General policy—Nonresidential, schools and public properties.**

- A. It is the policy of the District that anyone who desires water service to nonresidential or commercial property (including single buildings as well as shopping centers,

schools, and public property such as parks, gravel pits, power substations, road district yards, and all public buildings or other structures) must extend the District's system to, and past, the entire perimeter of the property and/or stub or connect to present and future mains as required in Section 4.08.140.

- B. Internal water mains around the perimeter of commercial buildings, for instance, will not suffice to meet the above requirement unless they are in public rights-of-way or easement streets and are available for service to adjacent properties.
- C. The District may require such internal mains and appurtenances within the property as it deems appropriate to serve the property and to provide fire protection thereto.
- D. Incremental extensions shall not compromise the required fire flows or create interim dead-end mains.

**4.08.160 Exception - Single-family residential property.**

In rare and exceptional situations where future extension of water main for development is not practical due to physical constraints, the General Manager may recommend the Board of Commissioners waive the requirement for a main extension to and through the property. All other requirements for service shall apply.

- A. **Non-Standard Water Service.** Water meters shall be installed at the District's nearest standard main, and the property owner shall construct, at the owner's expense, a service line from the meter to the point of use. The property owner must pay the District's connection charge, as in the case of any other connection. Terms for service shall be described in an agreement and placed of record in King County.
- B. **Approval—One-Year Time Limit.**
  - 1. Approval of an application for a non-standard service is on the condition that construction will commence within one year of the date of approval. If the residence is not under construction within one year, the approval is null and void and the applicant must reapply.
  - 2. The General Manager may consider an extension beyond the one year period, provided that application is made prior to expiration of the one year, and good cause is shown in the application for the extension.
- C. **Limitation—Single-Family Residential Property Only.**
  - 1. Non-Standard Water Service shall not be allowed for other than one single-family residence on any property under the same (or substantially the same) ownership, or owned by the family.
  - 2. The above exception shall not be allowed to commercial, industrial, multifamily or any property other than one single-family residence.
- D. **Limitation—No Exceptions for Developers.** In addition, the above exceptions shall not be allowed to a developer, or to anyone building a house other than for his or her own personal use.



#### 4.08.170

- E. The District may limit the duration and/or recipient of a non-standard service. In such a case, the District may provide that the non-standard service is not transferable to another recipient or a new owner of the property, unless approved by the District.
- F. Approval Procedure.
  - 1. An application for a non-standard water service shall be presented to the District Manager. The application shall contain all information necessary for the Manager to make a decision.
  - 2. If the Manager approves the same, the approval shall be entered in the customer service record. The agreement shall not be executed by the District until actual construction is certain. The Manager of the District is authorized to execute the actual agreement and place the agreement of record.
  - 3. If the service is not connected to the District's system and receiving water within one year of the Manager's approval, the agreement, and the approval thereof, shall be null and void unless prior to that time the applicant has applied for and the Manager has granted an extension of this time limit.

#### **4.08.170 Previous Temporary Service Agreements (TSA).**

- A. Where temporary service agreements (TSA) were granted prior to 2009, some property owners paid the equivalent of connection charges then in effect. Additional charges may be due in connection with closing temporary service agreements, which charges shall be determined utilizing the same formula as newer service agreements, and in accordance with this administrative code. Additional charges that are due may be paid over a period of 10 years with interest.
- B. Charges for the "Existing Distribution System Charge" are prescribed in Rate Table III. The per foot charge is applied on the basis of the property's perimeter distance divided by 4.

## Chapter 4.12

### CROSS-CONNECTIONS AND BACKFLOW PREVENTION ASSEMBLIES

#### Sections:

- 4.12.010 Adoption of state regulations.**
- 4.12.020 Cross-connections prohibited.**
- 4.12.030 Backflow prevention assemblies.**
- 4.12.040 Annual testing.**
- 4.12.050 Inspections.**
- 4.12.055 Fine for noncompliance.**

#### **4.12.010 Adoption of state regulations.**

The District has adopted the Premises Isolation Cross-Connection Control Program in accordance with Washington State Department of Health (DOH) regulations concerning cross-connections and backflow prevention assemblies. The DOH regulations are promulgated as Washington Administrative Code Sections 246-290-490. In the event that it shall be determined that DOH regulations, or any part thereof, are not already binding upon the District and its customers, then the same are hereby adopted as regulations of this District and thereby binding upon all customers of the District regardless of classification or area.

#### **4.12.020 Cross-connections prohibited.**

Cross-connections, as presently defined in WAC 246-290-490 and the District's Premises Isolation Cross-Connection Control Program, to the District's system are prohibited. The foregoing prohibition, however, does not extend to cross-connection with another municipal corporation's public water supply system for emergency and/or supply purposes. Cross-connection to another municipal corporation's public supply system shall be discretionary with the Board of Commissioners.

#### **4.12.030 Backflow prevention assemblies.**

- A. In accordance with WAC 246-290-490 and the District's Premises Isolation Cross-Connection Control Program, backflow prevention assemblies shall be required in each instance where, in the judgment of the District (including its Engineer, General Manager and/or Cross Connection Control Coordinator) there is any danger or potential danger of contamination of the public water system.
- B. The type of backflow prevention assemblies shall be as designated, in each instance, by the District. All backflow prevention assemblies shall be installed in accordance with the District's Standards and Specifications. The cost of acquiring and installing backflow prevention assemblies shall be borne by the customer.

4.12.040

**4.12.040 Annual testing.**

Annual inspection is required to ensure all assemblies are operating properly and not likely to contaminate the public water system per the District's Premise Isolation Cross Connection Program.

**4.12.050 Inspections.**

As often as it deems necessary or appropriate, the District may inspect any customer's premises to determine whether or not a cross-connection exists; a backflow prevention assembly should be required; or whether an installed backflow prevention assembly is operating properly, and/or has been properly installed or inspected.

**4.12.055 Fine for noncompliance.**

A. Fines for noncompliance with the District's cross-connection regulations shall be imposed in accordance with the Premise Isolation Cross Connection Program.

## Chapter 4.20

### DEVELOPER REIMBURSEMENT

#### Sections:

- 4.20.010 Reimbursement policy.**
- 4.20.020 Developer reimbursement charge.**
- 4.20.030 Conditions for reimbursement.**
- 4.20.040 Reasonable construction cost.**
- 4.20.050 Calculation of reimbursement costs.**
- 4.20.060 Exceptions.**
- 4.20.070 No guaranty.**
- 4.20.080 Processing charge.**
- 4.20.090 Time limit.**
- 4.20.100 Notice and forfeiture.**
- 4.20.110 Recording of agreement.**

#### **4.20.010 Reimbursement policy.**

Where a developer is required to extend a water main or mains fronting property not owned by him/her (an "off-site main"), and the requirements of this chapter are met, the District will reimburse the developer the existing distribution system charges collected by the District from persons seeking to connect to the subject off-site main within 15 years, as partial reimbursement for the cost of the off-site main.

#### **4.20.020 Developer reimbursement charge.**

In the event that there is an unsatisfied developer reimbursement agreement for the main fronting such an "off-site main", the applicant must pay the District the amount the District is obligated to pay the developer who constructed the "off-site main". This amount shall be calculated as set forth in this chapter.

#### **4.20.030 Conditions for reimbursement.**

Reimbursement to a developer for the cost of an off-site water main is conditioned on the following:

- A. The developer's construction of the off-site main was in accordance with plans and specifications approved by the District.
- B. Inspection and approval of the off-site main by the District at the time of construction.
- C. Execution of a Developer Reimbursement Agreement (also known as a latecomer's agreement) as part of an application for a developer extension project.
- D. The developer paid to the District of all District costs and charges associated with the extension, in accordance with this code.
- E. The District verified and approved all contracts and costs related to the off-site main, as provided below.

4.20.040

**4.20.040 Reasonable construction cost.**

- A. Prior to acceptance of an off-site main, the developer must present the District with a detailed bill of sale for construction of the main and contract administration costs, for which reimbursement is sought. Regardless of the actual cost, the District will only reimburse up to what the District determines, in its sole discretion, is or would have been a reasonable construction cost.
- B. If requested, the developer must provide the District with copies of invoices and checks, construction time logs, contracts and sub-contracts, and/or other proof of the construction costs.
- C. The District must be satisfied that the construction and contract administration costs of the off-site main fairly represents the costs of the off-site main only, and does not include any portion of the cost of the remaining mains constructed by the developer and connected to the off-site main.

**4.20.050 Calculation of reimbursement costs.**

- A. Reimbursement for administrative costs related to construction of the off-site main will include only the following:
  - 1. Engineering fees for design, plan review or supervision, whether paid to the District or the developer's engineer.
  - 2. Amounts paid or to be paid the District by the developer under the terms of this code and the developer extension agreement as defined in Rate Table III.
  - 3. Costs listed in Section 4.20.040.
- B. The District will not reimburse any of the following:
  - 1. Administrative, overhead, supervision and similar charges by the developer in completing the extension.
  - 2. Connection charges.

**4.20.060 Exceptions.**

There shall be no reimbursement where:

- A. An extension to the District's system is connected to the subject extension to service property not identified in the reimbursement agreement.
- B. Property within the reimbursement area is served, presently or in the future, by connection to a different water main. Any property lying within 180 feet of the centerline of the road or easement where an off-site main is located, and which is not presently connected to the District's system, must pay the existing distribution system charge, regardless of what water main it becomes connected to, unless it has been otherwise assessed or is subject to another developer reimbursement agreement.
- C. There will be no reimbursement from connections where the developer contributed to the original cost of the main.

**4.20.070 No guaranty.**

The District does not guaranty or represent reimbursement for all, or any, of the cost of an off-site main.

**4.20.080 Processing charge.**

- A. The developer entitled to reimbursement must pay the District a set-up charge at the time of executing a reimbursement agreement as set forth in Rate Table II.
- B. The District shall deduct a fee at the District's established charge rate from Table II for Service Fee, from each developer reimbursement charge collected.

**4.20.090 Time limit.**

The District's obligation to collect reimbursements is limited to developer reimbursement charges collected within 15 years from the date of acceptance of the off-site main by the District as provided in the reimbursement agreement.

**4.20.100 Notice and forfeiture.**

Each developer reimbursement agreement shall include a provision requiring that every two years from the date the agreement is executed a property owner entitled to reimbursement under this section provide the District with information regarding the current contract name, address, and telephone number of the person, company or partnership that originally entered into the reimbursement agreement. If the property owner fails to comply with the notification requirements of this subsection within 60 days of the specified time, then the District may collect any reimbursement funds owed to the property owner under the reimbursement agreement. Such funds must be deposited in the capital fund of the District.

**4.20.110 Recording of agreement.**

A notice of special charge for water service shall be recorded by the District in King County records for all of the properties that are affected by the developer reimbursement agreement.

## Chapter 4.24

### FIRE HYDRANTS

#### Sections:

- 4.24.010** Location, material and construction.
- 4.24.020** Color.
- 4.24.030** Annual maintenance records.
- 4.24.040** Hydrant agreements—Fire protection districts.
- 4.24.060** Water theft.

#### **4.24.010 Location, material and construction.**

Fire hydrants shall be selected and placed as described within the adopted District Standards and Specifications. The King County Code or other regulatory agencies may require more stringent hydrant placement upon the authority and direction of an authorized Fire Marshal for a jurisdiction.

#### **4.24.020 Color.**

Fire protection appurtenances such as hydrants and hydrant guard posts shall be painted “safety yellow” in accordance with District Standards and Specification and shall remain so painted for purposes of identification and visibility.

#### **4.24.030 Annual maintenance records.**

Annual maintenance records shall be kept by the District.

#### **4.24.040 Hydrant agreements—Fire protection districts.**

The District may enter into agreements with each of the fire protection districts within the District service area, whereby the fire protection districts will inspect, test and keep records on hydrants within their respective service areas, and transmit a list of any deficiency to the District for any hydrants needing maintenance or repair.

#### **4.24.060 Water theft.**

The fine for water theft from a hydrant will be as set forth in Rate Table II for each occurrence.

## Chapter 4.28

### SATELLITE SYSTEMS

#### Sections:

- 4.28.010** Definitions.
- 4.28.020** Criteria for accepting management of Satellite Systems.
- 4.28.030** Contract—Satellite services.
- 4.28.040** Satellite services.
- 4.28.050** Source interruption responsibility.
- 4.28.060** Minimum standards.
- 4.28.070** Well adequacy.
- 4.28.080** Street grades/easements.
- 4.28.090** Annexation petition.
- 4.28.100** Existing satellite systems—Required improvements.
- 4.28.110** Water meters.
- 4.28.120** Reserve account.
- 4.28.130** Connection charge.
- 4.28.140** Rates and charges.

#### **4.28.010** Definitions.

The terms used in this chapter are defined as follows:

- “Conditions and standards” means the District’s Standards and Specifications for water system construction.
- “Connection” means each user and/or lot receiving water.
- “CWSP” means the South King County Regional Coordinated Water System Plan.
- District Administrative Code (DAC) means Covington Water Districts’ codified general and permanent resolutions and minutes.
- “Satellite system” means a complete water source and distribution system which is independent of and unconnected to another public or private water system, and which has two or more connected water users.
- “Satellite Management Agency (SMA)” means an individual, purveyor or entity that is approved by the Department of Health to own or operate more than one public water system on a regional or county-wide basis, without the necessity for a physical connection between the two systems.
- “Satellite System Management (SSM) ” for Group A and B systems includes acquisition and ownership of the satellite system by the District, and/or maintenance, repairs, testing and other services provided by the District or another SMA to a satellite system.
- “Service area” means the District’s service area in the South King County Regional Coordinated Water System Plan (CWSP) established pursuant to Chapter 70.116 RCW, the Public Water System Coordination Act.
- “SSMA” means a qualified satellite services management agency.



**4.28.020 Criteria for accepting management of Satellite Systems.**

- A. It is the District's policy to require that the District's water system be extended to provide water service to property within the District's service area. Failing Group A or B systems within the District's service area may be accepted by the District, provided the existing system is upgraded to meet District standards. System upgrades will be made at the Group A or B owner's / user's expense. Any extension of the District's system to connect the newly accepted system will be paid by the current Group A or B system owners / users. The District will assist the Group A or B owners / users in pursuing available funding.
  
- B. The area proposed to be managed by the District as a Satellite System shall be located outside the District's existing, approved CWSP boundaries. The District's decision to accept Satellite System Management of a Group A or Group B system will be based on the following factors:
  - 1. The satellite system will not discourage or interfere with normal growth of the District's system and/or work a hardship on other property owners that would be benefitted by extending the District's system;
  - 2. The satellite system, existing or to be constructed, will be compatible with the District's comprehensive water supply plan and will not require the satellite system to be improved or replaced when the District's system is extended to serve the area;
  - 3. The Satellite System shall be an acceptable and appropriate expansion of the District's service area as provided by the CWSP, meaning:
    - a. The proposed area is not within another utility's service area under the CWSP;
    - b. The proposed area can be annexed to the District's service area under the CWSP; and
    - c. Customers within the proposed area must sign a petition to support annexation to the District's service area under the CWSP.
  - 4. Funding to upgrade an existing system to District standards shall be provided by the water customers of the proposed satellite system.
  - 5. Any Group A or Group B system accepted by the District must meet the minimum standards identified in Section 4.28.060.
  - 6. If and when the District's system is extended to the satellite system, the owner(s) agree to connect to the District's system, at their own cost and expense.

**4.28.030 Contract—Satellite services.**

- A. All satellite systems which are to be provided satellite management services by the District must enter into a contract with the District as a condition of receiving satellite management services from the District.

**B. Minimum contract requirements.**

1. The contract must meet the requirements of this code.
2. For the District to provide satellite management services the contract must include the terms for payment of the District's connection charges in effect at the time of contract approval. The applicable connection charges may be paid over time, subject to the negotiation and mutual agreement of terms by both parties.

**4.28.040 Satellite services.**

If the District agrees to provide Satellite System Management the District's services will consist of ownership and operation. Ownership of the system will be transferred to the District, and it will be operated by District staff.

**4.28.050 Source interruption responsibility.**

Because a satellite system receives water from a single well or aquifer, and may be located in an area where no emergency water service is reasonably available, the District will not under any circumstances undertake liability for emergency or supplemental supply in the event of diminution in, loss of, or contamination of the satellite system's water supply.

**4.28.060 Minimum standards.**

The following minimum standards shall be required of any satellite system accepted by the District:

- A. District design standards shall be met for all water system assets, including but not limited to materials and construction methods, dedicated streets and rights-of-way, cross connection protection, and backup power generation for emergency outages.
- B. Department of Health (DOH) required aquifer level and water quality monitoring systems shall be installed. Water quality monitoring systems must monitor, at a minimum, chlorine residual, pH and temperature. Existing systems must provide the District with all maintenance and testing records.
- C. Fire flow protection shall comply with county fire protection requirements at the time of satellite system connection to the District's system. Any upgrades to the Group A or B satellite system shall be completed prior to connection to the District's system.
- D. Existing systems requesting for satellite ownership management services shall provide a copy of capital and maintenance planning documents, implementation activity related the capital and maintenance documents, water quality management plans and programs, and any other documents relevant to the water system's operation.
- E. Treatment systems shall be installed as necessary, with a minimum of chlorine treatment and transferred to the District.

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**4.28.070 Well adequacy.**

Before agreeing to provide satellite system management services, the District must be satisfied that the existing source of water to the satellite system:

- A. Has been approved and a permit therefore issued by the Department of Ecology;
- B. Meets all Department of Health and other purity requirements for public water systems; and
- C. The well is of sufficient depth, and the pump and other appurtenances are adequate, to provide a continuous future supply of water in sufficient volume to meet the needs of connections to the satellite system and governmental standards.
- D. In the event the District Engineer determines that the existing source of water does not meet one or more of the above requirements and/or is not suitable for District needs, the District may direct the owners to decommission the source, at their cost, according to Section 4.08.125 of this code.

**4.28.080 Street grades/easements.**

If the streets or roads in which the satellite system mains are located have not been accepted by King County for future maintenance, the depth and location of the satellite system mains must meet any street or road grade changes that the District anticipates may be made in the future. See Section 4.04.180 of this code concerning responsibility for the cost of future grade changes.

**4.28.090 Annexation petition.**

The owners of the properties served by the proposed satellite system must enter into an irrevocable petition to annex into the District. The timing of annexation is within the discretion of the District, and may be deferred until an annexation meets the requirements of this code, and is feasible from an economic and engineering perspective. The petition to annex property outside the District's service area will also be conditioned on the District's service area being extended to include the property in accordance with the CWSP.

**4.28.100 Existing satellite systems—Required improvements.**

- A. Inspection by the District.
  - 1. Prior to acceptance of ownership of the satellite system, the District will inspect the satellite system to determine what improvements must be made in order to meet the District permitting any satellite service to bring it to the District's conditions and standards for construction of its water system.
  - 2. The applicant must deposit with the District the estimated cost of said inspection and agree to pay any additional cost beyond the deposit.
  - 3. The applicant must, at the applicant's expense, expose for inspection such components of the satellite system as the District requires. The foregoing includes, but is not limited to, the well, pump, treatment facilities and water distribution lines.

- B. Required Improvements. Based on the foregoing, the District will, in its sole discretion, determine: (1) if and what repairs or improvements must be performed by the applicant prior to the District accepting ownership (subsection D of this section); (2) if and what improvements are necessary in the future in order to continue meeting the District's conditions and standards for water system construction (subsection E of this section); (3) an estimate of the cost of each; and (4) a method of payment of each.
- C. Improvements—Timing. The District shall, in its sole discretion, determine whether all repairs and improvements necessary to meet the District's conditions and standards must be made before ownership will be accepted, or whether these shall be staged between initial and future improvements, as provided below.
- D. Initial Repairs and Improvements. Before the District will accept ownership of a satellite system, the applicant must, at the applicant's expense, make such repairs and improvements as the District determines are necessary to meet the District's conditions and standards.
- E. Future Improvements. The applicant and/or users of the satellite system must agree to pay for the cost of all future improvements beyond the initial improvements, which the District determines are necessary for the system to meet the District's conditions and standards, and provide easements satisfactory to the District for construction of said improvements.
- F. Cost of Improvements.
  - 1. The cost of at least the initial repairs and improvements must be paid before ownership will be accepted or provided. If the District elects, under subsection E of this section, to allow staged future improvements to the satellite system, the District shall determine the method of payment for the same. This may include monthly installments over and above the District's rates and/or charges to the users.
  - 2. If the District permits monthly payments as provided above, the term thereof lies within the discretion of the District, but may not be longer than five years. Said payments shall be adjusted from time to time if the District determines that the actual cost of the improvements will exceed or be less than the original estimate.

#### **4.28.110 Water meters.**

- A. If the District accepts ownership of the satellite system, all connections thereto must be metered in accordance with District standards.
- B. All connections will be billed in accordance with the DAC and current, annual rate schedules.
- C. The source of supply shall be metered.

**4.28.120 Reserve account.**

- A. A reserve account is relevant for members of the Sugarloaf Estates as a part of the Sugarloaf Satellite System as these property owners have not improved their internal distribution system nor provided for fire flow emergencies.
- B. During the annual rate study, provided internally or by consultant, the District shall determine the costs to maintain the Sugarloaf Satellite System and assess an appropriate amount to each property owner. This assessment is in addition to volumetric charges applied monthly for water consumed by each property and any additional assessments initiated during the upgrade and original satellite system ownership process started in 1999.
- C. The District determined when satellite systems were established that administrative fees to manage the account would not be charged. In lieu of administrative fund fees the District would not accrue interest on any reserve fund balance.
- D. The reserve account will be held in the District's Rate Stabilization Account and Asset Replacement Account commingled with District accounts and other satellite system reserve accounts. However, the District will separately account for each satellite system reserve account. When the District's system is extended to directly serve the satellite system, any balance remaining in that system's reserve account will be paid or credited to the persons then served by the satellite system. The District will not prorate the reserve account between persons served in the past and present by the satellite system.

**4.28.130 Connection charge.**

- A. As a condition to the District accepting ownership of any satellite system, the owners or users thereof must pay the District's standard connection charge, including the meter installation portion thereof as identified in Sections I, II, III and IV of Rate Table III.
- B. The District may permit the connection charges to be paid in monthly installments over a period not to exceed five (5) years. In such case, future increases in the District's connection charge shall not result in an increase in the amount due from the satellite system users.
- C. If the satellite system users are required to connect to the District's system prior to the time that their connection charges have been paid in full, they may nonetheless continue to pay the same in installments.

**4.28.140 Rates and charges.**

- A. The District shall charge the satellite system owner(s) a satellite system set-up charge and administrative fee as identified in Section VIII of Rate Table III. Said charge and fee will be paid, by the owner(s), prior to the District's provision of services.
- B. The District shall charge its standard labor, material and equipment rates for its satellite system services, in satellite systems owned by the District, as identified in Rate Table II.

- C. The District shall charge all approved satellite system owners the relevant Connection Charges as identified in Section III and IV of Rate Table III.

## Chapter 4.32

### STREET LIGHTING

#### Sections:

- 4.32.000 Authority to establish lighting district.**
- 4.32.010 Water customers only.**
- 4.32.020 Unimproved property—Payment.**
- 4.32.030 Collection—Unpaid charges.**
- 4.32.040 Street light size.**
- 4.32.050 Petitions.**
- 4.32.060 Rates, fees and charges.**
- 4.32.070 Hearing.**
- 4.32.080 Installation.**
- 4.32.090 Complaints.**

#### **4.32.000 Authority to establish lighting district.**

The District has the power and authority to establish a street lighting system (RCW 57.08.060). To establish a street light system, the Board of Commissioners shall adopt a resolution proposing a street lighting system and delineating the boundaries of the area to be served by the proposed street lighting system. The Board shall conduct a public hearing on the resolution to create the street lighting system.

#### **4.32.010 Water customers only.**

The District has been designated as the billing agent for Puget Sound Energy (PSE) for street light districts created by PSE within the District's incorporated service area. Only customers of the District are billed for street lights through the District. The entire cost of street lighting shall be billed to the property owners benefitted by the street lights. Costs for street lighting installation, operation and maintenance are determined by PSE.

#### **4.32.020 Unimproved property—Payment.**

Property owners seeking street lights must agree in writing to pay for all street light charges for unimproved and/or unsold property benefitted by the street lights.

#### **4.32.030 Collection—Unpaid charges.**

Charges for street lights are hereby classified as rates and the District water billing and collection regulations shall also apply to charges for street lights. See Chapter 5.16 for billing and collection procedures.

#### **4.32.040 Street light size.**

All street lights will conform to PSE design standards and specifications. Lighting district created through the District shall be designed and installed by PSE or their designee.

**4.32.050 Petitions.**

Persons desiring street lighting may circulate the District's standard printed petition. The petition must be signed by at least 60% of the water customers who will be benefitted by the street lights. The District will contact PSE for design requirements and report estimated rates to petitioners for creation of the lighting district.

**4.32.060 Rates, fees and charges.**

- A. Rate. The District has adopted a multi-tiered street light rate table included in Rate Table II and modified periodically as deemed appropriate by the Board of Commissioners. The rate for street lighting shall be charged as set forth in Rate Table II for each water customer which the District determines is benefitted by street lights, and/or each property that petitioned for street lights (regardless of changes in ownership). Said amount shall be included as part of the water bills sent such customers.
- B. Filing Fee. When filed with the District, the petition for street lighting must be accompanied by the specified filing fee. The filing fee for a street lighting petition is as set forth in Rate Table II.
- C. Termination of Lighting. Arrangements for termination or adjustment of street lighting shall be made with PSE by the customers. PSE must then notify the District as to billing requirements and termination of billing cycles. The charge for termination of street lighting is as set forth in Rate Table II, plus any charges by PSE and any out-of-pocket costs incurred by the District, divided between the customers affected by termination of street light(s).

**4.32.070 Hearing.**

After receipt of a petition to create a lighting district, a hearing will be conducted by the Board of Commissioners. Persons affected by the proposed street lighting will be given an opportunity to voice their approval or disapproval. In the absence of special or unusual circumstances, the District will accede to the wishes of a majority of the property owners within a proposed lighting district.

**4.32.080 Installation.**

The District does not install or maintain the street lights. PSE installs street lighting in accordance with PSE design criteria. The District may bill for street lights on behalf of PSE.

**4.32.090 Complaints.**

Complaints concerning street lighting performance must be directed to PSE. The District will direct customers to contact PSE in all matters regarding street lights other than the billing issues.



## **Title 5**

### **WATER SERVICE/BILLING AND COLLECTION**

#### **Chapters:**

- 5.04 Water System Rates and Charges**
- 5.08 Senior or Disabled/Low Income  
Discount**
- 5.12 Water Meters**
- 5.16 Billing and Collection Procedures**
- 5.20 Water Conservation and Emergency  
Water Use Restrictions**



## Chapter 5.04

### WATER SYSTEM RATES AND CHARGES\*

#### Sections:

- 5.04.010 General.
- 5.04.020 Rate table index.
- 5.04.030 Rate tables—Amendments and additions.
- 5.04.040 Single-family residence—Customers connected on or before April 1, 1985.
- 5.04.060 Senior citizen/disabled and low income residential rates.
- 5.04.065 Home kidney dialysis rate.
- 5.04.070 Fire sprinkler standby rate—Nonresidential.
- 5.04.080 Fire sprinkler standby rate—Residential.
- 5.04.090 Connection charges—When payable.
- 5.04.110 Connection charges—Definition.
- 5.04.120 Meter installation charge—Five-eighths-inch standard meters.
- 5.04.130 Meter installation charge—Oversize meters.
- 5.04.140 Meter installation charge—State highways.
- 5.04.150 Future facilities charge.
- 5.04.160 Existing system charge—Definition.
- 5.04.180 Existing distribution system charge—Exception.
- 5.04.195 Temporary municipal irrigation service.
- 5.04.200 Labor, material and equipment charges.
- 5.04.210 Special services—Consultants and staff.
- 5.04.220 Recording fees.

\* For other specific fees and charges, see Chapters 5.12 and 5.16 of this code and the rate tables.

#### **5.04.010 General.**

The District's water service rates are reviewed annually by the Board of Commissioners. The adopted rate tables are incorporated by reference.

#### **5.04.020 Rate table index.**

Category descriptions:

- A. Water Rates—Seasonal Rate Structure. See Rate Table I.
- B. Miscellaneous Charges. See Rate Table II.
- C. Connection Charges. See Rate Table III.

**5.04.030 Rate tables—Amendments and additions.**

- A. The District shall maintain rate tables, which will be accepted by motion of the Board of Commissioners.
- B. The District rate tables may be amended from time to time, and each amendment will become official upon the Board of Commissioner's acceptance by motion.
- C. Sections may be added to the District rate tables from time to time, and each addition will become official upon the Board of Commissioner's acceptance by motion.

**5.04.040 Single-family residence -Customers connected on or before April 1, 1985.**

These customers will be charged at the five-eighths-inch meter size flat rate regardless of the size meter serving the property.

**5.04.060 Senior citizen/disabled and low income residential rates.**

Customers that meet the criteria established by Chapter 5.08 of this code will have the fixed rate waived for their account and pay only a consumption charge as set forth in Rate Table I.

**5.04.065 Home kidney dialysis rate.**

A home kidney dialysis rate is established, and patients who have applied and provided documentation from the Northwest Kidney Center or an equivalent organization satisfactory to the District shall be granted an additional 17 ccf to be billed at the same rate as the first block use allowance in effect at the time of such use. Second and third block use allowances shall be billed at the District's then-standard rate after calculation of the 17 ccf home kidney dialysis block.

**5.04.070 Fire sprinkler standby rate—Nonresidential.**

For each separately metered fire sprinkler system, the District shall assess an additional meter charge for a nonresidential connection per Rate Table I.

**5.04.080 Fire sprinkler standby rate—Residential.**

In those cases where an application is made for a new meter installation and the customer will be installing a residential fire sprinkler system, the cost of installation shall be set forth in Rate Table III, "Meter Installation Charge" and "Fire Sprinkler System Meters". Water service charges will be those applicable for the size meter within the customer category in Rate Table I.

**5.04.090 Connection charges—When payable.**

- A. An application for water service must be accompanied with full payment of all applicable connection charges.

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- B. All connection charges must be paid in full before the District will accept a meter application. Additionally, the meter installation charge must be paid before the meter is put in place or water is provided to a customer.
- C. The meter installation charge is non-refundable and considered a payment toward the cost of installing the meter(s). If the meter installation is delayed at the customer's request and the rate changes between the time of payment and the date of installation, the difference between what was paid and the rate at time of installation must be paid before installation can occur.
- D. Connection charges shall be paid in full prior to providing any water service or meter installation, including meters for individual fire sprinkler systems. Water for testing of customer plumbing and/or fire sprinkler systems shall be allowed for a single period of five (5) consecutive working days. Water for testing shall be metered and the meter locked "off" until final acceptance.

#### **5.04.110 Connection charges—Definition.**

The "connection charge" is the total of the following charges, as set forth in Rate Table III:

- A. Meter installation charge;
- B. Future facilities charge; and
- C. Existing system charge consisting of two components:
  - 1. Existing general facilities charge,
  - 2. Existing distribution system charge.
- D. Fire Hydrant Lock installation charge.

#### **5.04.120 Meter installation charge—Five-eighths-inch standard meters.**

Regardless of which side of the road the meter is on, the charge for installation of five-eighths-inch standard meters is as set forth in Rate Table III.

#### **5.04.130 Meter installation charge—Oversize meters.**

In the case of all meters other than five-eighths-inch standard meters, the District shall charge its actual labor and material costs, plus an administrative fee. See Rate Table II.

#### **5.04.140 Meter installation charge—State highways.**

For meters installed in any state highway (including five-eighths-inch standard meters), the District shall charge its actual labor and material cost, plus an administrative fee and permit fees. See Rate Table II.

**5.04.150 Future facilities charge.**

“Future facilities charge” means a charge to a new service addition to the District’s water system for the investment in future additions or improvements to the system. The charge is in proportion to the capacity the new service contributes to the system and is intended to pay for the growth in facilities necessitated by the new service connection.

The per meter future facilities charge is as set forth in Rate Table III.

**5.04.160 Existing System charge—Definition.**

- A. The “existing system charge” is the amount an applicant must pay to the District as the applicant’s fair share of the District’s “plant in service” beyond outstanding debt and depreciation. It includes both existing distribution and general facilities not paid for by other means such as the District’s future facilities charge.
- B. The existing system charge consists of two components:
  - 1. The existing distribution system charge; and
  - 2. The existing general facilities charge.
- C. The existing system charge is the total of the following two charges:
  - 1. Existing General Facilities Charge. The charge shall be as shown in Rate Table III.
  - 2. Existing Distribution System Charge. Each customer connecting to the District’s system shall pay for each foot of property owned by the customer and fronting a District water main the amount set forth in Rate Table III, or the amount set forth in any applicable developer reimbursement agreement, whichever is greater. Provided, however, that in no event shall the above charge be for less than required for 100 feet of property frontage.

**5.04.180 Existing Distribution System charge—Exception.**

The following exceptions apply to the above Existing Distribution System charge, but not to the Existing General Facilities System charge:

- A. Utility Local Improvement District. In the case of property that has been assessed through a ULID (other than ULID No. 1, below), the Existing Distribution System charge shall be considered paid.
- B. ULID No. 1 Property. For connection after the first connection on property under a single ownership at the time of, and assessed in, ULID No. 1, the entire Existing System charge, including both distribution and general facilities, shall be as set forth in the rate tables.
- C. Developer Extensions. Where the property fronts on and is to be connected to a developer constructed main (“developer extension”) and is located within the development (or is property that contributed to the developer’s cost of the extension), the existing distribution system charge has been paid. Provided, however, where that property also fronts on another water main not constructed as part of the present develop-

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er extension, the existing distribution system charge must be paid for that part of the property.

- D. ULID No. 9/Irwin Estates Property. For Lots No. 2 and 12 of Irwin Estates, the entire system charge, including both distribution and general facilities, for each lot is the charge set forth in the rate tables plus interest thereon at the rate of 12% per year beginning November 1, 1984.

#### **5.04.195 Temporary Municipal Irrigation Service.**

It shall be a policy of the District that federal, state or local public agencies (i.e. public use only) which desire temporary irrigation service to public rights-of-way and which first obtain a water availability certificate, have the option to apply for a temporary irrigation meter with the following considerations for fees and connection charges:

- A. Prior to the installation of an irrigation meter, the agency shall pay the District 30% of the total irrigation meter "connection charge" as defined in Section 5.04.110;
- B. The agency shall pay an additional 50% of the irrigation meter connection charge, as described in Section 5.04.110, upon the first anniversary of the installation, in the event the meter is not removed and returned to the District before such date.
- C. The agency shall pay for the 20% balance after a period of three years has passed from the time of meter account activation unless the meter is returned. The District will note the connection charge balance due on the normal billing and note it to be due in full after the three-year period has passed.
- D. The agency shall pay the full fee for meters and installation charges, as well as full irrigation rates on water consumption.
- E. Should a public agency desire to reuse the meters for a new right-of-way irrigation project, the agency shall continue the payment schedule where the previous project left off, until full and current connection charges are collected;
- F. Should the meters be reused on a new right-of-way project, the meter-equivalent residential units (ERU) shall be re-calculated to ensure the District receives the connection fees related to the highest ERU usage;
- G. There shall be no refund of paid connection charges when meters are removed under the conditions of this policy.

#### **5.04.200 Labor, material and equipment charges.**

- A. For all labor, materials and equipment furnished or utilized by the District other than for the District's own purposes, the District shall charge at such rates set forth in Rate Table II, plus an administrative fee.
- B. Where, employee time is incurred outside District office hours, it shall be charged at one and one-half the above amount and twice the above amount on Sundays and holidays.

**5.04.210 Special services—Consultants and staff.**

Where, in the sole discretion of the District, time expended by the District's attorney, engineers, General Manager or other personnel is primarily for the benefit of someone other than the District, the District shall charge the person benefitted the appropriate hourly rate for employee's and/or consultant's time, plus an administrative fee.

Provided, however, that the District shall not charge the foregoing without first notifying the owner or other person in advance and giving him or her an opportunity to elect whether or not to proceed with the matter and/or to utilize the District's services.

**5.04.220 Recording fees.**

Each short extension agreement, easement or other document related thereto shall be recorded with King County records and elections. At the time of payment of the connection charge for the property, the property owner shall pay the District as set forth in Rate Table II. Water service will not be extended to the property until the connection charge and recording fees have been paid.



## Chapter 5.08

### SENIOR OR DISABLED/LOW INCOME DISCOUNT

#### Sections:

- 5.08.010 Authorization.**
- 5.08.020 Definitions.**
- 5.08.030 Disability.**
- 5.08.040 Age.**
- 5.08.050 Fixed rate waiver.**
- 5.08.060 Household eligibility.**
- 5.08.070 Renters.**
- 5.08.080 Voluntary participation.**
- 5.08.090 Modification and termination.**
- 5.08.110 Leak adjustment policy – Special consideration.**

#### **5.08.010 Authorization.**

- A. RCW 74.38.070 authorizes reduced rates for low income senior citizens or low income disabled citizens; and it is the intent of the District to adopt such a program for all qualified customers.
- B. The fixed rate for single-family residential connections for low income senior citizens and low income disabled citizens shall be waived for all eligible persons.

#### **5.08.020 Definitions.**

As used in this chapter:

“Disabled citizen” means (1) a person qualifying for special parking privileges under RCW 46.19 (2) a blind person as defined in RCW 74.18.020 (4), or (3) a disabled, handicapped, or incapacitated person as defined under any other existing state or federal program.

“Senior citizen” means a person who is 62 years of age or older.

“Low Income” shall be based on the combined household income.

The eligibility of a low income disabled or senior citizen shall reflect but not exceed the very low income limits published annually by HUD for the Seattle-Bellevue HUD Metro FMR area.

#### **5.08.030 Disability.**

In those cases where eligibility is based on disability, proof can consist of either a medical doctor’s written verification that the requirements are met or by showing proof of issuance of special parking privileges pursuant to RCW 46.16.381(1).

**5.08.040 Age.**

In those cases where eligibility is based on age, photo identification such as a driver's license, state identification card, or passport will be required.

**5.08.050 Fixed rate waiver.**

Fixed rates to be waived shall not exceed the District's standard rates for a five-eighths-inch meter presently in effect. See Rate Table I.

**5.08.060 Household eligibility.**

Only one member of the household must be eligible to qualify as a senior citizen or disabled person for reduced rates. However, all household income must be used to meet eligibility for low income.

**5.08.070 Renters.**

Those renters who can qualify as eligible persons must also show satisfactory written proof that they pay their own water bills or that the amount of the water bill has been specifically added to the rent and that rent will be reduced by the amount of the reduction granted by the District. The fact that a landlord pays the water bill will not qualify without further proof.

**5.08.080 Voluntary participation.**

Participation in the program shall be voluntary and applicants must acknowledge in writing that they are eligible; that they will immediately advise the District of any changes in eligibility; that they waive any claim of confidentiality in any information provided and agree to release the District from any and all claims that might arise out of the disclosure of such information to any other party or entity; that they agree to pay any amounts due for periods of reduced rates when not eligible; that they will show proof of continued eligibility annually.

**5.08.090 Modification and termination.**

This program will be subject to modification or termination at the sole discretion of the Board of Commissioners and will not create any right to future rate reduction.

**5.08.110 Leak adjustment policy – Special consideration.**

To qualify for a special consideration of a leak adjustment, customers must meet the following criteria to be eligible for the recalculated senior or disabled low income leak adjustment.

- A. Customers must have on file an acceptable application that qualifies the household as a senior or disabled low income customer.

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- B. If the leak for which a leak adjustment is sought was located in the service line, the service line must be replaced. If the leak was in a fixture or other appurtenance to the service line, the fixture or appurtenance must be repaired or replaced.
- C. The value of the leak adjustment prior to any exception must exceed \$2,000.
- D. The calculation for qualifying leaks will be as follows:
  - 1. Calculate all water consumption at the 1<sup>st</sup> rate block of water usage.
  - 2. Calculate the leak adjustment at the 1<sup>st</sup> rate block of water usage.
  - 3. The difference will be the special leak adjustment for the account.
  - 4. A payment plan may be approved on the remaining balance.

For leak adjustment policy procedures, see Chapter 5.16.250 of this Code.

## Chapter 5.12

### WATER METERS

#### Sections:

#### Article I. Meter Installation\*

- 5.12.010** Installation, maintenance and ownership.
- 5.12.020** Service Lines.
- 5.12.030** Residential Meter Check Valves.
- 5.12.040** Clearance around meter box.
- 5.12.050** Definition—Drop-in / dig-in.
- 5.12.060** Separate meters—Single-family residences.
- 5.12.080** Single structure—Separate meters.
- 5.12.090** No resale of water.
- 5.12.100** Meters—Fire protection sprinkler systems.
- 5.12.110** Hydrant meter/RPBA rental.

#### Article II. Unauthorized Water Use

- 5.12.200** Registration required.
- 5.12.210** Water theft.
- 5.12.220** Meter tampering charge.
- 5.12.230** Theft—Fire suppression system.

#### Article I. Meter Installation\*

\* For rates and charges, see Chapter 5.04 of this code and Rate Table III.

#### **5.12.010 Installation, maintenance and ownership.**

- A. All water meters in the District's system shall be purchased, installed, owned and maintained by the District, subject to the terms of the District's application for water service. Provided, however, the District may permit meters larger than one inch and compound meters that do not serve a single-family residence, to be installed by the developer. In such case, the installation shall be subject to inspection and approval by the District.
- B. A nonresidential developer's contractor may install the subject meter provided:
  1. The developer has provided the requisite data for the District to confirm the appropriate meter size and type;
  2. The developer completes the appropriate application and pays the appropriate fees set forth in the Rate Table III Rate Schedule; and
  3. The District inspects the installation on a mutually agreed schedule.

5.12.020

**5.12.020 Service Lines.**

It is the responsibility of the property owner to install and maintain, at his/her expense, a service line from the water meter to the point of use. In areas where the system pressure is in excess of eighty psi the property owner shall be responsible for the installation and maintenance of a pressure reducing valve (PRV) in accordance with the Uniform Plumbing Code (UPC).

**5.12.030 Residential Meter Check Valves.**

On all future standard residential meter installations, the District shall install an angle check on the meter outlet between the meter and the house, in accordance with the approved District Standards and Specifications.

**5.12.040 Clearance around meter box.**

There shall be a one-foot clearance around a meter box.

**5.12.050 Definition—Drop-in / dig-in.**

- A. A “drop-in” is a meter placed in an existing box (with cover) and connected to an existing water main tap, both of which were installed by the developer.
- B. A “dig-in” is a meter where the box and/or tap were or are installed by the District, and where any work or adjustments over and above connecting the meter to the property service line are required.

**5.12.060 Separate meters—Single-family residences.**

- A. Each single-family residence (including townhouses and/or cottage homes) connected to the District’s system must be separately metered. Two separate single-family parcels and/or other customers shall not share a single meter.
- B. Any non-permitted ADU as defined in 4.08.130 shall be charged the flat fee as set forth in Rate Table 1 for each dwelling attached to a single meter.

**5.12.080 Single structure—Separate meters.**

- A. Each separate structure is typically separately metered.
- B. A single meter providing service to multiple users within a structure is permitted only when a single owner is responsible for the billing, such as for apartment buildings, RV parks, mobile home parks, etc. as determined by the District.
- C. Owners may install multiple meters for duplex housing or apartments; however, connection charges and fees must be paid on the basis of each meter issued and the owner shall remain responsible for the billing.

- D. Under no circumstances will a master meter be approved where it serves two separate ownerships or developments; nor will one be allowed where there is a possibility that the ownership of the property could, in the future, be divided.
- E. An appropriate backflow prevention device shall be installed prior to service for any meter serving multiple users in accordance with the approved Standards and Specifications. All non-residential meters must be protected with a Backflow Prevention Device (See Section 4.12).

#### **5.12.090 No resale of water.**

Under no circumstance will any customer served by a master meter be allowed to resell District water to those served by the master meter, or to anyone else. However, the owner (master meter customer) may divide the actual cost of the water among those using it so that each bears his/her proportionate share without profit to the owner. It is the intent of the District to provide end users of District water who are required by the owner (master meter customer) to pay an amount above their pro rata share of the actual cost of the water with an appropriate legal remedy. In that regard, all end users of District water shall be deemed to be intended third party beneficiaries in situations which constitute a violation of this provision. This provision shall not apply to wholesale water agreements between the District and another municipal entity or water purveyor. A violation of this provision shall also lead to the imposition of a surcharge in accordance with Section IV (other Miscellaneous Charges) of Rate Table II.

#### **5.12.100 Meters—Fire protection sprinkler systems.**

District-approved water meters are required on all connections to the District's system, including separate connections for residential or nonresidential fire protection standby sprinkler systems. Such separate sprinkler connections must have premises isolation as defined in the District Standards and Specifications for cross-connection control in accordance with the Washington State Department of Health requirements.

#### **5.12.110 Hydrant meter/RPBA rental.**

- A. The District will, on request, issue a District-owned hydrant meter/RPBA to registered water users, upon payment of the District's deposit and execution of the District's standard registered water user agreement.
- B. Deposit. The deposit for a hydrant meter/RPBA shall be as set forth in Rate Table II. On return of the hydrant meter, the use charge and the estimated cost of repairing any damage to the meter or RPBA shall be applied against the deposit. Any additional amount due the District must be paid at the time of return. Any refund shall be promptly returned to the customer.
- C. Rate. The fixed charge rate for use of a District hydrant meter/RPBA plus the District's commodity charge is as set forth in Rate Table I.

## **Article II. Unauthorized Water Use**

### **5.12.200 Registration required.**

No individual, governmental body or entity other than fire districts and/or fire departments may use District water except through an approved and installed meter, without having previously registered as a water user with the District (on the District's standard form) and been issued a meter by the District.

### **5.12.210 Water theft.**

Use of District water, except in the manner provided above, shall be considered theft. In addition to criminal prosecution and/or other legal proceedings, the District shall bill the person taking the water:

- A. At the highest nonresidential rate, as set forth in Rate Table I for the actual or an estimate of the water used.
- B. Additional penalties as prescribed in Rate Table II.

### **5.12.220 Meter tampering charge.**

- A. Removal of a locking device or using the meter to deliver water in a manner other than prescribed in the authorized use shall constitute meter tampering.
- B. If the lock (or pin) is removed from a locked meter, or a meter, service, or meter box is intentionally (or negligently damaged or tampered with in any other way) by the owner or owner's representative, the owner shall pay the District's actual repair or replacement cost plus the applicable tampering charge established in Rate Table II. The repair cost shall be the District's labor, material, equipment and administrative charges as set forth in Rate Table II. Replacement cost shall be calculated in the same manner, plus the actual cost to the District of the replacement meter. Whether the meter shall be repaired or replaced lies within the sole discretion of the District. If non-district personnel move meters, the fine will be as set forth in Rate Table II.

### **5.12.230 Theft—Fire suppression system.**

Use of District water, through a fire sprinkler meter, for other than actual fire use or system testing, shall be considered unauthorized use of the sprinkler line. Charges for non-fire related use of a fire suppression system will be treated as tampering and water theft and, charged in accordance with Rate Table II and the charges included in the monthly rate.

**Chapter 5.16****BILLING AND COLLECTION PROCEDURES****Sections:**

- 5.16.010 Applicability.**
- 5.16.020 Billing—Schedule.**
- 5.16.030 Billing—By meter size and customer classification.**
- 5.16.040 Automatic payment plan.**
- 5.16.060 Late payment penalty.**
- 5.16.070 Reminder notice.**
- 5.16.080 Disconnect notice.**
- 5.16.090 Lien—Foreclosure.**
- 5.16.100 Lien—Early filing.**
- 5.16.120 Resumption of service/lien release.**
- 5.16.130 Appeal notice.**
- 5.16.140 Appeal hearing.**
- 5.16.150 Failure to receive a bill.**
- 5.16.160 Form of payment.**
- 5.16.170 Dishonored payment charge.**
- 5.16.180 Bankruptcy deposit.**
- 5.16.190 Payment arrangements.**
- 5.16.200 Payments on accounts in accordance with RCW 57.08.081—Any funds received.**
- 5.16.210 Meter removal.**
- 5.16.220 Meter reconnection charge.**
- 5.16.230 Rental property.**
- 5.16.240 Crossed meters.**
- 5.16.250 Leak adjustment policy.**
- 5.16.255 Leak adjustment policy – Special consideration.**
- 5.16.260 Account set-up and close-out fees.**

**5.16.010 Applicability.**

The regulations contained in this chapter shall apply to all customers.

**5.16.020 Billing—Schedule.**

The General Manager or designee shall determine the billing schedule for monthly and bi-monthly statements. Statements shall cover service charges for the period shown thereon and shall be issued and forwarded by mail to the customer as soon as practicable after the meter reading.



5.16.030

**5.16.030 Billing—By meter size and customer classification.**

Water consumption during a billing period will be billed at the rate for that size meter, class of service and seasonal rate structure as set forth in Rate Table I.

**5.16.040 Automatic payment plan.**

Customers interested in automatic withdrawals for payment of water service may sign up through the District.

**5.16.060 Late payment penalty.**

A bill for which payment has not been received in the District office by the due date indicated on the billing statement is considered delinquent and will be assessed a late penalty of 10% of the amount due.

- A. The late payment penalty will not exceed the maximum as set forth in Rate Table II.
- B. A waiver of the late payment penalty is allowed one time per account, every six years.

**5.16.070 Reminder notice.**

A customer whose bill remains unpaid for 25 days after the date of the bill shall be mailed the District's standard seven-day reminder notice to pay the bill.

**5.16.080 Disconnect notice.**

- A. If the bill is not paid in full by the due date stated on the Reminder Notice, the customer shall be mailed the District's standard seven-day disconnect notice to pay or water service will be terminated. At the sole discretion of the District, a notice may be provided to a nonresidential account before it is locked for nonpayment. In this event, the customer will be given an additional 48 hours to pay the bill, but will be charged a fee as set forth in Rate Table II.
- B. In the event that the bill is not paid in full by the date specified in the disconnect notice, water service will be terminated. Provided, however, that where the District has received written proof, satisfactory to the District, that termination of water service will be life threatening, the District will not terminate water service. In such case, the District shall proceed to collect the unpaid water bill through lien foreclosure or other remedies available to it.
- C. The District's charge for nonpayment of a water bill, after the disconnect notice time has expired, is set forth in Rate Table II. See also Chapter 5.04 of this code.

**5.16.090 Lien—Foreclosure.**

- A. When a water bill is delinquent for 60 days, a lien therefore (including late and non-payment penalties and charges) may be foreclosed by the District in the manner provided in RCW 57.08.081.

- B. Said lien shall be filed against the property served for the entire unpaid bill, including penalties, nonpayment charges, accrued interest and lien filing fees as set forth in Rate Table II.
- C. Termination of water service, and filing and foreclosure of a lien are not alternatives or an election of remedies to collect an unpaid water bill. Both shall be done in accordance with the foregoing procedure.

**5.16.100 Lien—Early filing.**

Notwithstanding the above, a lien may be filed at any earlier time that the District deems itself insecure in collection of the bill. In such case, however, the increased non-payment charge shall not be required if the bill is paid prior to the time that the lien would otherwise have been filed.

**5.16.120 Resumption of service/lien release.**

The entire amount due the District, including penalties, nonpayment charges, accrued interest and lien filing fees must be paid before water service is restored and/or the lien released.

**5.16.130 Appeal notice.**

- A. The reminder and disconnect notices shall advise the customer of the right to a hearing before a District representative on the amount or accuracy of the bill.
- B. In the event a written request for a hearing is received, the District representative shall notify the customer of the date, time and place for the hearing. Any scheduled disconnect will be delayed until the conclusion of the hearing.

**5.16.140 Appeal hearing.**

At the hearing, the District Manager or designee shall afford the customer reasonable opportunity to present evidence and argument in support of the customer's claim of error or irregularity with respect to the bill. After giving careful consideration to any evidence and argument presented, the District representative shall make any adjustment in the bill the representative believes fair and equitable.

**5.16.150 Failure to receive a bill.**

Failure to receive a bill does not relieve a customer of the responsibility for payment of charges and penalties.

**5.16.160 Form of payment.**

- A. The District will not be responsible for cash put in the mail. Checks or money orders should be made payable to the District and mailed or delivered to the District office at the address shown on the bill.

5.16.170

- B. Time in the mail does not extend the payment date or any deadline date set forth in the District's notices.

**5.16.170 Dishonored payment charge.**

Each time a payment is dishonored by the bank on which it is drawn, the District shall charge the customer as set forth in Rate Table II.

See also Chapter 5.04 of this code.

**5.16.180 Bankruptcy deposit.**

- A. Where a customer declares bankruptcy under Bankruptcy Code Chapter 7, 11 or 13, the District will not terminate water service to a property included in the debtor's schedules if the debtor posts with the District a security deposit equal to three times the average water bill to the property over the preceding 12 months.
- B. If any water bill is not paid in full prior to the time the District would otherwise disconnect water service, the amount of the bill shall be applied against the deposit. After the deposit is exhausted, the District may disconnect water service in accordance with its normal procedure.

**5.16.190 Payment arrangements.**

- A. The District may extend a payment arrangement to residential customers, in conjunction with the leak adjustment process. If the customer is not eligible for a leak adjustment, the District may, at its sole discretion offer a payment arrangement with the customer to extend payment of the unusually high bill.
- B. Water service will be disconnected in accordance with the delinquency procedures should an account be past due.

**5.16.200 Payments on accounts in accordance with RCW 57.08.081—Any funds received.**

Any funds received by the District in payment of utility services will be applied against said charges, if applicable, in the following priority:

1. Penalties and interest;
2. Lien fees;
3. Street lights;
4. All "flat charge per billing" per the Rate Table I;
5. Water consumption.

**5.16.210 Meter removal.**

- A. At the property owner's request, a meter will be removed by the District and the service abandoned to the main line at a cost to the property owner for the time and materials rates set forth in Rate Table II.
- B. The reconnection fee and all delinquent charges and penalties must be paid before a meter will be reconnected (reinstalled).
- C. A credit for any paid connection charges equal to the value of the connection charge at the time of disconnect shall be available and valid for six years from the disconnect.

**5.16.220 Meter reconnection charge.**

If a meter is removed at a customer's request and provided that required connection charges are paid, that the meter will be reinstalled, at their request, at charges set forth in Rate Table II for new meter installation.

See also Chapter 5.04 of this code.

**5.16.230 Rental property.**

Water to rental property shall be billed directly to the owner, with duplicate billing to "Resident" upon request. In cases where the property is not owner occupied and duplicate billing is in effect, a Disconnect Notice will be mailed to the "Resident" at the service address.

See also Chapter 5.04 of this code.

**5.16.240 Crossed meters.**

The District has no responsibility to adjust past water bills where two customers' service lines have been "crossed" or misconnected such that each customer has been paying the other's water charges, unless it was the District that connected the service lines. The District shall, however, without cost to either customer: (1) correctly reconnect the two service lines; and (2) on request, provide the affected customers with the District's billing records for these two meters for a period not to exceed five years.

For meter tampering charges, see Section 5.12.140 of this code.

**5.16.250 Leak adjustment policy.**

- A. The District's responsibility, as far as the water distribution system is concerned, ends at the water meter. The service line from the meter to the residence is owned by the customer, and repair of any leaks in that area is the customer's responsibility.
- B. Since our community's groundwater supply is limited and using it efficiently is of prime importance, the District urges customers to repair all leaks promptly. To support our customers in this endeavor, the District offers one leak adjustment, every eight (8) years during the term of home ownership.

- C. Leak Adjustment—Qualifying and Procedure.
  - 1. To qualify, customers must be in compliance with all District policies and be current in their obligations to the District; in addition, customers must submit proof of repair in the form of a receipt for plumber’s service and/or for materials used in the repair.
  - 2. The adjustment will be calculated by establishing the average usage over the same period in the previous two years, translating the average balance into the current year’s rate schedule, and reducing the dollar amount in excess of the average bill by 50%.
  - 3. To initiate the process, the District must receive a copy of the receipt(s) along with a Covington Water District Leak Adjustment Request Form.
  - 4. The written request must be received by the District within 12 months of when the leak occurred.
- D. Leak adjustments may be extended to not more than two billing periods at the sole discretion of the District, provided the consumption record confirms the leak spanned multiple billing periods.
- E. The customer may receive one leak adjustment, every eight (8) years during the term of home ownership. Documentation of a full service line replacement is required for any account to be considered eligible for an additional leak adjustment within the 8-year period.
- F. A new owner is entitled to a leak adjustment on the same service line the previous owner received a leak adjustment, if in the sole discretion of the District, the new owner did not have knowledge of the leak prior to purchase.
- G. Leaks associated with indoor appliances (including hot water tanks), a water feature or other outdoor amenity such as but not limited to a hose, pond, fountain, greenhouse or swimming pool; and/or any water loss resulting from malfunctioning systems within a water feature or outdoor amenity are not eligible for a leak adjustment.

**5.16.255 Leak adjustment policy – Special consideration.**

To qualify for a special consideration of a leak adjustment, customers must meet the following criteria to be eligible for the recalculated adjustment:

- A. The value of the leak adjustment prior to any exception must exceed \$4,000.00.
- B. Special consideration will apply to residential customers only.
- C. The entire service line must be replaced, repairs will not be considered.
- D. The service line replacement must occur within 60 days of becoming aware of a leak.
- E. Receipts and/or invoices must accompany the Leak Adjustment Request form.
- F. A District inspection will be completed to verify full line replacement.

- G. The calculation for qualifying leaks will be as follows:
1. Calculate all water consumption at the 2<sup>nd</sup> rate block of water usage.
  2. Calculate the leak adjustment at the 2<sup>nd</sup> rate block of water usage.
  3. The difference will be the special leak adjustment for the account.
  4. A payment plan may be approved on the remaining balance.

**5.16.260 Account set-up and close-out fees.**

- A. At the time an account is set up in the new owner's name, a fee will be charged as set forth in Rate Table II.
- B. At the time an account is being closed out, a fee will be charged as set forth in Rate Table II.

## Chapter 5.20

### WATER CONSERVATION AND EMERGENCY WATER USE RESTRICTIONS

#### Sections:

- 5.20.010** Water conservation plan adopted.
- 5.20.020** Water use efficiency goals and program.
- 5.20.030** Emergency conditions.
- 5.20.035** Water allotments for livestock during an emergency.
- 5.20.040** Violation—Penalty.

#### **5.20.010** Water conservation plan adopted.

The District Board of Commissioners adopts and incorporates into this chapter by reference the District's 1993 Water Conservation Plan and Water Use Efficiency Goals and Program.

#### **5.20.020** Water use efficiency goals and program.

- A. The District adopted its Water Use Efficiency Rule Goals and Program, in accordance with the Washington State Department of Health (DOH) Water Use Efficiency Rule, in January of 2007.
- B. The District is also a member of the Puget Sound Partnership for Water Conservation and participates in some of the programs developed for conservation in Puget Sound.
- C. Water Use Efficiency Goals.
  - 1. Install production (source) meters;
  - 2. Install consumption (service) meters;
  - 3. Perform meter calibrations;
  - 4. Implement a water loss control plan;
  - 5. Educate customers about water use efficiency at least once a year.And evaluate the following:
  - 6. Evaluate rates that encourage water demand efficiency;
  - 7. Evaluate reclamation water opportunities.

#### **5.20.030** Emergency conditions.

Under emergency conditions the District has the authority under RCW 57.08.170 to implement restrictions and enforce compliance through fines and/or disconnection of water service.

**5.20.035 Water allotments for livestock during an emergency.**

- A. Water allotments per connection shall consider livestock needs for those properties raising cattle, sheep, goats, horses, poultry or other livestock animals, defined as domesticated animals raised in an agricultural setting to produce commodities such as food, fiber and labor.
- B. For purposes of this section, the term “livestock” shall be as defined in RCW 16.36.005.
- C. Calculations for allotment per animal shall come from industry standard research organizations, including the United States Department of Agriculture – Natural Resource Conservation Service (NRCS) “National Range and Pasture Handbook, Chapter 6”, Penn State College of Agricultural Sciences, “Poultry Management Reference Manual”, 1983, or North Dakota State University agriculture research AS-954.

**5.20.040 Violation—Penalty.**

- A. Fines for violation of mandatory (Stage III) or rationing (Stage IV) levels of the emergency water use restrictions under the District’s Water Shortage Response Plan shall be imposed as follows:
  - 1. First violation—Warning;
  - 2. Second violation—Two hundred dollars (\$200.00);
  - 3. Third violation—Four hundred dollars (\$400.00);
  - 4. Fourth violation—Six hundred dollars (\$600.00);
  - 5. All fines are cumulative throughout the six stages of a water shortage period, or any combination of water shortage stages.
  - 6. Additional violations may result in termination of water service.
- B. All conservation fines and penalties shall be added to the monthly billing statement and be subject to the procedures outlined in Chapter 5.16 for billing and collection.





**Title 6**

**ENVIRONMENT**

**Chapters:**

**6.04 Environmental Policy**



## Chapter 6.04

### ENVIRONMENTAL POLICY

#### Sections:

- 6.04.010 Adoption of state guidelines.**
- 6.04.020 Responsible official.**
- 6.04.030 Application review.**
- 6.04.040 Preparation of EIS, checklist, etc.**
- 6.04.050 Approval—Governmental action.**
- 6.04.060 Appeals.**
- 6.04.070 Environmental impact statement charge.**
- 6.04.080 Compliance with the Endangered Species Act.**

#### **6.04.010 Adoption of state guidelines.**

The District adopts by reference, to the extent applicable, Chapter 197-11 of the Washington Administrative Code (the SEPA guidelines) as presently in effect and as hereafter amended, including both those provisions that are mandatory and those that are only recommended.

#### **6.04.020 Responsible official.**

- A. The District's General Manager shall be its "responsible official" within the meaning of the SEPA guidelines. As such, the General Manager is charged with carrying out the District's duties and functions, including when the District is acting as a lead agency.
- B. Should the General Manager be temporarily absent, or unable to fulfill his/her duties, or should the office of responsible official be vacant, the District's engineer shall act as the responsible official. If the consulting engineer for the District is a corporation or partnership, then the foregoing shall mean that firm's representative to the District.

#### **6.04.030 Application review.**

Review of all applications submitted to the District, and determination of whether or not the application proposes an action which is or is not either significant or exempt, is the responsibility of the General Manager. In addition, the General Manager shall be responsible for providing responses to consultation requests from other agencies.

#### **6.04.040 Preparation of EIS, checklist, etc.**

Any draft and final environmental impact statements, checklist and other documents shall be prepared either by the General Manager or his/her designee. The General Manager shall have the authority, without the necessity of Board action, to refer preparation of any such document to the private applicant; a consultant retained by the private applicant and approved by the General Manager; or the District's consulting engineers.

6.04.050

**6.04.050 Approval—Governmental action.**

No governmental action, for which an EIS has been prepared, shall be taken by the District without prior approval of the Board of Commissioners.

**6.04.060 Appeals.**

Anyone aggrieved by a threshold determination (checklist), EIS, or governmental action by the District may appeal to the Board of Commissioners. An aggrieved party must appeal the District's action and its accompanying environmental determination, if any, at one time. Any such appeal must be in writing and set forth, in detail, in each of the petitioners' objections. Any such appeal must be filed with the District either (1) within 30 days of the action having been taken, or (2) prior to award of a construction contract, whichever shall occur sooner. In no event, however, shall a petitioner have less than 10 days within which to appeal to the Board of Commissioners. Upon such an appeal being filed, the Board of Commissioners shall schedule a hearing within 30 days of the date of filing.

**6.04.070 Environmental impact statement charge.**

There shall be no filing fee required of an applicant. However, the cost of preparing and/or defending an EIS, or other action taken by the District pursuant to the SEPA guidelines, including time expended by District personnel and/or consultants at their regular hourly rate plus 15%, shall be borne entirely by the applicant.

**6.04.080 Compliance with the Endangered Species Act.**

It is the expressed policy of the District to identify, prioritize and implement policies, procedures and practices to assure compliance with the Endangered Species Act of 1973 and all other federal, state and local laws and regulations and to identify and avoid any unlawful take of endangered or threatened species while otherwise meeting the District's mandate to provide a safe and reliable source of potable water.

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