

LAKEHAVEN WATER AND SEWER DISTRICT
King County, Washington

Resolution No. 2020-1347

A RESOLUTION of the Board of Commissioners of Lakehaven Water and Sewer District, King County, Washington authorizing the collection of fees and charges and establishing the description and implementation of such fees and charges and superseding Resolution No. 2019-1329.

WHEREAS, the Board of Commissioners desires that fees and charges established for services and requests for service provided and made to customers on a non-recurring basis and which are not otherwise included in the District's monthly rates, bear a direct relationship to the cost of provision of same, and

WHEREAS, having fully reviewed and considered such fees and charges so that the description and provisions for implementation of such fees and charges contained herein, as well as policies stated in support thereof, represents and establishes a fair and equitable method and rate of collection of fees and charges;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Effective on January 1, 2021, Resolution No. 2019-1329 shall be superseded and the fees and charges as established hereunder shall be applicable.
2. POLICIES
 - i) The District shall collect fees and charges which equitably and fairly distribute the capital costs of the water and sewer systems to the various properties served on the basis of the usage of the respective systems and that adequately reimburse the District for costs associated with specific service requests and other necessary expenses relating to the administration of activities associated with such requests. In this designation, they shall be distinguishable from monthly or periodic rates.
 - ii) The fees and charges collected pursuant to this Resolution are based upon the District's best estimate of the actual cost of the services provided and may be adjusted, if necessary, in accordance with any special circumstances. Where District personnel shall perform services for which a fee or charge is to be collected, the cost to the District of the employee's salary and other benefits, including an amount for District overhead, shall be included in the hourly rate levied.
 - iii) The District's charge for the capital costs of the facilities of general benefit to the sewer and water systems, to be designated as a Capital Facilities Charge, shall be collected in a manner which relates the actual usage a property may place on the systems to its proportionate share of the cost of the facilities of general benefit to the District. Where facilities have been identified in an approved Comprehensive Plan and their construction is anticipated within the next ten years, the Capital Facilities

Charge shall include the cost of improvements to be constructed in the future. Historical costs, which shall not include the cost of any donated or granted funded facilities, or the portions thereof which were donated or acquired through grant funding, shall include an interest component, established at a rate to reflect the cost of public financing of improvements, accrued for a period up to, but not more than, ten years. Commencing January 1, 2013, all property owners using more capacity in the water and/or sewer system than purchased through payment of Capital Facilities Charge, or other charge for general facilities, during any bi-monthly period, shall be charged a capacity rental charge for such extra capacity as specified herein.

- iv) The Capital Facilities Charge will be collected prior to connection and, where applicable, may be included in the assessment for a Utility Local Improvement District (U.L.I.D.). Adjustment of the Capital Facilities Charge in specific cases may be necessary to achieve compliance with any pre-existing contract or other obligation.
- v) Except for facilities installed at the full cost of a developer and for which no latecomer charge exists, a charge for sewer or water mains, pump stations and appurtenances that provide direct service to a particular parcel of property will be collected. Such charge shall be in addition to the Capital Facilities Charge and shall be based upon the property's proportionate share of the facilities so constructed. It shall be the District's policy to make such charge based upon the actual costs of construction. The District shall collect interest on mains, pump stations and appurtenances constructed by the District or by U.L.I.D. at a rate established for municipal revenue bonds for the applicable period to provide reimbursement for the cost of capital.
- vi) In conjunction with the previously referenced charge for mains constructed to provide direct service to a property, the District shall implement a program to reimburse developers via latecomer charges for a proportionate share of the costs of sewer and/or water mains which are constructed at the expense of the developer and which provide direct service to adjacent properties. In so doing, the District shall collect the share of construction costs upon connection of the adjacent or benefiting property and remit the same to the developer. A fee for each reimbursement made under this program shall be levied. Except as may be modified by law, the repayment period shall be limited to fifteen (15) years and the District shall retain authority to adjust reported construction costs where the same are deemed to be inconsistent with costs deemed reasonable.
- vii) In cases where temporary connection to the water and/or sewer system is sought, the District shall collect from property owners so connecting a share of the cost of the permanent facilities necessary to serve the property and shall secure from such owners any easements determined by the District to be necessary for the permanent facilities required to serve the property.
- viii) The District shall apply excise taxes levied by the City of Federal Way and City of Edgewood as set forth in this Resolution.

- ix) The District shall periodically review the fees and charges to insure that they remain a fair and equitable reimbursement for costs. Specific fees or charges may be modified in situations where the application of same would be inconsistent with the policies established herein.

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3. FEES AND CHARGES

A. Capital Facilities Charge

- i) The District shall charge property owners seeking to connect to the District's water and/or sewerage system, as a condition of the right to connect, a Capital Facilities Charge such that each property so connecting shall bear an equitable share of the cost, including anticipated future costs, of the system to which connection is made. The payment of the Capital Facilities Charge shall, in conjunction with the compliance with other requirements established for service under District resolution and state law, entitle the property to receive service from the system for which the charge is paid at the level purchased. The District shall charge, either directly or through capacity rent, additional Capital Facilities Charges to property owners for properties using more water and/or sewer capacity than originally purchased. The following definitions shall apply to this resolution:
 - a) Single-family residential – a single dwelling, including a mobile home, providing complete and independent living facilities exclusively for one single housekeeping unit, including accessory structures (i.e., garage, shed, barn, guest house, etc.) situated on a single parcel of land or a group of parcels under common ownership. An accessory structure, for the purposes of this resolution, shall also include an “accessory dwelling unit” or similarly designated separate or attached structure as defined by the jurisdictional land-use authority, and as set forth in subsection 3.A.iv) below.
 - b) Multi-family residential – a single residential structure made up of two (2) or more separate dwelling units, a mobile home park with two or more mobile homes situated thereon, or other structure/s as designated by the applicable land use authority.
 - c) Non-residential – any structure or service connection used for a purpose other than residential dwelling purposes (i.e. retail, commercial, industrial, public agency, etc.).
 - d) Irrigation – a separate water service connection specifically intended to provide water for landscape irrigation and which does not contribute to sanitary sewer flow.
- ii) Except for the Capital Facilities Charges owing for increased system usage, which shall be paid as levied by the District, the Capital Facilities Charge on water and sewer connections shall be paid, prior to connection. Subject to capacity limitation considerations, property owners shall be permitted to purchase additional capacity in the water and/or sewer systems at any time by paying for additional Capital Facilities Charges units as described below at the rate in effect at the time of purchase.
- iii) Unless exempt from the Capital Facilities Charge for the water and/or sewer system as a result of the prior payment of a charge for facilities of general benefit for a level

of system capacity equal to, or greater than, requested, property owners requesting connection to the water and/or sewer system shall pay Capital Facilities Charges based upon projected demand on the system/s as a condition of connection to the water and/or sewer system. For purposes of determining the amount of additional Capital Facilities Charge owing, property not previously connected to the water and/or sewer system for which a charge for general facilities has been paid will be allowed a credit of four (4.00) Equivalent Residential Units (E.R.U.'s) per acre for the Capital Facilities Charge. Property connected to the water and/or sewer system prior to 1999 which paid a general facility fee on an area, rather than an E.R.U., basis, will be allowed as a credit the lesser of nine (9.00) E.R.U.'s per acre, or the average number of E.R.U.'s of service used on the property during 1998 divided by the number of acres; provided that a minimum of four (4.00) E.R.U.'s per acre shall be allowed. Where such a fee was paid on an E.R.U. basis, the credit shall equal the number of E.R.U.'s actually purchased. Property lawfully connected to the sewer system prior to the existence of a charge for general facilities will be allowed as a credit the lesser of (9.00) E.R.U.'s per acre, or the average number of E.R.U.'s of service used on the property during 1998 divided by the number of acres; provided, that a minimum credit of four (4.00) E.R.U.'s per acre shall be allowed. Where a single-family residential structure on a parcel of property was connected without paying a charge for general facilities, the credit shall be one (1.00) E.R.U. for the entire parcel. Property holding a valid Water Cooperative Certificate will be allocated a minimum of one (1.00) water system E.R.U. credit per certificate.

- iv) Upon initial request for a new or modified sewer and/or water service connection, the District shall make a determination of the E.R.U. usage applicable to the property. For purposes of this determination, an E.R.U. for service shall consist of a projected usage of two hundred ten (210) gallons per day of sewage flow, and two hundred forty-eight (248) gallons per day of projected water usage. Where deemed appropriate by the District, an alternative criteria for determining the appropriate E.R.U. level shall be used which is based upon the occurrence of organic loading into the sewer system. Under this system for determining the E.R.U. levels, one E.R.U. would equal 225 milligrams per liter of Biochemical Oxygen Demand (BOD) and/or Suspended Solids (SS). A single-family residential property shall be assigned one (1) E.R.U. as a Capital Facilities Charge. Each individual multi-family dwelling unit and each individual mobile home situated in a mobile home park shall be assigned three-fourths (0.75) of an E.R.U.
- v) Until such time as the Board may revise the Water System Capital Facilities Charge, the charge for each E.R.U. of water service shall be \$4,422.00 during 2021 and shall be based upon, and as set forth in the November 8, 2019 Technical Memorandum from FCS Group RE: 2019 Capital Facilities Charge Update (“FCS Group Technical Memorandum”) attached hereto and by this reference incorporated fully herein.

As established in the current rate resolution, the District shall collect capacity rent from property owners using more capacity in the water system than acquired for the property served. The rental charge shall be based upon the portion of the Water System Capital Facilities Charge representing the cost of existing facilities (“Buy-in Charge”). The Buy-in Charge for 2021 shall be \$2,718.00 per E.R.U.

- vi) Until such time as the Board may revise the Sewer System Capital Facilities Charge, the charge for each E.R.U. of sewer service shall be \$4,283.00 during 2021 and shall be based upon, and as set forth in, the FCS Group Technical Memorandum. The Capital Facilities Charge for each E.R.U. of sewer service for properties discharging to King County-Metro or the Midway Sewer District sewerage facilities during 2021 shall be \$2,478.00 as set forth in FCS Group Technical Memorandum. This amount, which represents a proportionate share of the cost of collection facilities only, shall be collected by the District in addition to any amounts for capital facilities collected by or on behalf of King County-Metro or the Midway Sewer District.

As established in the current rate resolution, the District shall collect capacity rent from property owners using more capacity in the sewer system than acquired for the property served. The rental charge shall be based upon the portion of the Sewer System Capital Facilities Charge representing the cost of existing facilities (“Buy-in Charge”). The Buy-in Charge for 2021 shall be \$2,902.00 per E.R.U.

- vii) The assessment and levy of the Capital Facilities Charge, as described herein, may be subject to contractual conditions established in prior agreements and the facilities charge for property affected thereby shall be established in accordance therewith.
- viii) Subject to capacity limitations in the water and/or sewer systems, as such limitations shall be determined at the discretion of the District, property owners developing multiple parcels as a single development may be allowed to aggregate existing E.R.U. credits within the development for application to Capital Facilities Charges on any parcel or parcels within the development. In order to qualify to aggregate E.R.U. credits, parcels within the development must be held under common ownership and be made subject to a common site plan approved by the land use authority with jurisdiction over the development. Should any parcel, or parcels, within the development have previously transferred or otherwise utilized any of the E.R.U. credits available, only the amount remaining on the property shall be available for transfer. In circumstances where E.R.U. credits were utilized prior to the change in the credit rate from nine per acre to four per acre, the amount available for transfer shall be calculated by multiplying the balance of ERU credits remaining from the original application of credits under the nine E.R.U. per acre allocation, by four-ninths (4/9's). Where a property owner with a multi-parcel development involving properties with existing E.R.U. credits applies for a developer extension agreement, the District shall identify to the property owner the availability of the opportunity to aggregate E.R.U.'s within the development.

B. Charge Payable In-Lieu of Extension

- i) The District shall charge property owners seeking to connect to a sewer and/or water main and other improvements which were fully or partially funded by the District, a proportionate share of the cost of the installation of such main and related appurtenances, including sewer lift/pump stations.

- ii) In establishing the Charge Payable In-Lieu of Extension (“CPILOE”), the District shall determine the date and actual cost of installation, which shall include labor, materials, permits and any other cost related to installation, as approved by the District. The District shall maintain, for public inspection, a table of the per-foot installation cost, or other equitable cost allocation method, for all sewer and/or water main and related appurtenances, including sewer lift/pump stations, subject to the connection of additional properties. The CPILOE shall include simple interest calculated at the rate or rates established by the District for the construction period, from date of installation of the main and related appurtenances to date of connection; provided, however, that the period for accumulation of interest shall not exceed ten (10) years from the date of installation.
- iii) The District shall credit those properties having purchased a Water Cooperative Certificate with up to One Hundred (100) feet of property frontage and shall levy the CPILOE on any actual frontage additional thereto.

C. Latecomer Charge

- i) The District shall charge property owners seeking to connect to a sewer and/or water main, previously installed and for which a Latecomer Charge exists for improvements which were fully funded by a developer through the developer extension agreement process, a proportionate share of the cost of the installation of such main and related appurtenances, including sewer lift/pump stations.
- ii) In establishing the Latecomer Charge, the District shall determine the date and actual cost of installation, which shall include labor, materials, permits and any other cost related to installation, as approved by the District. Interest shall not accumulate on the latecomer charge or latecomer reimbursement. The District shall maintain, for public inspection, a table of the installation cost for all mains and related appurtenances subject to connection by additional properties.
- iii) The District shall credit those properties having purchased a Water Cooperative Certificate with One Hundred (100) feet of property frontage, or the equivalent thereof, and shall levy the Latecomer Charge on any actual frontage, or other equitable cost allocation method, additional thereto.

D. Temporary Connection (“Earlycomer”) Charge

- i) Where temporary service is requested, the District shall evaluate the appropriateness of temporary service to the property as an alternative to the installation of permanent facilities to serve the property. In order to be eligible for temporary service, the District shall determine that the cost of a main extension is unreasonably large in relation to the benefit of service and/or that the extension of permanent facilities is not otherwise desired by the District at the time of application for service.
- ii) If approved for temporary service, the property owner shall pay, in addition to all other connection charges levied by the District at the time of connection, a temporary facilities charge calculated by the District to equal the costs of future permanent

facilities to serve the property, including sewer lift/pump stations. The 2021 charge rate for future permanent water facilities shall be \$67.00 per benefitted front foot of property (per eligible side). The 2021 charge rate for future permanent sewer facilities shall be \$89.00 per benefitted front foot of property (per eligible side). If permanent facilities capable of serving the property are not constructed within fifteen (15) years of the date of payment, the amount collected, including interest at the rate of investment return on District funds, shall be returned to the owner of the property, according to records of the County Auditor, on the date of return. If funds are returned, the property shall thereafter be liable for the costs of the future permanent facilities and any other applicable connection charges, which shall be due when permanent service is available.

- iii) The owner of the property requesting temporary service shall execute an agreement providing that the owner shall construct and maintain the temporary service connection at the sole expense of such owner and acknowledging the obligation to connect the property, at no expense to the District, to permanent facilities when available. The property owner shall procure all easements as deemed necessary by the District for the ownership and maintenance of the temporary service connection and appurtenances. In addition, the agreement shall appoint the Secretary of the Board of Commissioners as the property owner's attorney in fact for purposes of executing any documents necessary to include the property in a utility local improvement district. The property owner shall further agree not to protest the formation of any utility local improvement district. Where the future permanent facilities would be located across private property, including owner's property, the owner shall, as a further condition of temporary service, procure and/or convey, at no cost to the District, all easements for the construction and operation of the permanent facilities in location approved by the District.
- iv) Property currently receiving temporary service shall be required to connect to permanent facilities when such improvements have been installed. The District will continue to use all reasonable and legal means to collect outstanding charges for permanent facilities from property owners served by temporary facilities at the time permanent service is available to the property. In the case of collection for reimbursement of the cost of permanent facilities for the benefit of a private party, the cost of any collection efforts shall be paid out of the funds collected before reimbursement to such property owner.
- v) Pursuant to the April 25, 2016 Technical Memorandum for Early Comer Charges for Federal Way City Center Updated Early Comer Charge for Federal Way City Center Area Technical Memorandum by FCS Group ("Early Comer Memorandum"), in 2021 the District shall collect from property owners seeking new, modified or additional service connections for property for which no remaining credits for the District's sewer system CFC exists within the area of the Federal Way City Center, as a condition of connection, a charge of \$2,570.00 per E.R.U. of new or additional sewer service required as a contribution to sewer facilities of local benefit within the basin. The area subject to the charge shall be as designated in the map attached to the Early Comer Memorandum. The charge herein shall be paid, and held by the District, in addition to all other charges required for service to the property, including

the Capital Facilities Charge, as authorized under law and subject to the requirements and limitations established in R.C.W. 57.08.005(11), as may be modified from time to time.

E. Latecomer Agreement Reimbursement Fee

- i) If, at the time of application for developer extension agreement, the developer identifies, subject to District approval, that facilities constructed pursuant to the developer extension agreement shall be of benefit to adjacent properties, the District shall execute a separate Latecomer Agreement with the developer defining a provision authorizing the collection of latecomers charges on such adjacent properties and shall remit same to the developer if such adjacent property connects to the facilities constructed by developer within a period of fifteen (15) years from the date of the developer extension agreement is fully executed for the project.
- ii) The amount to be repaid to the developer as latecomer's fee shall be based upon the original cost of the project, as approved by the District, without adjustment for inflation or accumulation of interest, as calculated under subsection 3.C above.
- iii) In order to reimburse the District for costs associated with the agreement and the administration of the latecomer reimbursement, including the continued tracking of any name or address change of the developer or any successor entity designated to be entitled to such payment during the 15-year reimbursement period, the District shall retain \$100.00 from each separate reimbursement issued. In order to remain eligible for latecomer reimbursement, property owners will be required to meet the requirements established under state law for address notification.

F. ROW Construction Permit Fee - Service Connections

- i) The District shall charge applicants for service connection for the District's application for right of way permits and associated inspection and administrative costs imposed by cities and counties in connection with service requests.
- ii) The specific fee charged will be reviewed periodically and adjusted as necessary based on the permitting agencies charges to the District for the affected permits.
- iii) In the event that construction activity is located within Washington State right-of-way, the applicant for service connection shall pay to the District such costs as the District may incur from the State.

G. Water Service and Meter Installation Charges/Deposits

- i) The District shall charge for the installation of water service connections and/or meters based upon the size of the service line and/or meter and according to the estimated costs to the District of time and materials for installation of the various sized service lines and/or meters. No installation order shall be issued until the payment required, or satisfactory provision for same, shall have been made or satisfactory provision for same has been made.

- ii) For meters and related appurtenances installed by the District (“dig”), the following charges shall be levied and collected at time of meter application:
 - a) 5/8"x3/4" meter ----- \$ 5,130.00* deposit held against and applied to actual time and materials costs and District overhead
 - b) 1" meter ----- \$ 5,370.00* deposit held against and applied to actual time and materials costs and District overhead
 - c) 1" 1/2 ----- \$ 6,640.00* deposit held against and applied to actual time and materials costs and District overhead.
 - d) 2" ----- \$ 7,220.00* deposit held against and applied to actual time and materials costs and District overhead.
 - e) 3" ----- \$ 39,150.00* deposit held against and applied to actual time and materials costs and District overhead.
 - f) 4" ----- \$ 39,320.00* deposit held against and applied to actual time and materials costs and District overhead.
 - g) 6" ----- \$ 47,250.00* deposit held against and applied to actual time and materials costs and District overhead.
 - h) 8" ----- \$ 61,850.00* deposit held against and applied to actual time and materials costs and District overhead.

* Cost based on a “typical dig” which equates to an installed service line no longer than 60-feet in length and perpendicular to the water main. Refer to Section 3.G.v) for “non-typical dig” costs.

- iii) Where the property owner or developer proposes, and the District approves, the use of an outside contractor for installation of the water service connection stub consisting of the service saddle, corporation stop, service line, meter setter, meter box, and other appurtenances except the meter, a deposit of \$720.00 shall be collected for inspection of the installation. In this case, the “drop-in” meter charges set forth in section iv) below shall apply. The deposit shall be held against and applied to actual time and materials costs and District overhead. Only those contractors who have been approved by the District and who have posted the required bonding and insurance shall be used. Upon completion of installation the property owner or developer shall furnish documentation of the cost of installation by submitting a Bill of Sale transferring ownership of such facilities installed to the District.

- iv) For meters installed by the District where the developer of the property shall have installed the water service connection stub consisting of the service line, meter setter,

meter box and other appurtenances (“drop-in”), the following charges shall be levied and collected at the time of meter application:

a)	5/8"x3/4" -----	\$	\$450.00 charge
b)	5/8"x3/4" w/adapters for 1" setter ---	\$	\$480.00 charge
c)	1" -----	\$	\$550.00 charge
d)	1" w/adapters for 1½" setter -----	\$	\$710.00 charge
e)	1½" -----	\$	\$790.00 charge
f)	1½" w/adapters for 2" setter -----	\$	\$1,000.00 charge
g)	2" -----	\$	\$990.00 charge
h)	3" -----	\$	\$2,390.00* deposit held against and applied to actual time and materials costs and District overhead.
i)	4" -----	\$	\$3,180.00* deposit held against and applied to actual time and materials costs and District overhead.
j)	6" -----	\$	Deposit held against and applied to actual time and materials costs and District overhead, to be determined at time of application
k)	8" -----	\$	Deposit held against and applied to actual time and materials costs and District overhead, to be determined at time of application

* Cost based on a “typical drop-in” (i.e., no special parts, configurations, etc.).

- v) On requests for installation of additional water service connections to serve property and/or structures already receiving water service, for modification to existing water service connections, including where it is deemed by the District that costs to install or modify such existing meters are excessive (i.e. large vault replacement for multiple meters, unusual restoration, etc.), for the abandonment of existing meters, or for the installation of meters or service lines with non-typical characteristics, the District shall levy a charge which shall be based upon estimated time and materials cost and District overhead, and shall require a deposit against the District's estimated actual time and materials costs in amount determined by the District.
- vi) A separate water service and meter shall typically be installed for water supply to each individual building or structure with plumbing, except where such buildings or structures are situated on a single-family residential property or are mobile home units situated in a mobile home park. Separate meters shall be installed for structures with two (2) or more separate dwelling units sharing a common lot line on two (2) or more separate parcels of property (i.e., row houses). Separate meters shall also be installed for mixed uses within structures that are incompatible for billing purposes (e.g., mixed-use non-residential and residential). Service line and meter sizes shall be determined by the District and in accordance with the standards and specifications of the District, developed under the Uniform Plumbing Code.
- vi) On requests for installation of all non-residential, irrigation, and fire-protection service connections and meters, such installations may, at the District’s discretion, be additionally conditioned upon the submission of mechanical or other building plans

deemed necessary by the District to assist in premise isolation and the prevention of cross-connections.

- vii) It shall be the property owner's responsibility to identify property corners or easement boundaries to assist with the proper location of the meter(s). The applicable corners and/or boundaries shall be staked and clearly marked. Should it later be discovered that the property corners and/or easement boundaries were improperly marked, the property owner shall be responsible for abandonment and re-installation costs associated with the necessary relocation of the water meter(s) and shall provide a deposit as described in Section 3.G.v) above. It is recommended that the property owner consider, at the owner's expense, employing the services of a licensed land surveyor to locate and document the property corners and/or easement boundaries.
- viii) In addition to other charges collected for the installation of meters under this section, the property owner shall pay to the District the amount of any "right-of-way" restoration and/or mitigation fees or costs assessed by the applicable right-of-way authority.

H. Sewer Service Connection Permit Fees

- i) The District shall, at its discretion, issue sewer service connection permits in accordance with the provision for same set forth in Resolution 2006-1073, and/or Resolution No. 242, or any amendments thereto. Each separate building shall require a separate sewer service connection permit.
- ii) It shall be unlawful for any person to install building or side sewer pipe, uncover the public sewer or make any opening in any sewer or connect any private sewer drain to the public sewer without complying with all provisions of this resolution in relation thereto, including the procurement of a permit from the District. Application for permit shall be made at the office of the District.
- iii) The District shall charge typical permit applicants seeking a new, modified and/or additional sewer service connection(s), prior to issuance of the permit, the sum of \$350.00. For special sewer service connection installations, as determined by the District, these charges shall be in addition to actual time and materials costs, including District overhead, beyond those accounted for in these charges, expended by the District towards the completion of the sewer service connection. No permit shall be issued until the payment required shall have been made or satisfactory provision for same has been made.
- iv) Permits are required for the repair or abandonment of an existing service connection. Where property owners seek to repair failing side sewers pursuant to a permit obtained prior to performing the work, the District, at its sole discretion, may waive this fee.
- v) Monthly sewer service charges will continue if the sewer service connection is not properly disconnected under a valid abandonment permit issued by the District. If

the District determines that abandonment is necessary and owner refuses to provide for the proper disconnection of the sewer connection, the District will perform the work and charge the owner for costs incurred for actual time and material plus District overhead.

- vi) Permits issued herein shall expire one (1) year from the date of the permit as stated thereon.
- vii) In addition to the charges established in this section, the property owner shall pay to the District the amount of any additional costs associated with the service installation incurred by the District, including, but not limited to, additional District inspections, right-of-way authority inspection or permitting charges and any right-of-way mitigation fees. Right-of-way permits are subject to separate expiration dates which may or may not coincide with the expiration date of an associated sewer service connection permit.

I. Authorized Sewer or Water Service Contractor Application & Annual Fees

- i) The District shall charge parties seeking to become an authorized sewer/water service contractor, the sum of \$530.00 to cover the administrative costs associated with the review of such applications and accompanying documents, interviewing applicants, and processing an authorizing agreement or denial letter.
- ii) The District shall charge contractors authorized by the District for sewer and/or water service work the sum of \$115.00 annually to cover the administrative costs associated with the maintenance and verification of the authorized contractor's information.

J. Site Lease Administration Fee

The District shall charge parties seeking to lease property held by the District the sum of \$2,500.00 to cover the administrative costs associated with the review of lease proposals and site plans and for the negotiation and preparation of lease agreements. The charge shall also cover the cost of publishing notice of the public hearing for the proposed lease.

K. Service Connection Agreement Charge

The District shall charge property owners the sum of \$120.00 for the preparation and administration of District Easements and Temporary Service, Low Pressure Water Service, Private Grinder Pump, Shared-Use Sewer Service, Grade Release and any other non-standard agreement associated with individual service connections.

L. Sewer Discharge Monitoring & Hauled Waste Fees

- i) The District shall levy a charge on a facility that may require monitoring of such facility's wastewater discharge to cover the District's costs associated with the District's pretreatment program and discharge agreement. This charge shall be in addition to any other applicable charge.

- ii) Waste transporters approved by the District to discharge hauled waste to the District's sewer system shall pay a fee of fifteen cents (\$0.15) per gallon of hauled waste discharged to the District. The fee for each discharge will be calculated based on the full volume of the transport vehicle. Waste transporters will be billed by the District monthly.
- iii) Where the hauled waste is of unusually high strength, the District shall charge the additional amount set forth in the current rate resolution that corresponds with the strength of the hauled waste. This additional fee shall be paid as directed by the District.

M. Sewer or Water Availability Certificate/Hydraulic Model Report Charge

- i) The District shall collect the sum of \$40.00 prior to the issuance of a sewer or water availability certificate to reimburse the District for the associated administrative costs of preparing the certificate. Availability certificates shall be provided within ten (10) working days of the receipt of a completed application and payment of the charge herein.
- ii) If the applicant requires the sewer or water availability certificate within three (3) working days, the charge shall be \$60.00.
- iii) The District shall collect the sum of \$230.00 for the costs associated with the preparation of a separate water or sewer hydraulic model analysis report, whether requested by a customer or required to complete a water or sewer availability certificate. If a hydraulic model analysis report is required to complete a water or sewer availability certificate, no accelerated processing will be available.

N. Water Sales from Hydrant and Hydrant Permit Fee

- i) The District may provide water to qualified customers from fire hydrants located within and served by the District upon compliance with the terms and conditions described below:
 - a) Customers seeking the opportunity to purchase water from fire hydrants must apply for a Hydrant Permit. The customer shall provide the District an estimation of the length of time for which such Hydrant Permit is sought and a non-refundable monthly Hydrant Permit Fee of \$48.00 per month for a "large" meter, or \$44.00 per month for a "small" meter, shall be collected at the time of issuance for each permit. No permit shall be issued for a period less than one (1) month or longer than six (6) months.
 - b) Prior to issuance of the permit, the customer shall deposit the sum of \$2,560.00 for a large meter, or \$550.00 for a small meter, with the District as a meter deposit. This sum shall remain on deposit during the life of the permit and may be applied by the District against damage to, loss of or failure to return the meter. Additionally, this deposit may be applied to the charges owing pursuant to

subsection (d) below, upon return of the meter to the District in acceptable condition. This deposit may be carried forward upon renewal of the permit. Upon surrender or termination of the permit, the deposit shall, unless applied to such damage or loss, be refunded to the customer without accumulation of interest. The District reserves the authority to and shall collect from the customer the difference between the deposit and the cost of repair or replacement of the meter.

- c) Prior to issuance of the permit, the Customer shall deposit the additional sum of \$25.00 with the District for each month the permit is to be valid to be held against unpaid water or other charges. This sum shall remain on deposit during the life of the permit and may be applied by the District against unpaid water or other charges owing to the District. In the event that any portion of the deposit is applied to unpaid charges, the customer shall immediately pay to the deposit account any sum needed to restore the deposit balance to its initial level. Upon surrender or termination of the permit, the deposit shall be refunded to the customer, without interest, less any unpaid charges owing.
- d) The Customer shall pay the Summer Usage/Commodity rate, but not the Base Monthly Charge, established by the District for non-residential customers under the then prevailing rate as established by District resolution. In addition, the customer shall pay capacity rent associated with the District's Capital Facilities Charge for water, calculated on a permit-term basis.
- e) Upon issuance of the Hydrant Permit, the customer shall be issued a meter to be attached to a specific fire hydrant through which water is to be purchased by the customer. The District shall specify hydrant location(s) approved for withdrawal at time of permit issue. The customer shall report to the District the quantity of water consumed through the meter to the end of the permit period. The District shall bill the customer for the amount of water consumed and reported. The Customer shall deliver the meter to the District at the end of the permit period for verification of reading and billing. The District shall thereafter issue a billing for capacity rent and water used during the applicable period. Charges billed shall be subject to past due and late payment penalties authorized pursuant to state law and/or contract with the service recipient.
- f) Any failure of the customer to properly utilize the meter to record water taken through a fire hydrant in accordance with District Policy No. 400-06, including failure to limit the rate of flow if directed by the District to prevent water quality problems, shall constitute a violation of the permit and shall terminate the permit and the customer's right to continue use of the meter. Customers found to have violated Hydrant Permit terms shall have all monies deposited forfeited as liquidated damages for such violation and shall forever be disqualified from obtaining a Hydrant Permit from the District, in addition to being subject to applicable penalties in Section "U" below.
- g) A charge of \$10.00 per calendar day shall be levied for each day, or a portion thereof, that the meter is past due.

- ii) As a further condition of the validity of the Hydrant Permit, the customer shall comply with all rules and regulations of the District and shall maintain the permit or a valid copy thereof on site, and surrender it for inspection to District personnel at all times during which it shall engage in the removal of water from any fire hydrant.

O. Developer Pre-Design Application Fee, Developer Extension Agreement Application Fee, Deposit & Charges, and Miscellaneous Deposits

- i) Developer Pre-Design Application

The District shall collect a \$400.00 non-refundable fee with each Developer Pre-Design Application submitted prior to design of the water and/or sewer facilities, to cover District costs associated with the application and pre-design review process. The pre-design review would include an in-house plan review, pre-design meeting with staff, if needed, and a pre-design report.

- ii) Developer Extension Agreement Application

The District shall collect \$2,100.00 with each Developer Extension Agreement Application submitted, to cover District costs associated with the application and agreement. \$500.00 of the amount will be a non-refundable fee and the remainder will be held in a project account pending the application of costs.

The deposit shall be applied against actual expenses of the District based upon the District's record of time, material, overhead and other expenses relating to the project. The District shall determine, on a regular basis, its actual costs associated with the project and shall submit to developer a regular invoice of such additional amounts as are due to repay the District for actual costs in excess of the amount previously collected. Payment is due upon receipt of District invoice and shall be collectable in the manner authorized by law. The project account shall remain current for the life of the project and delinquency of any kind shall induce work stop action/orders, suspension/termination of service or any other action necessary to effect collection of monies owed the District. These charges shall be subject to past due and late payment penalties authorized pursuant to state law and/or contract with the service recipient. Interest on unpaid balances shall accrue at the maximum rate allowed under law from the date thirty (30) days following the date of invoice.

In the event that more than three (3) items are found to remain deficient on the third submittal of plans for a Developer Extension project, subsequent review by District staff may be billed at a factor of 1.5 times the standard rate without further notice to the developer. In the event that field conditions such as utility conflicts, incorrect survey information (right-of-way or easement locations/status), etc., are encountered during construction of a Developer Extension project and necessitate a change in plans and/or a change order, or review by District staff, additional work related to and/or resulting from such condition(s) may be billed at a factor of 1.5 times the standard rate without further notice to the developer.

iii) Developer Extension Acceptance Guarantee

A Developer shall provide to the District a guarantee in the amount of \$5,300.00 for water only Developer Extension (DE) Agreement projects, \$3,800.00 for sewer only DE projects, or \$9,100.00 for joint DE projects, prior to, and as a condition of, substantial completion of a DE project as determined by the District, for each DE Agreement. This guarantee is to be held as a security against actual District time (including overhead) and materials costs not yet invoiced to the Developer and/or estimated through initial project acceptance. The guarantee shall be in the form of a cash deposit with the District or an assignment of funds on the District's approved form. Should the Developer default on any conditions herein and/or as set forth in the DE Agreement, the District shall be authorized to utilize the funds held hereunder to complete the project and Developer shall have no further claim on the funds. Otherwise, the funds shall be refunded/released upon initial project acceptance by the District.

iv) Developer Extension Warranty Inspection

The District shall collect a non-refundable fee of \$360.00 for water only Developer Extension (DE) Agreement projects, \$660.00 for sewer only DE projects, or \$1,020.00 for joint DE projects, prior to, and as a condition of, acceptance by the District for each Developer Extension Agreement, to cover District costs associated with post-acceptance warranty inspections and project closeout tasks.

v) Miscellaneous Deposits

The District shall collect a deposit of \$220.00 for activities associated with the water or sewer systems, and \$320.00 for activities related to both the water and sewer systems to cover District costs associated with, but not limited to, the following services:

- Annexation Processing
- Easement Encroachment Review
- Easement Reservation for Right-of-Way Vacation
- Easement Vacation/Release
- SEPA Appeal Filing
- Segregation of Assessment
- Other Services Deemed by the District to Fall Under This Level of Expense

Except for \$100.00 of the deposit, which shall be non-refundable, the deposit shall be applied against actual expenses of the District based upon the District's record of time, material, overhead and other expenses relating to the service. The District shall determine, on a regular basis, its actual costs associated with the service and shall submit to applicant, a regular invoice of such additional amounts as are due to repay the District for actual costs in excess of the amount previously collected. Payment is due upon receipt of District invoice and shall be collectable in the manner authorized by law. These charges shall be subject to past due and late payment penalties authorized pursuant to state law and/or contract with the service recipient. Interest

on unpaid balances shall accrue at the maximum rate allowed by state law from the date thirty (30) days following the date of invoice.

vi) **Miscellaneous Fees**

The District shall collect a fee of \$240.00 for activities associated with the water or sewer systems, and \$350.00 for activities related to both the water and sewer systems, or the formation of street light improvement districts, to cover District costs associated with, but not limited to, the following services:

Backflow Prevention Device Inspection Fee
Street Light Improvement District Formation
Other Services Deemed by the District to Fall Under This Level of Expense

P. Chlorine Injector and Flush Box Deposit and Rental Charge

The District may provide chlorine injector and /or flush box devices to qualified developers for use in completion of system development projects. Prior to receipt of the device, which shall be returned within one week, the party requesting the chlorine injector and/or flush box shall deposit the sum of \$2,410.00 to be held by the District against damage to, or loss of, the equipment. The deposit on one item may be applied to the other if the original device has been returned without damage. A separate processing fee of \$155.00 and separate rental charges of \$255.00 per week (minimum of one (1) week shall apply), shall be deducted from the deposit.

Q. Sewer Field Testing, Inspection, Line Cleaning and Analytical Lab Fees

- i) The District shall levy and collect, at the time of customer request, a fee in the sum of \$280.00 to perform a sewer dye test to determine if a property, premises, or building is connected to the District's sewer system.
- ii) In the event the District independently determines to perform a sewer dye test subsequent to lack of response from a property owner/manager following attempted contact by the District to determine the connection status, the District shall levy a charge in the sum of \$280.00 and the amount so levied, which shall be a lien on the property, shall be due upon demand.
- iii) The District shall levy and collect, at the time of customer request, a deposit in the sum of \$1,110.00 to be held against and applied to actual time and materials costs and District overhead to perform a video inspection of sewer mainline (public or private). In the event that the District determines to perform the video inspection due to the failure of the property owner to comply with District sewer use rules, the District shall levy a charge equal to its actual time and material costs and the amount so levied, which shall be a lien on the property, shall be due upon demand.
- iv) The District shall levy and collect, at the time of customer request, a fee of \$620.00 to perform a video inspection of a side sewer stub. In the event that the District determines to perform the video inspection due to the failure of the property owner

to comply with District sewer use rules, the District shall levy a charge of \$620.00 and the amount so levied, which shall be a lien on the property, shall be due upon demand.

- v) The District shall levy and collect, at the time of customer request, a deposit in the sum of \$1,110.00 to be held against and applied to actual time and materials costs and District overhead to perform sewer line (mainline or side sewer) cleaning. In the event that the District determines to perform the cleaning due to the failure of the property owner to comply with District sewer use rules, the District shall levy a charge equal to its actual time and material costs and the amount so levied, which shall be a lien on the property, shall be due upon demand.
- vi) The District shall levy and collect, at the time of customer request, a fee in the sum of \$590.00 to perform Biochemical Oxygen Demand (B.O.D.) & Total Suspended Solids (T.S.S.) analytical testing of a customer's wastewater sample, when requested by a customer. This fee is intended to cover all necessary sample collection & laboratory analyses costs incurred by the District. In the event that the District determines to perform sampling & laboratory analyses due to the failure of a customer to comply with District sewer use rules, the District shall levy and collect a charge equal to its actual time and material costs and the amount so levied, which shall be a lien on the property, shall be due upon demand.

R. Other Charges Billed on a Time and Material Basis

The District shall collect its costs for time, material and overhead for miscellaneous work performed by the District at the request of certain customers or in response to damage caused by outside parties. These charges shall be subject to past due and late payment penalties authorized pursuant to state law and/or contract with the service recipient. Interest on unpaid balances shall accrue at the maximum rate allowed by state law.

S. Delinquent Account Charges

- i) The charges established herein may be subject to the COVID-19 moratorium on delinquent account charges established by the Board of Commissioners and/or the Governor of the State of Washington during the period of any such moratoria.
- ii) The District shall charge delinquent accounts, including delinquent developer extension accounts, an amount to cover the District's costs associated with the delinquency, including those costs related to the mailing of shutoff notices and any other communication with the account holder concerning the delinquency or subsequent termination of service.
- iii) Monthly rate and other billings shall be due twenty (20) days after the date of billing, except Developer Extension Agreement invoices shall be due thirty (30) days after the invoice date. The District shall charge a penalty equaling ten percent (10%) of any billing which is not paid prior to thirty (30) days after date of billing, pursuant to R.C.W. 57.08.081. At least thirty (30) days from the date of billing, the District shall certify such account delinquency and penalty to the office of the Director of Finance

of King County for the imposition of a lien, pursuant to R.C.W. 57.08.081. The District shall collect from owners of property on which a lien has been recorded the recording charge imposed by King County plus \$10.00 for administrative costs associated with filing of the lien. The account delinquency, penalty and all charges imposed under this section shall bear interest at the maximum amount allowed by law and may be foreclosed in accordance with statute.

- iv) When a delinquent account has been referred to the District's General Counsel for collection, such account shall automatically be charged \$20.00, plus any additional legal fees incurred by, and/or charged to, the District.
- v) When a delinquent account has been identified for shut-off, a shut-off notice door-hanger will be attached to the customer's door or, where the District has been provided a current telephone number, the customer may be notified through the automated phone system. In the case of notification by door-hanger, the account shall be charged \$20.00.
- vi) Water service shall be turned off for all water and joint water and sewer accounts that have a past due balance of \$60.00, or more, after thirty days from the date of delinquency. Prior to resumption of water service, which shall be made only on request of the property owner, an additional charge in the amount of \$100.00 shall be collected if meter turn-on occurs on weekdays, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. If meter turn-on occurs after hours or on weekends, an additional charge of \$70.00 shall be charged for the first time a meter turn-on is requested. An additional charge of \$150.00 shall be charged for the second request for a meter turn-on. For the third request for after hour or weekend meter turn-on, the charge shall be \$220.00. For a fourth and any subsequent requests for a meter turn-on, the charge shall be \$290.00 for each request. Where no request for any meter turn-on occurs for a period of five years, or where the property is transferred to a new owner, the next after hour or weekend meter turn-on shall be an additional charge of \$70.00 and the costs shall thereafter increase under the schedule for such increases established herein.
- vii) For purposes of establishing the existence of a delinquency for customers served by both water and sewer, payments received shall first be applied to the sewer account, without regard to designation by the customer.
- viii) The District shall notify, or make a reasonable attempt to notify, delinquent commercial and multi-unit accounts of the delinquency and any further impending collection action in order to provide the customer notice of the opportunity to satisfy the account delinquency prior to the time set for shutoff. A charge of \$32.00 shall be levied where contact is made with the customer and the meter is not locked. Notice to affected customers may, at the discretion of the District, be by telephone, in writing, or by site visit.
- ix) In the event the District determines to acquire title information for use in the course of collecting any delinquent account, the amount of the charge to the District for

such title search shall be levied against the account and collected pursuant to this section.

T. System Tampering/Theft Penalty Fees & Charges

- i) Water Service/Meter Tampering – The District shall charge the property owner, or other violating party if determined appropriate by the District, a fee in the amount of \$250.00 (residential property) or \$500.00 (non-residential property) for each instance that an existing water service and/or meter is tampered with and shall further charge the violating party, on a time and materials basis and including water use service charges, for any investigative measures, mitigation measures, and/or repairs to the water system, service and/or meter performed by the District as a result of the tampering. Upon discovery of a tampered service or meter, the District may suspend water service to the property until the tampering penalty is paid.
- ii) Unauthorized Water Service or System Tampering – The District shall charge the property owner, or other violating party if determined appropriate by the District, a fee in the amount of \$1,000.00 for each unauthorized water connection to the District’s water system, or for each instance of water distribution system tampering, and shall further charge the violating party, on a time and materials basis and including water use service charges, for any investigative measures, mitigation measures, and/or repairs to the water system performed by the District as a result of the unauthorized connection or system tampering.
- iii) Unauthorized Sewer Service or System Tampering – The District shall charge the property owner, or other violating party if determined appropriate by the District, a fee in the amount of \$1,000.00 for each unauthorized sewer connection to the District’s sewer system, or for each instance of sewer system tampering, and shall further charge the violating party, on a time and materials basis and including sewer use service charges, for any investigative measures, mitigation measures, and/or repairs to the sewer system performed by the District as a result of the unauthorized connection or system tampering.
- iv) Unauthorized Hydrant Use – The District shall charge the violating party a fee in the amount of \$1,500.00 for each instance that a hydrant is tampered with or used without District-issued permit documentation and shall further charge the violating party, on a time and materials basis and including water use service charges, for any investigative measures, mitigation measures, and/or repairs to the water system performed by the District as a result of the unauthorized hydrant use.
- v) In the event such fees and charges shall remain unpaid for a period of thirty (30) days following the date of billing, the District shall charge an additional amount at the maximum rate allowed by state law. The District may certify such delinquency and penalty to the office of the Director of Finance of King County for the imposition of a lien as set forth by statute. The lien thereafter shall bear interest at the maximum rate allowed by state law and may be foreclosed in accordance with state law.

U. Connect/Disconnect Administration

- i) The District shall levy a charge where a change in service status involves administrative action by District customer service personnel and/or where a special meter reading involves the District's operation staff.
- ii) In the event that a change in account status requires a special water meter reading by the District, the charge shall be \$75.00.
- iii) In the event that a change in account status does not require a special water meter reading by the District, the charge shall be \$20.00.
- iv) The charge shall be added to the first billing after the requested change is made and, if made for both water and sewer accounts, shall be divided evenly between each account.

V. Obstructed Meter Reading Charge

The District shall charge the property owner \$50.00 per billing period for reading meters to which access has been significantly obstructed by landscaping or other barriers. This charge shall be applied only after the property owner has been notified, via a door hanger, that the obstruction exists and that the problem must be corrected by the time of the next meter reading. The charge will continue until such time as the obstruction has been removed.

W. Meter Removal/Locking & Reinstallation/Unlocking Charges

The District shall charge those customers requesting removal or locking, at the District's discretion, and reinstallation or unlocking as applicable of the water meter, the sum of \$130.00 for such removal or locking of the meter and \$130.00 for reinstallation or unlocking of the meter. The District shall collect the removal/locking charge prior to removal/locking and the reinstallation/unlocking charge prior to reinstallation/unlocking.

X. Water Meter Testing Charge

The District shall charge customers requesting meter testing an amount of \$180.00 for such testing. If such testing shall reveal that the meter is not functioning properly and is recording a higher flow volume than is actually occurring, the charge collected will be refunded in full. If such testing shall reveal that the meter is functioning properly or shall reveal that it is recording lower flow volume than is actually occurring, the District shall retain the charge collected to offset associated District costs.

Y. Returned Check Charge

The District shall charge the customer the sum of \$35.00 on all bank items/checks returned by the customer's bank unpaid. The amount shall be applied to the customer's account and shall be divided evenly between water and sewer accounts where the customer receives both water and sewer service. Where the customer has more than one water and/or sewer account, the charge for a returned bank item/check shall be \$35.00 for each account which

must be adjusted due to the return of the unpaid bank item/check; provided, however, that a maximum of \$140.00 shall be charged for any single bank item/check so returned. On accounts where non-payable bank items/checks are continually submitted, the District may require payment on the account to be made by cash, by certified or cashier's check or by money order.

Z. Document Reproduction/Recording Charge

- i) The District shall charge for the reproduction of documents the sum of fifteen cents (\$0.15) for each page face copied for standard paper sizes (8½"x11", 8½"x14", 11"x17") and \$1.30 per page face for copies of plan size sheets (24"x36" or 22"x34"). The charge shall be collected upon delivery of the documents and shall include any cost to the District for reproduction of the documents by any other person or entity. The District shall include the cost of mailing documents in the total costs to be collected, however, shall not charge for providing customers documents sent by way of the electronic mail system. For large requests, the District may require a deposit as authorized by law. When necessary to provide documents in electronic format, the District shall charge ten cents (\$0.10) for each page scanned into electronic format and \$5.00 for each compact disk provided to transmit electronic data.
- ii) The District may charge based on actual time, materials, and overhead for creation of documents (including plans or maps) to customer specifications.
- iii) The District may charge an amount for documents requiring specialized reproduction based on actual costs for time, materials and overhead.
- iv) The District shall charge for reproduction of audio tapes made upon request for same in an amount of \$28.00 where the District provides the tapes. The charge shall be collected upon delivery of the audio tapes to the requestor.
- v) The District shall charge for reproduction of audio tapes made upon request for same in an amount of \$24.00, where the requestor provides the tapes. The charge shall be collected upon delivery of the audio tapes to the requestor.
- vi) The District shall collect from the property owner the cost of recording fees incurred by the District in recording documents associated with the owner's property.

AA. Overhead Rate

The cost multiplier to be applied to District Labor shall be 2.77.

BB. Excise Taxes

- i) The District shall apply the excise tax levied by the City of Federal Way pursuant to agreement between the District and the City of Federal Way.

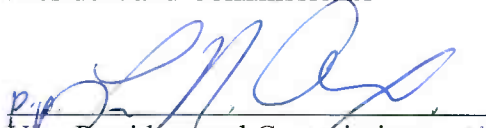
- ii) The District shall apply the excise tax levied by the City of Edgewood pursuant to agreement between the District and the City of Edgewood. The District shall apply the excise tax levied by any other city within the District's service area pursuant to agreement between the District and the city levying the excise tax.

ADOPTED by the Board of Commissioners of Lakehaven Water and Sewer District, King County, Washington, at an open public meeting this 10th day of December, 2020.

ATTEST:



 President and Commissioner Yea Nay Abstain



 Vice President and Commissioner *Novicki* Yea Nay Abstain



 Secretary and Commissioner Yea Nay Abstain




 Commissioner Yea Nay Abstain



 Commissioner Yea Nay Abstain

Approved as to form:



 General Counsel