

RESOLUTION NO. 2023-03-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHATFIELD SOUTH WATER DISTRICT TO IMPOSE FEES UPON PROPERTY WITHIN THE DISTRICT

WHEREAS, the Chatfield South Water District (the “District”) is a special district and political subdivision of the State of Colorado, organized and existing pursuant to Title 32 of the Colorado Revised Statutes; and

WHEREAS, in accordance with Sec. 32-1-1001(1)(J), CRS, the District may fix or increase certain fees, rates, tolls, penalties or charges for the provision of water services within its boundaries; and

WHEREAS, in accordance with Sec. 32-1-1001(2), CRS, prior to fixing or increasing a fee, rate, toll, penalty or charge, the Board of Directors of the District must provide at least thirty (30) day notice before the meeting at which such action will be taken; and

WHEREAS, the Board of Directors of the District has provided sufficient public notice in compliance with the statutory notice requirements and wishes to impose fees on property within the District; and

WHEREAS, Sec. 32-1-1001(10)(j), C.R.S., also provides that until paid, all such fees, rates, tolls, penalties or charges shall constitute a perpetual lien on and against the property served, which lien may be foreclosed in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics’ liens; and

NOW, THEREFORE, BE IT RESOLVED BY THE CHATFIELD SOUTH WATER DISTRICT’S BOARD OF DIRECTORS THAT:

Section 1. ***Schedule of Fees.*** The schedule setting forth the Mill Levy, Service Fees, Water Usage Fees, Late Payment Fees, Shut-Off Fees, Turn-On Fees, Tap Fees and Development Fees, Inspection Fees, Water Meter & Equipment Fees, Disconnection and Reinstatement Fees, Violation Fees, Returned Check Fees, Transfer of Ownership Fees, and Document Copy Fees (hereinafter “Fees”) is attached hereto as **Exhibit A**. All Fees are effective as of March 1, 2023 and are due and payable upon billing.

Section 2. ***Noncompliance.*** The District may impose such penalties for non-compliance herewith as may be permitted by law. Without limiting the foregoing, a late charge of Five Percent (5%) will be assessed for any late payment and will be added to the following billing.

Section 3. ***Notification/Collection.*** The appropriate officers, agents and/or employees of the District are hereby authorized to establish a system for notification of adoption of this Resolution, and collection of amounts due hereunder. Such notification shall provide for the recording of an appropriate Notice of Fees upon the property to be charged.

Section 5. **Status as Lien.** Pursuant to § 32-1-1001(1)(j), C.R.S., the Fees shall, until paid, be deemed a perpetual lien against the property subjected to the Fees hereunder, from and after the date of adoption of this Resolution by the Boards of Directors of the Districts, which lien may, in the event of non-payment of the Fees as required in this Resolution, be foreclosed in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics' liens, which lien amount may include interest and any costs of collection of the Fees, including engineering and attorney's fees. Upon payment of the appropriate Fees, and upon request of the party making the payment, the properties subject to such Fees shall be released from the lien thereof by the recording of a form of Release of Lien by the Districts.

Section 6. **Certification to County Treasurer.** In accordance with § 32-1-1101(1)(e), C.R.S., the Districts may elect, by resolution, at a public meeting held after receipt of notice by the affected parties, including the property owner, to have certain delinquent fees, rates, tolls, penalties, charges, or assessments made or levied for water service, certified to the treasurer of the county to be collected and paid over to the District pursuant to § 39-10-107, C.R.S.

Adopted this 8th day of March, 2023.

CHATFIELD SOUTH WATER DISTRICT

DocuSigned by:
By: Donna Fleischer
4248D88133C6420...
President, Donna Fleischer

ATTEST:

DocuSigned by:
Evan Ela
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Secretary; Evan Ela

EXHIBIT A

SCHEDULE OF FEES

**CHATFIELD SOUTH WATER DISTRICT
SCHEDULE OF FEES
EFFECTIVE AS OF MARCH 1, 2023**

I.

Administrative Items: The District shall have the right to assess to any Customer or Property Owner who is delinquent in payment all legal, court and other costs necessary to or incidental to the collection of said account, including attorney fees, and said costs of collection shall be secured by the perpetual lien referenced above. The Customer and Property Owner are equally liable for any rate, fee, charge or penalty of the District. Any agreements entered into between Customers, Property Owners, or any other parties with regard to responsibility for payment of the District shall be of no force and effect upon the District and the District may collect its rates, fees, charges and penalties from any party responsible for their payment.

Wherever any service is required which is not covered by the schedule of fees the cost shall be estimated by the Board of Directors of the District. The service shall be provided only after the District has received a deposit of one hundred percent (100%) of the estimate of the actual cost. In the event the actual cost is less than the deposit, the balance shall be refunded to the person paying the deposit upon completion of the service. In the event the actual cost exceeds the deposit, the Customer shall pay the additional cost.

Except as approved by the Board of Directors of the District, the District will charge a customer who contacts or calls certain District consultants for the cost of said consultant. Such costs will be billed to the Customer as a charge of the District at the rates charged to the District, plus a ten percent (10%) administrative charge.

II. Place of Payment: All fees imposed by the District shall be due and payable to the District by the noted billing due date.

III. Mill Levy. The annual Mill Levy is intended to fund administrative costs incurred by the District. The District Mill Levy is set each year at the annual budget meeting as itemized below:

Type	Rate
General Operating Expense	5.000 mills (or as may be authorized)
Debt Service Budget	0.000 mills
Total	5.000 mills

- IV. Service Fees.** Service Fees are intended to fund operational costs, i.e., Engineering, Repairs and Maintenance, Utilities, Water Testing, etc., incurred by the District. The District hereby imposes the following Service Fees:

Type	Rate
Bi-Monthly Service Fee	\$60.00

- V. Water Use Fees.** Water Usage Fees are intended to pay for the cost of delivered water to the consumer. The District bills use fees on a bi-monthly basis. Payments are due twenty (20) days after the billing date.

Meters will be read at approximate two-month intervals, unless otherwise determined by the Board. Meter readers shall have the right to remove any object that interferes with reading of the meter, including the trimming of trees and bushes. Meter readers shall have the right to enter public and private property for the purpose of meter reading.

The District hereby imposes the following Water Use Fees:

Usage	Rate
1 to 30,000 gallons	\$4.80 per 1,000 gallons
30,001 gallons – 50,000 gallons	\$7.20 per 1,000 gallons
50,001 and above	\$9.60 per 1,000 gallons

- VI. Late Payment Fees.** Payments are due twenty (20) days after the billing date and failure to remit payment by the due date will result in the imposition of a Late Fee. The District hereby imposes the following Late Payment Fees:

Type	Rate
Late Payment Fee	5% of the amount due

- VII. Shut-Off Fees.** A Shut-Off Fee is charged to turn the water off after a violation notice and not remedied.

The District may require a deposit by a customer if deemed necessary by reason of estimated future water billings or if there is experience of delinquency in the payment of rates, fees or charges. Such amount shall not be less than the estimated cost of water service for a two-month period or such other amount as determined by the Board. Deposits may be returned after one (1) year at the request of the Customer, providing that all bills rendered during the preceding twelve (12) month period have been

paid by the due date. Otherwise, the deposit will be returned on termination of service and payment of the final bill.

The District hereby imposes the following Shut-Off Fees:

Type	Rate
Shut-Off Fee	\$300 per occurrence

VIII. Turn-On Fees. A Turn-On Fee is charged to turn the water on after a violation was noted and finally remedied.

The District may require a deposit by a customer if deemed necessary by reason of estimated future water billings or if there is experience of delinquency in the payment of rates, fees or charges. Such amount shall not be less than the estimated cost of water service for a two-month period or such other amount as determined by the Board. Deposits may be returned after one (1) year at the request of the Customer, providing that all bills rendered during the preceding twelve (12) month period have been paid by the due date. Otherwise, the deposit will be returned on termination of service and payment of the final bill. The District hereby imposes the following Turn-On Fees:

Type	Rate
Turn-On Fee	\$300 per occurrence

IX. Tap Fees and Development Fees. Tap fees and development fees shall be collected with respect to property requiring service pursuant to the District's Rules and Regulations. It is required that a property with a Certificate of Occupancy issued by Douglas County be connected to the water system within one year of the payment of the Tap Fee or the Tap Fee may be forfeited. Each property will be allowed only one tap and only one meter. If a property is subdivided in the future, only one of the portions of the subdivision will be allowed a tap. All other portions will not have any right or claim to a water tap from the District.

It is the responsibility of the homeowner to pay for labor and materials for the District to tap into the main, to install a corporation stop, curb stop and box, meter pit, yoke, meter and any other required items. It is also the responsibility of the homeowner to pay for labor and materials to connect from the meter to the house. Any qualified and licensed plumber may be engaged to do that part of the hook up, subject to the District's Rules and Regulations.

The District hereby imposes the following Tap Fees:

Category	Tap Fee	Equivalent Tax Fee	Development Charge	Estimated Water Rights Cost	Admin Fee	Total Fee
In-District Property with a House	\$4,000.00 (\$500 + \$100 each January 1 after 1998)	n/a	\$1,900	\$6,000	\$300	\$12,800
Property Included into District after the Date of Organization in 1998	\$4,000.00 (\$500 + \$100 each January 1 after 1998)	\$37,500.00 (add \$1,500 each January 1 after 1997)	\$1,900	\$6,000	\$300	\$51,800
Vacant Lot In-District	\$4,000.00 (\$500 + \$100 each January 1 after 1998)	\$25,000.00 (add \$1,000 each January 1 after 1997)	\$1,900	\$6,000	\$300	\$38,800

- X. Inspection Fees.** The fee includes the inspection of facilities for water service performed by the District. There will be a supplemental fee for each additional inspection required due to the failure to pass an inspection or failure to have the facilities ready for the required inspection.

The District will contract out the inspection of work and facilities supplied by any Customer. These fees will be directly passed on to the Customer requiring the inspection. The District hereby imposes the following Inspection Fees:

Type	Rate
Inspection Fee	The cost to the District for said inspection

- XI. Water Meters and Equipment:** The cost of new or replacement potable water meters and associated equipment will be billed to the property owner at cost.
- XII. Unauthorized Hydrant Use Penalty.** Fire hydrants are provided for the purpose of furnishing water for fire suppression. Other uses of water from fire hydrants, except for District maintenance and testing, is not permitted. Unauthorized use of fire hydrants will not be allowed, and a \$5,000 penalty will be imposed on any person found to be using District fire hydrants for purposes other than previously described.

- XIII. Disconnection and Reinstatement Fees.** The Disconnection and Reinstatement Fee is for any request to re-establish service subsequent to suspension. The District hereby imposes the following Disconnection and Reinstatement Fees:

Type	Rate
Disconnection Fee	\$300 per occurrence
Reinstatement Fee	\$300 per occurrence

- XIV. Violation Fees.** Fee is charged to turn the water off after a violation caused the initial service termination. The District hereby imposes the following Violation Fees:

Type	Rate
Failure to provide notice	\$100 each occurrence
Water use in violation of irrigation restrictions	\$300 per day of violation
Improper Backflow Prevention Device	\$300 per day of violation

- XV. Returned Check Fees.** Any check or other negotiable instrument tendered to the District for payment which is returned to the District and dishonored shall be subject to a returned check fee and collection costs as allowed by State Law. The District hereby imposes the following Returned Check Fees:

Type	Rate
Returned Check Fee if payment is less than \$250	\$50.00 per check
Returned Check Fee if payment is greater than \$250	20% of the check amount

- XVI. Transfer of Ownership / Title Transfer Fees.** Fee to recoup billing system charge costs for transfer of Ownership of a property in the District. The District hereby imposes the following Transfer of Ownership Fees:

Type	Rate
Transfer of Ownership Fees	\$100.00

XVII. Document Copy Fees. For documents that may not be publicly available on the District's website, the District hereby imposes the following Document Copy Fees:

Type	Rate
Charge for Copies of District Documents	\$.25 per page