

**AMENDED AND RESTATED RESOLUTION
RESOLUTION OF THE BOARD OF DIRECTORS OF
FOREST VIEW ACRES WATER DISTRICT
IMPOSING FEES UPON PROPERTY WITHIN THE DISTRICT
FEBRUARY 24, 2021**

WHEREAS, Forest View Acres Water District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized and existing as a water district pursuant to §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, the purposes for which the District was formed include the provision of water programs and services; and

WHEREAS, pursuant to § 32-1-1001(1)(j) and (k), C.R.S., the District is authorized to impose and, from time to time, to increase or decrease fees, rates, tolls, penalties or charges for services, programs or facilities furnished by the District; and

WHEREAS, § 32-1-1001(1)(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

WHEREAS, § 32-1-1101(1)(e), C.R.S., provides that a special district 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 solely for water, sewer, or water and sewer services, certified to the Treasurer of the County to be collected and paid over pursuant to § 39-10-107, C.R.S.;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FOREST VIEW ACRES WATER DISTRICT:

Section 1. Section 1. ***Schedule of Fees.*** The schedule setting forth the Water Usage Charge, Operations Charge, Capital Improvement Fee, Past Due Account Fees, Transfer Fee, Shut-off and Turn-on Fees, Water Tap Fee and Manual Meter Reading (as well as other fees imposed by the District) is attached hereto as Exhibit A. **All Fees are effective as of March 1, 2021.**

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 Fifteen Dollars (\$15.00) will be assessed for any payment that is at least five (5) days delinquent. The District may charge all costs of collection of past due amounts, including interest, late charges, penalties and attorney fees, to the property owner. Delinquent notices will be sent via first class mail.

Section 3. ***Modification/Future Events.*** The policy and Fees being adopted herein have been established based on projected budgetary requirements of the District using various assumptions regarding cost of improvements, bond issues and interest rates therefor, together with expenses for operation and maintenance. Actual costs may differ from projections and the District may modify the Fees imposed hereunder based upon actual circumstances.

Section 4. ***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.

Section 5. ***Status as Lien/Foreclosure.*** 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 Board 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 District.

Section 6. ***Certification to County Treasurer.*** In accordance with § 32-1-1101(1)(e), C.R.S., the District 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 solely for water, sewer, or water and sewer services, certified to the treasurer of the county to be collected and paid over to the District pursuant to § 39-10-107, C.R.S.

PASSED AND ADOPTED at a meeting held this 24th day of February 2021.

FOREST VIEW ACRES WATER DISTRICT

[SEAL]

ATTEST:


Brad Hogan, President



Eck Zimmerman, Director

EXHIBIT A

RATES AND FEES

Item	FVAWD Rules & Regulations Reference	Rate/Fee
Manual Meter Read	Article 3-2-1	\$25 Per Month
Administrative Processing Fee for Application for Water Tap	Articles 5, 7	\$500 (nonrefundable)
Water Tap	Articles 5, 7, 8, 11	\$30,000
Refunds	Article 7	Unused portion of hydrant fee. Unused portion of tap inspection fee
Hydrant Use Fee	Articles 5, 7,9,16	\$25 + \$300 deposit. Water rate \$20 per 1000 gallons
Plan Review Fee	Articles 6, 7	\$150 per hour
Observation/Inspection Fee:	Article 7	\$500
Transfer Fee	Articles 7	\$150
Late Charge	Article 7	\$15 per month
AOS Charges	Article 7	\$20 per month per lot
Inclusion Fee	Articles 4, 7	\$5,000 per acre
Operations Charge (Use to be Enterprise Service Charge)	Article 7	\$40 per month
Capital Improvement Fee	Article 7	50.00 per month
Shut Off/Turn On Fees	Articles 7,9,10	\$300 each
Water Usage Charge	Article 7	Tier 1: 0-4,000 gallons \$8/1000 gallons Tier 2: 4,001-7,000 gallons \$12/1000 gallons Tier 3: 7,001 gallons & up \$16/1000 gallons
Delinquent Charge Assessment	Article 7	1% per month
Collection Costs	Article 7	Actual costs
Lien	Article 7	\$500 per filing
Unauthorized service connection	Articles 8, 9	\$60,000 (2x tap fee)

Unauthorized water use	Articles 8,9	\$1,000
Violation of permit	Articles 8,9	\$1,000
Interconnection/crossconnect.	Articles 8,9	\$1,000
Escape or waste of water	Articles 8,9	\$1,000
Unauthorized supply	Articles 8,9	\$500
Violation of Emergency Order	Articles 8,9	\$500
Interference with inspection	Articles 8,9	\$1,000
Tampering	Articles 8,9	\$2,500
Easement violations	Articles 8,9	\$150
Unauthorized entry (Criminal Offense)	Articles 8,9	Prosecution plus cost of remediation
Foreign Materials	Articles 8,9	\$100 plus cost of repairs
Failure to report damage / Failure to Notify of Excavation	Articles 1,9, 11	\$1,000 plus remediation
Violation of stop work order	Articles 9, 10	\$1,000
Civil Damages	Articles 9	3X actual damages plus attorney fees