

BEFORE THE BOARD OF DIRECTORS
OF THE
COTTONWOOD WATER AND SANITATION DISTRICT
STATE OF COLORADO

RESOLUTION NO. 2000-2

RE: AMENDMENT TO RULES AND REGULATIONS

1. Under the District's Rules and Regulations and pursuant to state law, the Board of Directors has the authority "to fix, maintain and revise fees, rates and charges for the use of the District's functions, services or facilities, and to adopt, by resolution, reasonable regulations for the public welfare and pertaining to such facilities and services, including, without limitation, the use and protection of such facilities and services."

2. The Manager has recommended to the Board that changes to the District's rules and regulations be adopted which: 1) specifies that the an authorized District Representative shall acquire water meters directly and supervise the installation of water meters at the cost of building owners 2) clarifies the time at which tap fees are due; 3) establish a Late Tap Payment Fee; 4) establish a Unauthorized Connection Fee; and 5) provides for presumptive tap sizes for flex buildings based on square footage;

3. The Board has considered the Manager's recommendations on the proposed amendments to the rules and regulations and desires to adopt the Manager's recommendations as proposed.

NOW, THEREFORE, be it resolved that the Board of Directors of the Cottonwood Water and Sanitation District hereby makes the following amendments to its rules and regulations:

I. A new section of the District's rules and regulations is hereby added, with subsequent sections renumbered appropriately, to read as follows:

Meter Setting. The District shall provide the appropriate water meter at the building owner's expense. Installation of appropriate size water meters shall be under the direct supervision of the District's Authorized Representative.

II. The Rules and regulations are hereby amended to read as follows: (shown here in legislative format):

1.0.2 Payment Of Tap Fees: Subject to the terms of individual agreements with the District, all tap fees due to the District shall be paid at the earlier of the issuance of the building permit or at the time of connection of

the service line to the District's system. Failure to make timely payment of the applicable tap fee shall result in the imposition of a Late Tap Payment Fee as provided in Appendix A.

III. A new section shall be added to Appendix A to read as follows:

Late Tap Payment Fee:

After First Month of violation	10% of applicable tap fee
After Second Month of violation	20% of applicable tap fee
After Third Month of violation	30% of applicable tap fee

For each successive month of violation, a penalty payment equal to 10% of applicable tap fee, added to the prior month's penalty.

IV. A new section shall be added to Appendix A to read as follows:

Unauthorized Connection Fee:

After First Month of violation	10% of applicable tap fee
After Second Month of violation	20% of applicable tap fee
After Third Month of violation	30% of applicable tap fee

For each successive month of violation, a penalty payment equal to 10% of applicable tap fee, added to the prior month's penalty.

V. The section in Appendix A called **Procedure for Estimating Commercial or Multi-family Consumer Demand** shall be amended by substitution of the following language:

In cases where the actual fixture count of a building is not available at the time of initial tap purchase (such as where a tenant will be responsible to finish the interior space at a later date), the presumptive tap fee shall be as follows:

Buildings less than 20,000 square feet	1 ½ " tap
Buildings between 20,000 and 40,000 square feet	2" tap
Buildings greater than 40,000 square feet	Board Decision

If the owner produces persuasive documentation indicating that the tap for a building where the actual fixture count of a building is not available at the time of initial tap purchase, should be other than the above table, the Manager may consider an alternatively sized tap consistent with the persuasive documentation.

In all cases, the District shall have the right to conduct a fixture count when the

tenant finish is complete and require additional tap payments if the original tenant finish or changes made to the tenant finish at a later date change the fixture counts in such a way that it would necessitate a larger tap.

VI. The above changes shall be effective upon adoption. However, penalty provisions under paragraph III and IV above for properties with either delinquent tap fee payments or with unauthorized connections as of the date of this resolution, shall start as of the first day of the month after adoption of this resolution.

The Resolution was adopted by majority vote of the Board of Directors of the Cottonwood Water and Sanitation District on this 5th day of December, 2000.

COTTONWOOD WATER AND SANITATION DISTRICT

By: John R. Yilton
President

ATTEST:

By: R. Nielsen
Secretary