

**HARTSTENE POINTE WATER-SEWER DISTRICT
MASON COUNTY, WASHINGTON**

RESOLUTION 2024-06

**A RESOLUTION OF THE
HARTSTENE POINTE WATER-SEWER DISTRICT COMMISSIONERS
ADOPTING A POLICY ON WORK IN THE HARTSTENE-POINTE MAINTENANCE
ASSOCIATION COMMON AREAS AND/OR WITHIN EASEMENT AREAS**

WHEREAS, Hartstene Pointe Water-Sewer District (the “District”) is a special purpose district and municipal corporation organized under and governed by Title 57 RCW; and

WHEREAS, pursuant to RCW 57.08.005, the District is authorized to and may construct, condemn, and purchase, add to, maintain, and supply waterworks to furnish the District and inhabitants thereof and any other persons, both within and without the District, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law; and

WHEREAS, pursuant to RCW 57.08.005, the District is authorized to and may construct, condemn, and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the District, the inhabitants thereof, and persons outside the District with an adequate system of sewers for all uses and purposes, public and private as provided by law; and

WHEREAS, regardless of other considerations, the District must meet its legal obligations to maintain its water and sewer services and shall endeavor to do so at the best service level possible for the benefit of its customers and the needs of the public and inhabitants of the District, to maintain the operational integrity of its systems, and to fulfill its functions to deliver necessary and legally mandated water and sewer services to the inhabitants of the District within its mandate and state law; and

WHEREAS, the Hartstene Pointe Maintenance Association (HPMA) is the real property owner of common area within the District’s service area, HPMA has the legal responsibility to acquire, construct, improve, maintain, operate, administer, and to grant franchises and easements for utility systems of every description in, or for, the benefit of said community; and

WHEREAS, HPMA’s right to exercise, through an architectural control committee or by other means, powers of supervision and control over the improvement, maintenance and use of land in said community by interpreting and enforcing the protective covenants and restrictions, including particularly building restrictions, to which the land in Hartstene Pointe may now or hereafter be subjected; and

WHEREAS, the District Board of Commissioners desires to honor as much as possible the environmental values and philosophies of Hartstene Pointe while performing its legal obligations to its subscribers and the inhabitants of the District at Hartstene Pointe; and

WHEREAS, the District Board of Commissioners desires to continue a good working relationship with the public it serves, including HPMA; and

WHEREAS, it may be necessary from time to time for the District to perform necessary work in support of its water and sewer services, to immediately respond to events, including emergencies, and the District must have the ability to perform its work and fulfill its statutory obligations when the District determines, in its discretion, such work is necessary; now

THEREFORE, the Board of Commissioners of the Hartstene Pointe Water-Sewer District hereby resolves:

1. As a public entity, the District's priority shall be furnishing the District and the inhabitants thereof, with an ample supply of water and with an adequate system of sewers for all uses and purposes, both public and private, and to maintain the operational integrity, functionality, safety, and security of the same, as provided by law.

2. **Planned Work:** The District shall comply with permitting requirements of any federal, state, or local governmental agency with jurisdiction associated with any proposed work. The District acknowledges that permit applications will be submitted to HPMA, at no cost to the District, for any work done that adds a structure, changes the appearance of an existing structure, adds new landscaping or changes the appearance of existing landscaping, unless specifically defined in the HPMA Rules and Regulations as an exception.

No construction, landscaping work, tree cutting/trimming shall commence until the appropriate permit has been obtained from HPMA and prominently posted on job site.

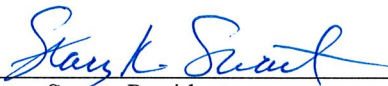
3. The District's General Manager shall endeavor, when reasonably practicable, to provide the General Manager of HPMA fourteen (14) days advance notice when the District intends to perform work that may involve significant disturbance of the landscape or vegetation or when it proposes the addition or enlargement of permanent structures or facilities of the District within its easements in the common areas of HPMA. For the purposes of this Resolution "significant disturbance" is defined as clearing or materially removing vegetation or landscape that the General Manager determines may be noticeable to the residents of Hartstene Pointe, not including general maintenance or upkeep.
4. **Emergency Work & Repairs:** It may be necessary from time to time for the District to immediately respond to an event or proceed with work without

notice to HPMA as proscribed in Section 3 above, because of the emergency nature of the work event, in which case such notice may not be feasible. In such events, the District General Manager shall use reasonable best efforts to provide notice to HPMA in advance of, where not feasible, upon or following the commencement of such work.

5. For work that involves a significant disturbance, the District will use reasonable best efforts to mitigate such impacts upon completion of its work, where and when feasible. The extent of such impact and appropriate mitigation, if any, shall be determined by the District General Manager, in consultation with the HPMA General Manager, as appropriate.
6. The Hartstene Pointe Water-Sewer District will endeavor whenever possible to perform all work, including but not limited to construction, maintenance, and security of its facilities, within its general express or implied easement rights. Where the District determines that additional easement rights are necessary or required to deliver necessary water and sewer services and carry out its obligations, it may, from time to time, request other or additional easements or licenses from HPMA or private property owners, as may be reasonably necessary.
7. Nothing in this Resolution is intended to or shall be interpreted to limit the rights, power, or authority of the District in carrying out its functions as a Water-Sewer District under Title 57 RCW. The District does not intend by adoption of this Resolution to waive any rights or powers available to it under applicable law.

ADOPTED by the Board of Commissioners at its regular scheduled meeting on this 7th day of November, 2024.

Hartstene Pointe Water-Sewer District
Mason County, Washington



Stacy Swart, President

Carl Anderson, Secretary



Stefan Birgh, Audit Commissioner