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SENATE BILL 5780

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State of Washington

55th Legislature

1997 Regular Session

By Senators Haugen, Swecker, Fraser and Rasmussen

Read first time 02/12/97. Referred to Committee on Government Operations.

1 AN ACT Relating to conforming the authority for water system  
2 development charges with a city's authority; and amending RCW  
3 57.08.005.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 57.08.005 and 1996 c 230 s 301 are each amended to  
6 read as follows:

7 A district shall have the following powers:

8 (1) To acquire by purchase or condemnation, or both, all lands,  
9 property and property rights, and all water and water rights, both  
10 within and without the district, necessary for its purposes. The right  
11 of eminent domain shall be exercised in the same manner and by the same  
12 procedure as provided for cities and towns, insofar as consistent with  
13 this title, except that all assessment or reassessment rolls to be  
14 prepared and filed by eminent domain commissioners or commissioners  
15 appointed by the court shall be prepared and filed by the district, and  
16 the duties devolving upon the city treasurer are imposed upon the  
17 county treasurer;

1 (2) To lease real or personal property necessary for its purposes  
2 for a term of years for which that leased property may reasonably be  
3 needed;

4 (3) To construct, condemn and purchase, add to, maintain, and  
5 supply waterworks to furnish the district and inhabitants thereof and  
6 any other persons, both within and without the district, with an ample  
7 supply of water for all uses and purposes public and private with full  
8 authority to regulate and control the use, content, distribution, and  
9 price thereof in such a manner as is not in conflict with general law  
10 and may construct, acquire, or own buildings and other necessary  
11 district facilities. Where a customer connected to the district's  
12 system uses the water on an intermittent or transient basis, a district  
13 may charge for providing water service to such a customer, regardless  
14 of the amount of water, if any, used by the customer. District  
15 waterworks may include facilities which result in combined water supply  
16 and electric generation, if the electricity generated thereby is a  
17 byproduct of the water supply system. That electricity may be used by  
18 the district or sold to any entity authorized by law to use or  
19 distribute electricity. Electricity is deemed a byproduct when the  
20 electrical generation is subordinate to the primary purpose of water  
21 supply. For such purposes, a district may take, condemn and purchase,  
22 acquire, and retain water from any public or navigable lake, river or  
23 watercourse, or any underflowing water, and by means of aqueducts or  
24 pipeline conduct the same throughout the district and any city or town  
25 therein and carry it along and upon public highways, roads, and  
26 streets, within and without such district. For the purpose of  
27 constructing or laying aqueducts or pipelines, dams, or waterworks or  
28 other necessary structures in storing and retaining water or for any  
29 other lawful purpose such district may occupy the beds and shores up to  
30 the high water mark of any such lake, river, or other watercourse, and  
31 may acquire by purchase or condemnation such property or property  
32 rights or privileges as may be necessary to protect its water supply  
33 from pollution. For the purposes of waterworks which include  
34 facilities for the generation of electricity as a byproduct, nothing in  
35 this section may be construed to authorize a district to condemn  
36 electric generating, transmission, or distribution rights or facilities  
37 of entities authorized by law to distribute electricity, or to acquire  
38 such rights or facilities without the consent of the owner;

1 (4) To purchase and take water from any municipal corporation,  
2 private person, or entity. A district contiguous to Canada may  
3 contract with a Canadian corporation for the purchase of water and for  
4 the construction, purchase, maintenance, and supply of waterworks to  
5 furnish the district and inhabitants thereof and residents of Canada  
6 with an ample supply of water under the terms approved by the board of  
7 commissioners;

8 (5) To construct, condemn and purchase, add to, maintain, and  
9 operate systems of sewers for the purpose of furnishing the district,  
10 the inhabitants thereof, and persons outside the district with an  
11 adequate system of sewers for all uses and purposes, public and  
12 private, including but not limited to on-site sewage disposal  
13 facilities, approved septic tanks or approved septic tank systems,  
14 other facilities and systems for the collection, interception,  
15 treatment, and disposal of wastewater, and for the control of pollution  
16 from wastewater and for the protection, preservation, and  
17 rehabilitation of surface and underground waters, facilities for the  
18 drainage and treatment of storm or surface waters, public highways,  
19 streets, and roads with full authority to regulate the use and  
20 operation thereof and the service rates to be charged. Sewage  
21 facilities may include facilities which result in combined sewage  
22 disposal, treatment, or drainage and electric generation, except that  
23 the electricity generated thereby is a byproduct of the system of  
24 sewers. Such electricity may be used by the district or sold to any  
25 entity authorized by law to distribute electricity. Electricity is  
26 deemed a byproduct when the electrical generation is subordinate to the  
27 primary purpose of sewage disposal, treatment, or drainage. For such  
28 purposes a district may conduct sewage throughout the district and  
29 throughout other political subdivisions within the district, and  
30 construct and lay sewer pipe along and upon public highways, roads, and  
31 streets, within and without the district, and condemn and purchase or  
32 acquire land and rights of way necessary for such sewer pipe. A  
33 district may erect sewage treatment plants within or without the  
34 district, and may acquire, by purchase or condemnation, properties or  
35 privileges necessary to be had to protect any lakes, rivers, or  
36 watercourses and also other areas of land from pollution from its  
37 sewers or its sewage treatment plant. For the purposes of sewage  
38 facilities which include facilities that result in combined sewage  
39 disposal, treatment, or drainage and electric generation where the

1 electric generation is a byproduct, nothing in this section may be  
2 construed to authorize a district to condemn electric generating,  
3 transmission, or distribution rights or facilities of entities  
4 authorized by law to distribute electricity, or to acquire such rights  
5 or facilities without the consent of the owners;

6 (6) To construct, condemn, acquire, and own buildings and other  
7 necessary district facilities;

8 (7) To compel all property owners within the district located  
9 within an area served by the district's system of sewers to connect  
10 their private drain and sewer systems with the district's system under  
11 such penalty as the commissioners shall prescribe by resolution. The  
12 district may for such purpose enter upon private property and connect  
13 the private drains or sewers with the district system and the cost  
14 thereof shall be charged against the property owner and shall be a lien  
15 upon property served;

16 (8) Where a district contains within its borders, abuts, or is  
17 located adjacent to any lake, stream, ground water as defined by RCW  
18 90.44.035, or other waterway within the state of Washington, to provide  
19 for the reduction, minimization, or elimination of pollutants from  
20 those waters in accordance with the district's comprehensive plan, and  
21 to issue general obligation bonds, revenue bonds, local improvement  
22 district bonds, or utility local improvement bonds for the purpose of  
23 paying all or any part of the cost of reducing, minimizing, or  
24 eliminating the pollutants from these waters;

25 (9) To fix rates and charges for water, sewer, and drain service  
26 supplied and to charge property owners seeking to connect to the  
27 district's systems, as a condition to granting the right to so connect,  
28 in addition to the cost of the connection, such reasonable connection  
29 charge as the board of commissioners shall determine to be proper in  
30 order that those property owners shall bear their equitable share of  
31 the cost of the system. For the purposes of calculating a connection  
32 charge, the board of commissioners shall determine the pro rata share  
33 of the cost of existing facilities and facilities planned for  
34 construction within the next ten years and contained in an adopted  
35 comprehensive plan and other costs borne by the district which are  
36 directly attributable to the improvements required by property owners  
37 seeking to connect to the system. The cost of existing facilities  
38 shall not include those portions of the system which have been donated  
39 or which have been paid for by grants. The connection charge may

1 include interest charges applied from the date of construction of the  
2 system until the connection(~~(, or for a period not to exceed ten years,~~  
3 ~~whichever is shorter,))~~) at a rate commensurate with the rate of  
4 interest applicable to the district at the time of construction or  
5 major rehabilitation of the system, or at the time of installation of  
6 the lines to which the property owner is seeking to connect. A  
7 district may permit payment of the cost of connection and the  
8 reasonable connection charge to be paid with interest in installments  
9 over a period not exceeding fifteen years. The county treasurer may  
10 charge and collect a fee of three dollars for each year for the  
11 treasurer's services. Those fees shall be a charge to be included as  
12 part of each annual installment, and shall be credited to the county  
13 current expense fund by the county treasurer. Revenues from connection  
14 charges excluding permit fees are to be considered payments in aid of  
15 construction as defined by department of revenue rule.

16 Except as otherwise provided in RCW 90.03.525, any public entity  
17 and public property, including the state of Washington and state  
18 property, shall be subject to rates and charges for sewer, water, storm  
19 water control, drainage, and street lighting facilities to the same  
20 extent private persons and private property are subject to those rates  
21 and charges that are imposed by districts. In setting those rates and  
22 charges, consideration may be made of in-kind services, such as stream  
23 improvements or donation of property;

24 (10) To contract with individuals, associations and corporations,  
25 the state of Washington, and the United States;

26 (11) To employ such persons as are needed to carry out the  
27 district's purposes and fix salaries and any bond requirements for  
28 those employees;

29 (12) To contract for the provision of engineering, legal, and other  
30 professional services as in the board of commissioner's discretion is  
31 necessary in carrying out their duties;

32 (13) To sue and be sued;

33 (14) To loan and borrow funds and to issue bonds and instruments  
34 evidencing indebtedness under chapter 57.20 RCW and other applicable  
35 laws;

36 (15) To transfer funds, real or personal property, property  
37 interests, or services subject to RCW 57.08.015;

38 (16) To levy taxes in accordance with this chapter and chapters  
39 57.04 and 57.20 RCW;

1       (17) To provide for making local improvements and to levy and  
2 collect special assessments on property benefitted thereby, and for  
3 paying for the same or any portion thereof in accordance with chapter  
4 57.16 RCW;

5       (18) To establish street lighting systems under RCW 57.08.060;

6       (19) To exercise such other powers as are granted to water-sewer  
7 districts by this title or other applicable laws; and

8       (20) To exercise any of the powers granted to cities and counties  
9 with respect to the acquisition, construction, maintenance, operation  
10 of, and fixing rates and charges for waterworks and systems of sewerage  
11 and drainage.

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