

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 778-5010



COUNCILMEMBERS
Timothy Ballew II
Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

WHATCOM COUNTY COUNCIL

July 17, 2018

Northwest Water Association
Attn: Tim Brinkley, Pres.
5168 Graveline Road
Bellingham, WA 98226

RE: Receipt of Franchise Application

Dear Mr. Brinkley:

We have received the Application for Franchise you submitted on behalf of Northwest Water Association. The fee of \$500 has been deposited and the paperwork has been forwarded to our Public Works Department. They will review the submission and prepare the necessary documents for Council consideration at a later date. The person in Public Works who will likely be contacting you soon is Andrew Hester.

I have enclosed a receipt for your payment of the application fee. I look forward to working with you in the future as this franchise process continues.

Sincerely,

A handwritten signature in cursive script that reads "Marina Engels".

Marina Engels, CMC
Deputy Clerk of the Council

C: Andrew Hester, Public Works
AB2018-215

RECEIVED

JUL 16 2018

WHATCOM COUNTY COUNCIL

APPLICATION FOR FRANCHISE

TO THE WHATCOM COUNTY COUNCIL:

COPY

COMES NOW, Northwest Water Association

who respectfully petitions the Whatcom County Council for a twenty-five (25) year franchise to lay, construct, maintain, and repair

water mains and water distribution lines in and along certain roads in Whatcom County Washington.

and all necessary appurtenances along, over, and across the following roads situated in Whatcom County, Washington: T 39N R2E S33, 34, 35, 2, 3 T 38N R2E S34

Smith Road, Graveline Rd, Sunset Avenue, Northwest Drive, Waschke Rd, W Larson Rd, Aldrich Rd, Lange Rd, Slater Rd, Pacific Hwy, Byers Rd, Bristol Place, Fat Dog Lane.

The petitioner further requests that the Whatcom County Council fix a time and place for a public hearing on the granting of this continuation of franchise, and that public notice be given, at the expense of the petitioner, as provided by law; and that, at said hearing, petitioner be granted the franchise continuation herein requested.

DATED: 7-10-18

Northwest Water Association Company Name

5168 Graveline Rd Mailing Address

Bellingham WA 98226 City State Zip

360 384 6489 Phone Number

[Signature] Signature of authorized agent/owner

Tim L Brinkley Pres (Print or type name)

Chapter 12.24 FRANCHISE REQUIREMENTS

Sections:

- 12.24.011 Authority.
12.24.021 Application requirements.
12.24.025 Transfer of ownership or control.
12.24.031 Forward to public works.
12.24.041 Ordinance.
12.24.051 Application – Notice of hearing.
12.24.061 Recording of franchise.
12.24.070 Submittal of plans and specifications.
12.24.080 Time limit.
12.24.090 Surety bonds.
12.24.100 Inspection.
12.24.110 Approval of alteration or revision.
12.24.120 Liability for construction or maintenance.

12.24.011 Authority.

This chapter is enacted pursuant to authority contained in Chapter 36.55 RCW and Whatcom County Charter Section 9.30. (Ord. 2008-005 Exh. A; Ord. 2004-022).

12.24.021 Application requirements.

- A. Application for franchises on county roads and bridges shall be submitted to the Whatcom County council pursuant to RCW 36.55.040.
- B. Every franchise application submitted to the county council shall be accompanied by a franchise application fee as set forth in the current Whatcom County unified fee schedule.
- C. Every franchise application submitted to the county council must also be accompanied by a sketch of the proposed installation. (Ord. 2008-005 Exh. A; Ord. 2004-022).

12.24.025 Transfer of ownership or control.

- A. A franchise shall not be sold, transferred, leased, assigned or disposed of in whole or in part either by sale, voluntary or involuntary merger, consolidation or otherwise, unless approval is granted by the county council to ensure a review of circumstances not present at the time of the adoption of the original franchise. The council's approval shall not be unreasonably withheld.

12.24.061 Recording of franchise.

The Whatcom County council clerk shall cause the franchise to be recorded by the county auditor pursuant to RCW 36.55.080. (Ord. 2008-005 Exh. A; Ord. 2004-022).

12.24.070 Submittal of plans and specifications.

There shall be submitted to the director of Whatcom County public works or the county engineer three copies of the final plans, specifications or special provisions of the proposed installation, at the time of the granting of a franchise. (Ord. 2008-005 Exh. A; Ord. 2004-022; Ord. 93-066 Exh. A; prior code § 4.44.020. Formerly 12.24.020).

12.24.080 Time limit.

There shall be a time limit imposed upon the construction of any facility granted by franchise on any county road or bridge, subject to the approval of the county engineer. (Ord. 2008-005 Exh. A; Ord. 2004-022; prior code § 4.44.030. Formerly 12.24.030).

12.24.090 Surety bonds.

There shall be a surety bond posted at the time of granting a franchise for any facility upon a county road or bridge to ensure replacement of any county road or bridge to its original condition and shall be in an amount not less than 10 percent of the total estimate of the proposed installation and releasable only by the county engineer. (Ord. 2008-005 Exh. A; Ord. 2004-022; Ord. 93-066 Exh. A; prior code § 4.44.040. Formerly 12.24.040).

12.24.100 Inspection.

There shall be adequate inspection by an inspector approved by the county engineer who shall be responsible to the county engineer for all construction of any facility upon any county road or bridge. (Ord. 2008-005 Exh. A; Ord. 2004-022; prior code § 4.44.050. Formerly 12.24.050).

12.24.110 Approval of alteration or revision.

No alteration or revisions of plans as submitted at the time of granting a franchise shall be permitted by a person or persons, or any franchise-holder, unless prior approval is requested and submitted to the county engineer. (Ord. 2008-005 Exh. A; Ord. 2004-022; Ord. 93-066 Exh. A; prior code § 4.44.060. Formerly 12.24.060).

12.24.120 Liability for construction or maintenance.

The foregoing regulations are not to be construed as relieving the franchise holder of any responsibility or liability for the construction, reconstruction, or maintenance of such facilities as the franchise may grant. (Ord. 2008-005 Exh. A; Ord. 2004-022; prior code § 4.44.070. Formerly 12.24.070).

parties. The word "control" as use herein is not limited to majority stock ownership only, but includes actual working control in whatever manner exercised.

C. A franchisee shall promptly notify the county council prior to any proposed change in, or transfer of or acquisition by any other party of control of a franchisee's company. Every change, transfer, or acquisition by any other party of control of a franchisee's company shall cause a review of the proposed transfer. In the event that the county council adopts a resolution denying its consent and such change transfer or acquisition of control has been effected, the county may cancel the franchise. Approval shall not be required for mortgaging purposes or if said transfer is from a franchisee to another person or entity controlling, controlled by, or under common control with a franchisee.

D. Application for transfer of ownership or control shall be submitted to the county council.

E. Every franchise application for transfer of ownership submitted to the county council shall be accompanied by a franchise transfer of ownership fee as set forth in the current Whatcom County Unified Fee Schedule.

F. Regardless of the circumstances, a franchisee shall promptly notify the county prior to any proposed name change of the franchisee's company. In the event that the county approves a resolution withholding its consent to the name change within 60 days of receipt of notice thereof, the county may cancel the franchise unless the parties to such change reverse its effects within 60 days after the county notifies the franchisee of its intent to cancel the franchise hereunder. (Ord. 2008-005 Exh. A).

12.24.031 Forward to public works.

Upon receipt of franchise application, application fee, and sketch of proposed installation, or application for transfer of ownership and transfer of ownership fee, the clerk of the council shall forward a complete copy to the director of Whatcom County public works or the county engineer. (Ord. 2008-005 Exh. A; Ord. 2004-022; Ord. 93-066 Exh. A; prior code § 4.44.010. Formerly 12.24.010).

12.24.041 Ordinance.

Whatcom County public works director or the county engineer shall prepare an ordinance granting the franchise for consideration by the county council. (Ord. 2008-005 Exh. A; Ord. 2004-022).

12.24.051 Application – Notice of hearing.

The clerk of the council shall schedule a public hearing on the ordinance granting the franchise pursuant to RCW 36.55.050. (Ord. 2008-005 Exh. A; Ord. 2004-022).

Whatcom County public works director or the county engineer shall prepare an ordinance granting the franchise for consideration by the county council. (Ord. 2008-005 Exh. A; Ord. 2004-022).

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12.24.100 Inspection.

Such costs associated with this review process shall be reimbursed to the county council by a new prospective franchisee.

B. An assignment of a franchise shall be deemed to occur if there is an actual change in control or where ownership of 50 percent or more of the beneficial interests, singly or collectively, are obtained by other parties. The word "control" as use herein is not limited to majority stock ownership only, but includes actual working control in whatever manner exercised.

C. A franchisee shall promptly notify the county council prior to any proposed change in, or transfer of or acquisition by any other party of control of a franchisee's company. Every change, transfer, or acquisition by any other party of control of a franchisee's company shall cause a review of the proposed transfer. In the event that the county council adopts a resolution denying its consent and such change transfer or acquisition of control has been effected, the county may cancel the franchise. Approval shall not be required for mortgaging purposes or if said transfer is from a franchisee to another person or entity controlling, controlled by, or under common control with a franchisee.

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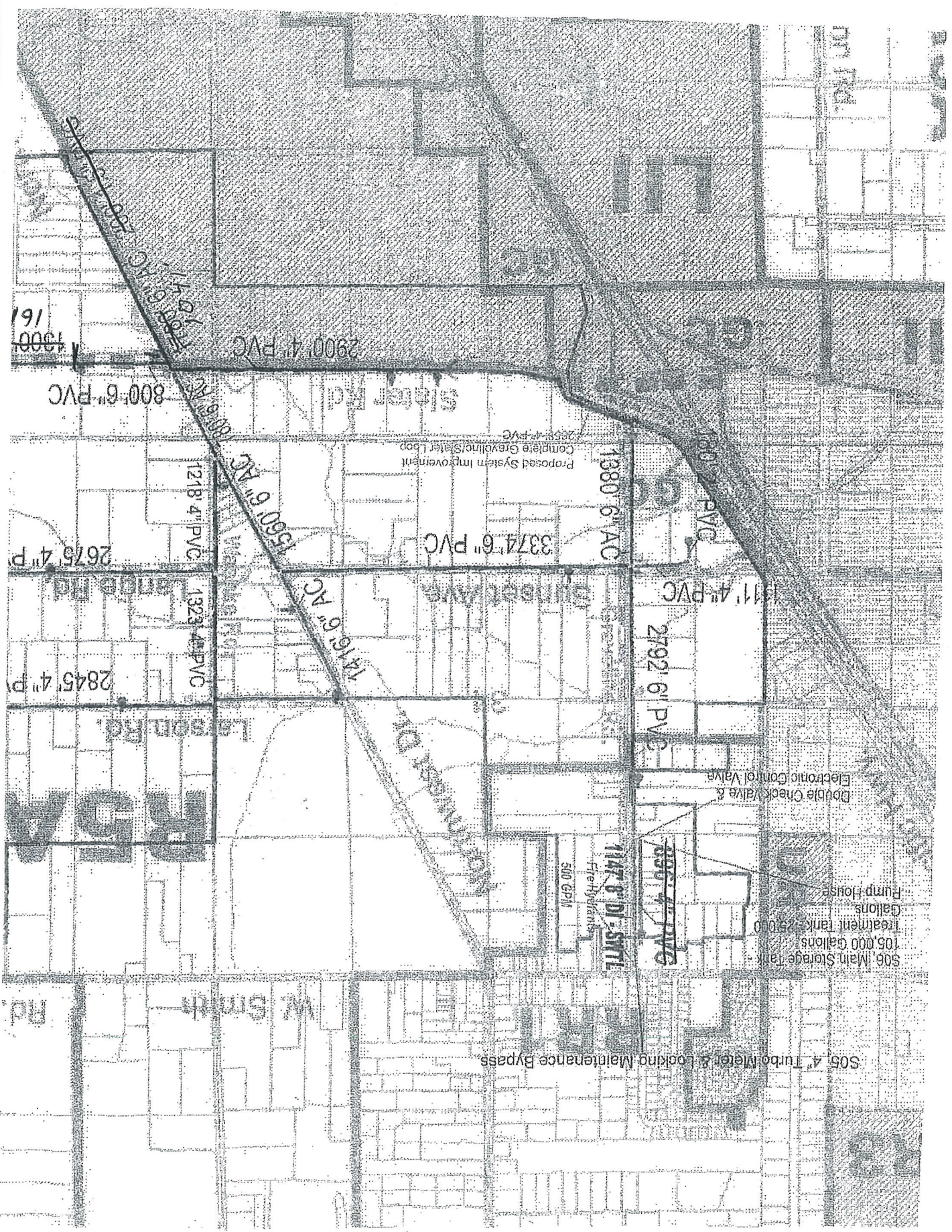
12.24.120 Liability for construction or maintenance.

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USE OF WHATCOM COUNTY'S
AGREEMENT WITH THE FOLLO
Whatcom County disclaims any
of this map of this area for some use

er Association



S05_4" Turbo Meter & Locking Maintenance Bypass

S06, Main Storage Tank
105,000 Gallons
Treatment Tank - 25,000
Gallons
Pump House

Double Check Valve &
Electronic Control Valve

1145' 8" DI - SMTL
Hydrants
500 GPM

2792' 6" PVC

1311' 4" PVC

1380' 6" AC

3374' 6" PVC

1560' 6" AC

1218' 4" PVC

1323' 4" PVC

2675' 4" P

2845' 4" P

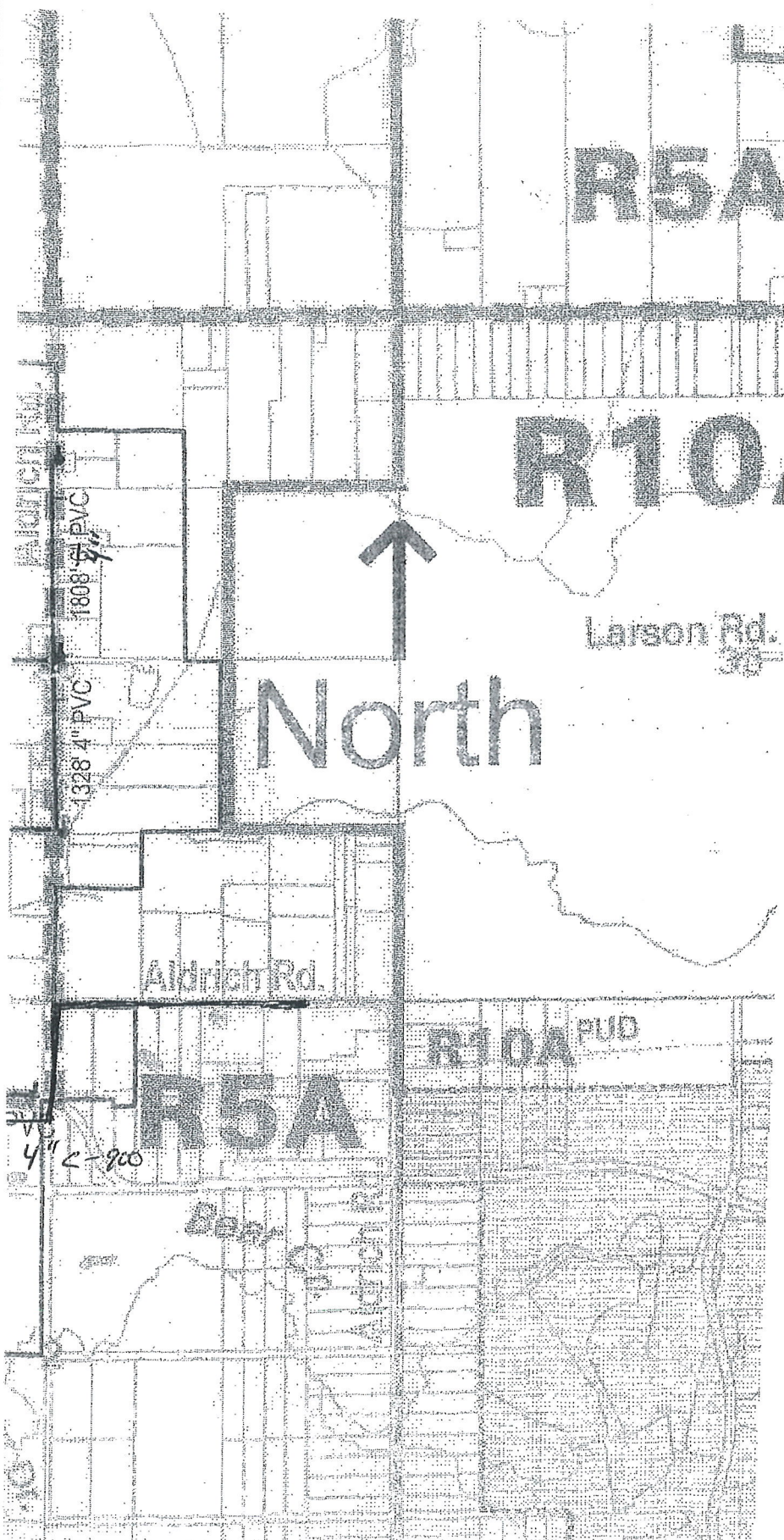
800' 6" PVC

2900' 4" PVC

1300' 161

1145' 8" DI - SMTL
Hydrants
500 GPM

Proposed System Improvement
Complete Grayling/Slater Loop
2958' 4" PVC



Notes:

The 896' PVC & 1147' 8" DI on Graveline will be installed in summer 2004. The NWWAI Utility Service Area shown here will be in effect summer 2004.

All PVC joints are assumed to be glued except for:
 896' PVC on Graveline Road,
 1808' PVC on Aldrich Road,
 which have slip joints.

The Utility Service Area of the NWWAI covers approximately 1,200 acres.

The total length of distribution piping is almost exactly 6 miles.

**Northwest Water Association, Inc.
 Facilities & Service Area**

- Distribution Pipes —————
- Utility Service Area —————
- Manual Flow Control Valves •
- 2" Blowoff ↓
- System Booster Pumps Limited Fire Hydrant •
- Planned Improvements —————

Lines and Symbols Overlaid on Whatcom County Title 20 Zoning Map
 Map made by:
 Michael Robbins
 Project Coordinator
 Board of Directors
 NWWAI, January 2004


5168 Graveline Road
 Bellingham, WA 98226

NORTHWEST WATER ASSOC.
C/O CHERYL A BRINKLEY
5168 GRAVELINE RD.
BELLINGHAM, WA 98226-9055

19-10/1250

4326

DATE 7-10-18

Whatcom County Council | \$ 500.⁰⁰
PAY TO THE ORDER OF Five Hundred and no/100 DOLLARS  Security Features
Including: Details on Back.

usbank.

MEMO Franchise

[Signature]

⑆ 25000 105⑆ 15350 1908476⑈ 4326

RECEIPT
Whatcom County

200420

DEPARTMENT Council DATE 7/16/18

RECEIVED FROM NW Water Association
ADDRESS _____

IN PAYMENT OF Franchise Application

FUND _____ AMOUNT PAID \$500.00

REVENUE CODE _____

OLD BAL.		
PAID		
BAL. DUE		

CASH			
CHECK	500	00	#4326
MONEY ORD.			

SIGNATURE *[Signature]*

NOTE - All three copies of all voided receipts must be retained
in department's numerical file.

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 778-5010



COUNCILMEMBERS
Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

WHATCOM COUNTY COUNCIL

June 19, 2019

Northwest Water Association
Attn: Mr. Brinkley
5168 Graveline Road
Bellingham, WA 98226

RE: County Council Hearing on Franchise Application

Dear Mr. Brinkley:

For your information, the Council is having a public hearing on the ordinance that would grant Northwest Water Association a non-exclusive franchise (please see the enclosed hearing notice). You may wish to post copies of this notice in the vicinity of the areas that are included in your franchise application. I have enclosed a copy of the public hearing notice for your records. The hearing is scheduled for July 23. The Council meeting begins at 7:00 p.m. and is located in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

You, or a representative, are encouraged to attend the hearing. Council will consider statements made during the hearing in making its final decision. If the ordinance is adopted, you will receive an "Acceptance of Franchise" form and an invoice from our office within a few weeks of the adoption date. Your franchise is not truly granted until the notarized Acceptance of Franchise is returned to our office along with payment. It will then be recorded by the County Auditor and a copy will be mailed to you.

Thank you, and please feel free to contact me if you have questions or concerns.

Sincerely,

Marina Engels, CMC
Deputy Clerk of the Council

Enc. Hearing Notice

C: Public Works Administration
Christopher Quinn, Prosecutor's Office
Andrew Hester, Public Works
✓ AB 2019-347 *uploaded*

PUBLIC HEARING NOTICE

Whatcom County Council will have a public hearing, will consider adopting, and may amend the following at its July 23, 2019 meeting, or at a later date:

ORDINANCE GRANTING NORTHWEST WATER ASSOCIATION A FRANCHISE AND THE RIGHT, PRIVILEGE, AND AUTHORITY THEREUNDER TO LOCATE, SET, ERECT, LAY, CONSTRUCT, EXTEND, SUPPORT, ATTACH, CONNECT, MAINTAIN, REPAIR, REPLACE, ENLARGE, OPERATE AND USE FACILITIES IN, UPON, ALONG, ACROSS AND THROUGH THE FRANCHISE AREA TO ALLOW FOR THE PROVISION OF WATER SERVICES (2019-347): This ordinance grants a 25 year non-exclusive franchise to construct, erect, alter, lay, support, connect, improve, renew, replace, repair, operate and maintain water transmission and distribution facilities upon, under, over across and along certain roads and other areas in Whatcom County. The "Franchise Area" is legally described as follows: all public county roads, county public ways, and county property now owned or hereafter dedicated to the County with Sections 33, 34, and 35, Township 39 North, Range 2 East of W.M., and Sections 2 and 3, Township 38 North, Range 2 East of W.M. in Whatcom County, Washington as may hereafter be amended and attached hereto. In addition, any portion of Smith Road, Northwest Drive, Waschke Road, Aldrich Road, Slater Road, and Pacific Highway outside of the previous described area. "Facilities" means collectively, any and all water transmission and distribution systems, including but not limited to tanks, meters, pipes, mains, services, valves, manholes, pressure reducing valves ("PRVs"), pump stations, meter stations and any and all other equipment, appliances, attachments, appurtenances and other items necessary, convenient, or in any way appertaining to any and all of the foregoing, whether the same be located over or under ground.

Council introduced the above at its June 18, 2019 meeting. Public documents are available for review in the Council Office, 311 Grand Avenue, Bellingham, or at <https://whatcom.legistar.com>.

Meetings are in the Council Chambers, same address, at 7 PM unless otherwise announced. The Council Chambers is handicapped accessible. People with special needs or disabilities who will be attending this meeting are asked to please contact our office (360-778-5010 or 800-676-6757) at least 96 hours in advance, so that we may make any needed accommodations. If interpretive services or transportation is needed, please call more than two days ahead of time.

Dated June 19

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Rud Browne Dana Brown-Davis
Council Chair Clerk of the Council

Publish July 6 and July 13

PUBLIC HEARING NOTICE

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Dated June 19

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Rud Browne Dana Brown-Davis
Council Chair Clerk of the Council

Publish July 6 and July 13

*Emailed
to Herald
7-19-19*

JON HUTCHINGS
DIRECTOR



MEMORANDUM

TO: The Honorable Jack Louws, County Executive,
Honorable Members of the Whatcom County Council

THROUGH: Jon Hutchings, Director / *JH*

FROM: Andrew Hester, Public Works Real Estate Coordinator *AH*

RE: Franchise for Northwest Water Association

DATE: June 5, 2019

▪ **Requested Action**

Adopt an ordinance that grants a franchise to Northwest Water Association, allowing it to use and be present in County Rights of Way in order to provide water services per the terms of the franchise agreement, under RCW 36.55 and § 9.30 of the Home Rule Charter.

▪ **Background and Purpose**

Northwest Water Association has an existing franchise for its water lines and facilities within County rights of way. This proposed franchise will terminate and replace that existing agreement.

Please contact Chris Quinn at extension 5729 if you have any questions or concerns regarding the terms of this agreement.

Encl.

AB2019-347

RECEIVED



THE BELLINGHAM HERALD

AUG 5 2019

WHATCOM COUNTY COUNCIL

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
450919	0004315217	COUNCIL ACTION TAKEN The Whatcom County	Council Action Taken	\$405.30	2	11.67 In

Attention: Dana Brown-Davis

WHATCOM CO COUNCIL
311 GRAND AVE STE 105
BELLINGHAM, WA 982254038

COUNCIL ACTION TAKEN

The Whatcom County Council adopted the following at its July 23, 2019, meeting: **ORDINANCE (2019-057) AMENDING WHATCOM COUNTY CODE (WCC) TITLE 20 (CHAPTERS 20.51 AND 20.71) PERTAINING TO TREE REMOVAL PERMIT PROCEDURES AND TITLE 23 (CHAPTER 23.10) UPDATING THE REFERENCED CRITICAL AREAS ORDINANCE (AB2019-316)**; This ordinance amends WCC to clarify what type of permit is needed to remove trees within the Lake Whatcom Watershed and the Water Resource Protection overlay districts (Lake Padden, Samish, and Whatcom watersheds) in order to monitor tree canopy retention through the requirement to apply for a tree removal permit. It also amends the Shoreline Master Program (SMP) to adopt the recently amended Critical Areas Ordinance (CAO) regarding the definition of "hazard tree" and directs Planning & Development Services (PDS) to submit it to the Department of Ecology for their review and approval. This ordinance was introduced June 18, 2019.

ORDINANCE (2019-053) AMENDING WHATCOM COUNTY CODE 16.30 ENTITLED "LAKE WHATCOM STORMWATER UTILITY FUNDING MECHANISM" (2019-377); This ordinance creates a funding mechanism for the Lake Whatcom Stormwater Utility Service Area, effective January 1, 2020. The following annual rates are established for the area for the year 2020: Small single family residential footprint (parcel containing a single-family residence with less than or equal to 2,500 impervious square feet) - \$55.32; medium single family residential footprint (parcel containing a single-family residence with more than 2,500 impervious square feet and less than or equal to 8,400 impervious square feet) - \$73.76; large single family residential footprint (parcel containing a single-family residence with more than 8,400 impervious square feet) - \$147.52; other developed parcels - \$73.76 per equivalent service unit (a configuration of impervious surface estimated to contribute an amount of runoff to the County's stormwater management system which is approximately equal to that created by the average single-family residential developed parcel in the service area). The following annual rates are established for the Service Area for the year 2021: Small single family residential footprint (parcel containing a single-family residence with less than or equal to 2,500 impervious square feet) - \$110.64; medium single family residential footprint (parcel containing a single-family residence with more than 2,500 impervious square feet and less than or equal to 8,400 impervious square feet) - \$147.52; large single family residential footprint (parcel containing a single-family residence with more than 8,400 impervious square feet) - \$295.04; other developed parcels - \$147.52 per equivalent service unit (a configuration of impervious surface estimated to contribute an amount of runoff to the County's stormwater management system which is approximately equal to that created by the average single-family residential developed parcel in the service area). A capital facilities charge is established for new development or expansion or densification of existing development as follows: Single family parcels - \$1,730 per parcel; other developed parcels - \$1,730 per equivalent service unit. This ordinance was introduced July 9, 2019.

ORDINANCE (2019-052) GRANTING NORTHWEST WATER ASSOCIATION A FRANCHISE AND THE RIGHT, PRIVILEGE, AND AUTHORITY THEREUNDER TO LOCATE, SET, ERECT, LAY, CONSTRUCT, EXTEND, SUPPORT, ATTACH, CONNECT, MAINTAIN, REPAIR, REPLACE, ENLARGE, OPERATE AND USE FACILITIES IN, UPON, ALONG, ACROSS AND THROUGH THE FRANCHISE AREA TO ALLOW FOR THE PROVISION OF WATER SERVICES (2019-347); This ordinance grants a 25 year non-exclusive franchise to construct, erect, alter, lay, support, connect, improve, renew, replace, repair, operate and maintain water transmission and distribution facilities upon, under, over across and along certain roads and other areas in Whatcom County. The "Franchise Area" is legally described as follows: all public county roads, county public ways, and county property now owned or hereafter dedicated to the County with Sections 33, 34, and 35, Township 39 North, Range 2 East of W.M., and Sections 2 and 3, Township 38 North, Range 2 East of W.M. in Whatcom County, Washington as may hereafter be amended and attached hereto. In addition, any portion of Smith Road, Northwest Drive, Waschke Road, Aldrich Road, Slater Road, and Pacific

AB2019-316

AB2019-377

AB2019-347

VICTORIA RODELA, being duly sworn, deposes and says: That he/she is the Principal Clerk of The Bellingham Herald, a daily newspaper printed and published in Bellingham, Whatcom County, State of Washington, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of six months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Bellingham Herald, as amended, for:

1 Insertions

Published On:
July 28, 2019

(Principal Clerk)

Subscribed and sworn on this 29th day of July in the year of 2019 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



THE BELLINGHAM HERALD

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
450919	0004267898	PUBLIC HEARING NOTICE Whatcom County Co	88433 OP	\$ 290.00	1	8.67 In

Attention: Marina Engels

WHATCOM CO COUNCIL
311 GRAND AVE STE 105
BELLINGHAM, WA 982254038

PUBLIC HEARING NOTICE

Whatcom County Council will have a public hearing, will consider adopting, and may amend the following at its July 23, 2019 meeting, or at a later date: **ORDINANCE GRANTING NORTHWEST WATER ASSOCIATION A FRANCHISE AND THE RIGHT, PRIVILEGE, AND AUTHORITY THEREUNDER TO LOCATE, SET, ERECT, LAY, CONSTRUCT, EXTEND, SUPPORT, ATTACH, CONNECT, MAINTAIN, REPAIR, REPLACE, ENLARGE, OPERATE AND USE FACILITIES IN, UPON, ALONG, ACROSS AND THROUGH THE FRANCHISE AREA TO ALLOW FOR THE PROVISION OF WATER SERVICES (2019-347)**: This ordinance grants a 25 year non-exclusive franchise to construct, erect, alter, lay, support, connect, improve, renew, replace, repair, operate and maintain water transmission and distribution facilities upon, under, over across and along certain roads and other areas in Whatcom County. The "Franchise Area" is legally described as follows: all public county roads, county public ways, and county property now owned or hereafter dedicated to the County with Sections 33, 34, and 35, Township 39 North, Range 2 East of W.M., and Sections 2 and 3, Township 38 North, Range 2 East of W.M. in Whatcom County, Washington as may hereafter be amended and attached hereto. In addition, any portion of Smith Road, Northwest Drive, Washike Road, Al-drich Road, Slaton Road, and Pacific Highway outside of the previous described area. "Facilities" means collectively, any and all water transmission and distribution systems, including but not limited to tanks, meters, pipes, mains, services, valves, manholes, pressure reducing valves ("PRVs"), pump stations, meter stations and any and all other equipment, appliances, attachments, appurtenances and other items necessary, convenient, or in any way appertaining to any and all of the foregoing, whether the same be located over or under ground. Council introduced the above at its June 18, 2019 meeting. Public documents are available for review in the Council Office, 311 Grand Avenue, Bellingham, or at <https://whatcom.legistar.com>. Meetings are in the Council Chambers, same address,

RECEIVED

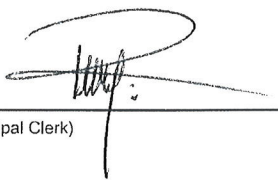
JUL 26 2019

WHATCOM COUNTY COUNCIL

KELLY ROVELO, being duly sworn, deposes and says: That he/she is the Principal Clerk of The Bellingham Herald, a daily newspaper printed and published in Bellingham, Whatcom County, State of Washington, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of six months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Bellingham Herald, as amended, for:

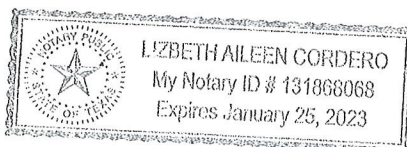

2 Insertions

Published On:
July 05, 2019, July 12, 2019



(Principal Clerk)

Subscribed and sworn on this 22nd day of July in the year of 2019 before me, a Notary Public, personally appeared before me Kelly Rovelo known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Notary Public in and for the state of Texas, residing in Dallas County

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 778-5010



COUNCILMEMBERS
Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

WHATCOM COUNTY COUNCIL

July 30, 2019

Northwest Water Association
Attn.: Mr. Brinkley
5168 Graveline Road
Bellingham, WA 98226

RE: Franchise Approval

Dear Mr. Brinkley:

At the Whatcom County Council's meeting of July 23, 2019, Ordinance 2019-052 was adopted, granting your company a non-exclusive franchise for a period of 25 years.

You will be mailed a copy of the ordinance, as well as other paperwork fully granting your franchise, after you have completed the following steps:

☀ Complete and return the enclosed "Acceptance of Franchise" form to the Council Office, 311 Grand Ave., Suite 105, Bellingham, WA 98225.

☀ Reimburse the Council Office for publication costs of \$290.16 (make your check payable to "Whatcom County Council").

Please respond to this request within 30 days. The process will be complete and your franchise will be in effect once we receive your payment and the Acceptance of Franchise form. We will have the ordinance and the Acceptance of Franchise recorded by the County Auditor. We will mail you a copy of both documents once they are recorded. Your cooperation is appreciated, and we wish you good luck in your venture.

Sincerely,

Cathy B. Halka, AICP
Legislative Analyst

Enc. Acceptance of Franchise Form
Copy of legal affidavit for publication

C: AB 2019-347

Please note
Tim Brinkley is
no longer on the
board. Leland Rounds
is now president.
Our mailing
address is
5207 Graveline Rd
Bellingham, WA 98226



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-347

File ID:	AB2019-347	Version:	1	Status:	Adopted
File Created:	06/04/2019	Entered by:	AHester@co.whatcom.wa.us		
Department:	Public Works Department	File Type:	Ordinance		
Assigned to:	Council			Final Action:	07/23/2019
Agenda Date:	07/23/2019			Enactment #:	ORD 2019-052

Primary Contact Email: sdraper@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance granting Northwest Water Association a franchise and the right, privilege, and authority thereunder to locate, set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use facilities in, upon, over, under, along, across and through the franchise area to allow for the provision of water services

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

RCW 36.55.040, Whatcom County Charter Section 9.30, and Whatcom County Code 12.24 provides for the granting of franchises to public and private utility companies for use of County Rights-of-Way. This is a new franchise allowing for the use of and presence in County Rights-of-Way to allow for the provision of water services

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
06/18/2019	Council	INTRODUCED FOR PUBLIC HEARING	Council
	Notes:	Vote: 5-1, Brenner opposed, Buchanan absent	
07/23/2019	Council	ADOPTED	
	Notes:	Vote: 6-0, Brenner abstained, Ordinance 2019-052	

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 778-5010



COUNCILMEMBERS
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Carol Frazey
Satpal Sidhu

WHATCOM COUNTY COUNCIL

August 29, 2019

Northwest Water Association
Attn: Leland Rounds
5207 Graveline Rd
Bellingham, WA 98226

Re: Recorded Franchise Ordinance

Dear Mr. Rounds:

Enclosed is a copy of Whatcom County Ordinance Number 2019-052 approving assignment of the franchise granted to Northwest Water Association. The Franchise Ordinance has been recorded with the County Auditor. I have enclosed a copy for your records. It can also be accessed online at recording.whatcomcounty.us.

I would like to take this opportunity to thank you for your timeliness and cooperation in this process. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Cathy B. Halka". The signature is written in a cursive style.

Cathy B. Halka, AICP
Legislative Analyst
Whatcom County Council

c: Christopher Quinn, Prosecutor's Office
Jon Hutchings, Public Works Administration
Jack Louws, County Executive
Northwest Water Association franchise file
AB2019-347