

ORDINANCE NO. 1081

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF HOUGHTON AND THE CITY OF KIRKLAND, RELATING TO THE OPERATION OF THE KIRKLAND WATER SYSTEM WITHIN THE CITY OF HOUGHTON.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Mayor of the City of Kirkland is hereby authorized and directed to execute a contract with the City of Houghton relating to the continued operation of the Kirkland Water System within the City of Houghton under franchise to be granted to the City of Kirkland, a copy of which contract is attached hereto as Exhibit A, and by this reference made a part hereof.

Section 2. The said contract shall bear the date of, and be effective upon its execution by both cities, and grant of franchise as in said contract provided.

Section 3. This ordinance shall be in force and take effect five (5) days after its passage by the Council, and publication as required by law.

PASSED by the City Council at regular meeting on the 20th day of MARCH, 1967.

SIGNED in authentication thereof on the 20th day of MARCH, 1967.

James L. Vaut
Mayor

Attest:

George E. Anderson
Asst. To Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:

Rayl E. Tom
City Attorney

EXHIBIT - "A" of

ORDINANCE #1081

HOUGHTON-KIRKLAND WATER AGREEMENT

THIS AGREEMENT, made and entered into this 20th day of MARCH, 1967, between the City of Kirkland, a municipal corporation of the State of Washington, hereinafter referred to as "Kirkland" and the City of Houghton, a municipal corporation of the State of Washington, hereinafter referred to as "Houghton".

WITNESSETH:

WHEREAS, certain portions of the City of Kirkland water system lie within the City of Houghton, and are maintained and operated by the Kirkland Water Sewer Department as part of its water system, and

WHEREAS, said system serves residents of Houghton exclusive of those residents served by Water District 81 as individual water customers of Kirkland, and

WHEREAS, the cities of Kirkland and Houghton are desirous of effecting an arrangement which will insure continued water service to the residents of Houghton,

NOW, THEREFORE, in consideration of the mutual covenants and benefits herein enumerated, it is agreed as follows:

SEC. I. The City of Kirkland acting through its Water Sewer Department will continue to furnish water service to individual residents and customers within the City of Houghton. Rates, connection charges, operating regulations and rules, together with customer services shall be governed by the City of Kirkland, provided that consumption and base rates charged to customers lying within the City of Houghton shall be the same as are such rates for City of Kirkland residents. Except as may be modified hereafter, residents of Houghton purchasing water from the Kirkland Water System within the City of Houghton shall

be deemed to be individual customers of the Kirkland Water System.

SEC. II. The City of Houghton will grant to the City of Kirkland by appropriate ordinance approving this agreement, a franchise for the use of Houghton City streets and utility rights of way in connection with the Kirkland Water System and any extensions thereof. Said franchise shall continue for a period of twenty (20) years with renewal for ten (10) years and an additional renewal for ten (10) more years.

SEC. III. The Mayor of Houghton, two members of the Houghton City Council, and three (3) members of the Kirkland City Council (one of whom shall be the Kirkland Mayor) shall meet as a Houghton-Kirkland joint Water Utility Advisory Board.

The primary purpose of this Board shall be to consult and advise concerning a water capital improvement program for the Kirkland System within the Houghton City limits. Such program shall be at least a three (3) year program and shall be reviewed and added to each year.

The Advisory Board shall meet not less than four (4) times per year.

Reports and recommendations of this Board shall be submitted when completed to the Chief Administrative Officer of Kirkland for his consideration and to the respective councils of Houghton and Kirkland to be acted upon as deemed appropriate by the Council of each city within thirty (30) days from the receipt of such reports and recommendations.

SEC. IV. The City of Houghton shall maintain and enforce a subdivision ordinance requiring installation of water distribution systems by developers at the developers' expense, provided, however, where good engineering practice requires the installation of an oversize line the developer shall be reimbursed by the City of Kirkland in the amount by which the installation of the oversize line exceeds the cost of the line otherwise to

be installed. When extensions or improvements of the Kirkland Water System lying within Houghton are to be accomplished through local improvement district procedures the district or districts shall be created by the City of Houghton and Houghton shall be solely responsible for their creation, financing, administration and engineering.

In all cases: the proposed extension or improvement shall be submitted to the Houghton-Kirkland Joint Advisory Board for its approval and recommendation as being consistent with the Water Capital Improvement Program; the City of Kirkland standards and specifications for water lines shall be adhered to; the City of Kirkland shall receive copies of "as-built" plans; and once completed and connected to the Kirkland Water System all such extensions and improvements shall become a part of the Kirkland Water System.

SEC. V. Should the governing authority of the City of Houghton deem it in the best interest of the City to ^{assume} ~~request~~ control and operation of water facilities within Houghton, request shall be made in writing to the City of Kirkland, as a result of which the parties will negotiate within thirty days from the receipt of said request through the Houghton-Kirkland joint Water Utility Advisory Board as prescribed in Section III. above.

SEC. VI. In event of dispute and failure of cities to agree, the matter upon thirty days written notice by either party shall be referred to arbitration with one arbitrator to be selected by each city and a third by the Presiding Judge of Superior Court. Both cities to be bound by findings and decision of majority of arbitrators.

SEC. VII. This agreement shall be deemed to terminate as of the date of the termination of the franchise herein referred to, or any renewal thereof.

This agreement approved by the City of Kirkland by Ordinance No. 1081 and approved by the City of Houghton by Ordinance No. 209.

IN WITNESS WHEREOF, the parties have hereunto executed this agreement as of the day and year first above written.

CITY OF KIRKLAND

By James L. Vaup
Mayor

Attest:

Asst to George E. Anderson
Director of Administration and Finance
(ex officio City Clerk)

CITY OF HOUGHTON

By _____
Mayor

Attest:

City Clerk