

**KING COUNTY WATER DISTRICT NO. 90
KING COUNTY, WASHINGTON**

RESOLUTION NO. 1083

A RESOLUTION of the Board of Commissioners of King County Water District No. 90, King County, Washington, relating to access to District property and facilities and prohibiting tampering, unauthorized connections or diversion of services.

WHEREAS, the District requires timely access to all of its property and facilities, including property and facilities located within easements, right-of-way, or other locations to which the District has access as a condition of service, for the management of day to day operations, including monitoring the water system, ensuring the health and safety of water, maintaining and replacing District owned facilities, and providing for the determination and collection of monies for service provided to customers; and

WHEREAS; in limited circumstances, customers may have interfered with such access either innocently, negligently, or intentionally such that District staff cannot carry out its essential duties;

WHEREAS; RCW 80.28.240 provides in part that a utility “may bring a civil action for damages against any person who commits, authorizes, solicits, aid, abets or attempts” to divert, connect or reconnect service without authorization or consent of the utility, “prevent any utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means”, tamper with District property;

WHEREAS; RCW 80.28.240(4)(e) provides that “Tamper” means to “rearrange, injure alter, interfere with, or otherwise prevent from performing the normal or customary function”, and such definition is used throughout this resolution;

WHEREAS; it’s critical that the District have access to its water meters for inspection, meter reading, meter maintenance and replacement, and other business; and, that customers keep the

RESOLUTION NO. 1083
SUBJECT: Access to District Property and Facilities
PAGE - 1

meters free of property or other barriers that prevent such access. Any such restriction of this access by a customer shall be deemed tampering;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of King County Water District No. 90, King County, Washington, as follows:

SECTION 1: That the District adopts this Resolution to provide a process in the event a customer tampers with District property and facilities or performance of District functions, and for other purposes set forth herein.

SECTION 2: As a condition of providing water service, customers shall not violate the provisions of RCW 80.28.240, including, but not limited to, tampering with any District property or facilities; shall keep their water meters and any other District owned facilities free of obstructions; and, shall provide for access to District employees through any fence, gate, or other obstruction.

SECTION 3: In the event District employees encounters any tampering, such employee directly, or through management, will make efforts to contact the customer to address and stop such tampering.

SECTION 4: In the event a customer continues to tamper, then the District may inform the customer that their service will be shut off and otherwise disconnected until such time as the tampering activity ceases. Such notice will be provided in the manner and on such timeline that the District Manager deems appropriate for the situation, in the District Managers sole discretion. In the event access is required to reasonably prevent damage or injury to person(s) or property, the District Manager may direct the service to be disconnected without advance notice. Such customer will be responsible for all customary shutoff and related charges that are normally charged for non-payment of utility service.

SECTION 5: The District may assess a Tampering Fee as provided for in the District's Schedule of Charges as currently adopted, or as may be amended and adopted by further

RESOLUTION NO. 1083

SUBJECT: Access to District Property and Facilities

PAGE - 2

resolution. The charges currently in effect are as follows:

Tampering	1st Offense	2nd Offense	3rd Offense
Meter Tampering	\$ 100.00	\$ 250.00	\$ 500.00
Hydrant Tampering	\$ 300.00	\$ 600.00	\$ 900.00
Additional Penalties and Fees - No Access to meter			
No Access to Meter Penalty (Starting the third day)	\$25 per day		
No access to meter	Actual costs for work to block/remove, etc. (*per section 5 & 6 below)		

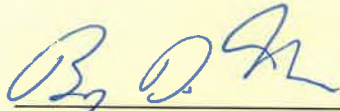
In addition to the foregoing fees and charges, if a customer fails to provide access to a water meter or other District property after written request of the District, the District will charge \$25.00 per day for each day that the customer fails to provide access beginning on the third day after written request for access is provided by the District to the customer. The District may also collect interest, penalties, attorney's fees and other charges as authorized by RCW 57.08.081.


SECTION 6: In the event a customer continues to tamper, then the District Manager may, with the approval of the Board of Commissioners, provide for such other action as the Board of Commissioners deems appropriate, including the blocking, removing, and/or termination of utility service. In such event, then as a condition of reconnecting utility service, the customer may be required to pay all costs of blocking, removal and/or reinstallation; all rates, interest, penalties, and other fees owed; and if service is terminated, then customer shall pay any general or special facility and connection charges that apply as if the service is a new connection to the District system.

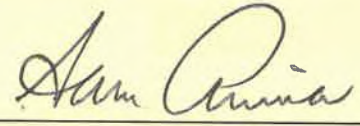
SECTION 7: Nothing herein shall be construed so as to limit the Districts other statutory rights, including those rights set forth in RCW 57 et. al; RCW 80.28.240; or from seeking criminal charges pursuant to RCW 9A.61 et. al (Defrauding a Public Utility);

ADOPTED by the Board of Commissioners of King County Water District No. 90, King

County, Washington, at a regular open public meeting thereof on the 15th day of September, 2020.

 9/17/20
Byron Murgatroyd, President

 9-16-20
Pete Eberle, Vice-President

 9-16-20
Sam Amira, Secretary