

EL RANCHO FLORIDA METROPOLITAN DISTRICT

RATE RESOLUTION (09/07/22)

A RESOLUTION ADOPTING REGULATIONS AND POLICIES CONCERNING THE PROVIDING OF WATER, ROADS, PARKS AND RECREATION SERVICES BY EL RANCHO FLORIDA METROPOLITAN DISTRICT, ESTABLISHING FEES, RATES AND CHARGES FOR SUCH SERVICES, ESTABLISHING THE COLLECTION PROCEDURES AND APPROVING THE ASSESSMENT OF PENALTIES FOR DELINQUENT PAYMENTS FOR ALL LOTS IN EL RANCHO FLORIDA METROPOLITAN DISTRICT (hereinafter referred to as the "DISTRICT")

WHEREAS, the Board of Directors of EL RANCHO FLORIDA METROPOLITAN DISTRICT heretofore held a public meeting concerning the adoption of regulations and policies.

WHEREAS, it is in the best interests of the District and the inhabitants of the District thereof that specific rules and regulations be adopted for purposes of providing for the furnishing of water and other service to inhabitants, for the further purposes of assessing uniform rates and charges for use within the District, for the purposes of establishing procedures to be followed in connection with connections to the facilities of the District and for purposes of providing the establishment of late charges and penalties for delinquent payments;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF EL RANCHO FLORIDA METROPOLITAN DISTRICT, in a public meeting assembled, that the following regulations and policies should be and the same are hereby amended and adopted as regulations and policies of EL RANCHO FLORIDA METROPOLITAN DISTRICT EFFECTIVE THE 7th day of September 2022.

- I. GENERAL The following rules and regulations shall be generally enforced within the boundaries of the District. Such rules and regulations may be waived on an individual basis for good cause by the Board; provided, however, that any waivers must be by action of the Board and be recorded in the minutes of a regular meeting.

Any interpretation of this Rate Resolution made by the Administrative Staff may be appealed by the affected party to the Board of Directors.

- II. RESIDENTIAL CUSTOMERS

1. The monthly fee for water service, road maintenance, common area maintenance and all other functions performed by the District shall be \$140.00 per month. (see attached **Appendix 'D'**)

2. A **tap fee** will be charged for new homes when they tap into the domestic water system. The only lots exempt are the FIRST INTERSTATE BANK lots (Tim Smith). See Appendix 'B'. The tap fee shall be **\$10,000.00**. Lots in the Subdivision that will not be charged a tap fee are shown on **Appendix 'A'**. As of September 7, 2022 there are 4 undeveloped lots, 2 of which can be charged a Tap Fee.

All charges/fees shall be established by the Board of Directors and may be changed from time to time as deemed necessary.

3. Service charges shall be charged to all lots on an equal basis.
4. An availability fee is hereby established at \$45.00 per month in accordance with Section 32-1-106 Subsection 1HB of the Colorado Statutes. This availability fee will be periodically reviewed and adjusted to comply with the Section 32-1-106 Subsection 1HB of the Colorado Statutes. These charges are assessed to lot owners where water lines are installed and ready for connection within one hundred feet (100') of the property line, which charges are assessed solely for the purpose of paying principal and interest on the outstanding indebtedness or bonds of the District. (When the debt is paid off the Availability Fee will no longer be assessed.) **Availability Fees are not charged at this time.**
5. Statements for charges will, as nearly as possible, be mailed on the 30th day of each month. Statements will be sent to the lot owner or, upon approval of the Board, to the owner's agent. In cases of multiple ownership of lots, the statement may be sent to the first named owner of record unless the District has been requested to do otherwise, and has approved such request.
6. Payments for billed charges will be due on the 20th day of each month for which the charges are applicable. Charges will become delinquent at the 25th of the month for which the charges are applicable. Delinquent charges will incur an additional late charge equal to 10 percent of the billed amount if not paid by the 25th of the following month. All payments due shall bear interest at the rate of 1% per month from the date due until paid. Any payment not paid within thirty (30) days of the billing date shall have a 10% penalty imposed for the delinquency. The District reserves the right to initiate a billing schedule on a monthly, bi-monthly or quarterly basis at its discretion.
7. Lien and foreclosure proceedings may commence on any lot for which a District charge has been delinquent for a period of 60 days or more. The District may, by a decision by the Board of Directors, elect to discontinue service to the user in addition to the commencement of formal lien and foreclosure proceedings. A written notice issued by authority of the Board

of Directors, directed to the owner of the lot as shown on the records of the County Assessor, mailed to the address shown on the records of the County Assessor by certified mail, return receipt requested, which notice shall be deemed to have been given as of the date of mailing. If lien proceedings or disconnection action is taken, the property owner shall pay, in addition to all past due charges and late charges, the actual expenses incurred in connection with the initiation of such proceedings or action. Lot owner will incur all expenses of the District in the pursuit of collection on delinquent accounts. To include, but not limited to, legal fees, filing fees, certified mail charges, account histories required, Court costs, upgrades due to illegal use of water or upgrades in connections due to Shut Off for non-payment of Metro. District Fees. This is to include all fees incurred should the District's Attorney file lawsuits, liens, or any other legal actions necessary. The cost shall include reasonable attorney's fees, but in no event shall such costs be less than \$500.00.

8. There is a Transfer Fee of \$100.00 to make a change of owner and address to the District's records charge to new owner. Any person who is or may be affected by any rate, penalty, fine, disconnection notice or other action of the District taken pursuant to this Resolution shall be entitled to a hearing before the Board of Directors. Written notice shall be delivered to the District or the authorized representative of the District within ten (10) days of the date of the protested action requesting such a hearing. The hearing shall be held at the next regular meeting or within ten (10) days after the request for the hearing is received, whichever is sooner. At the hearing the aggrieved person may present testimony and evidence concerning the action the District may consider other testimony and evidence from District personnel and employees. A determination on any grievance shall be made by the Board at the conclusion of the hearing. A determination of the Board of Directors shall be final. From the time a written request for a hearing is delivered until a final determination is made, all collection procedures, disconnection procedure and other actions being taken by the District which are the subject of the hearing shall be suspended provided, however, that regular service charges, availability charges, penalties and interest on the delinquency shall continue to accrue during the period of suspension.
9. On all accounts whereby the District has received a check that comes back "insufficient funds" there will be a charge of \$25.00 on that check. On those accounts the District will accept only cash or money order for the amount.
10. Upon determination of an emergency water situation, the District may restrict usage of water for any uses not necessary. For the purposes of this regulation "emergency water situation" is any situation wherein the supply of water is not, or if unrestricted, probably would not be sufficient to

supply District residents with their minimum domestic and/or fire protection needs. In these emergency situations the Board gives authority to the Administrator or Operator to impose these restrictions without a general or special meeting of the Board of Directors. Any resident who refuses to restrict specific water usage after being ordered to do so by the District (Board of Directors/Operator) may be charged \$100.00 for each violation of the order. Any such charge shall only be made after approval by the Board of Directors at its next regularly scheduled meeting.

11. The Board of Directors may adopt such restrictions and establish fines for violations at any regular or special meeting called in accordance with law.
12. The District will not be billing Renters or Property Managers of properties within the Subdivision. The District's agreement is between the owner of the lot/residence and therefore will only be sending out bills to the Owners of the property for payment. It is not the intention of the District to do 'property management' for Owners with Renters.

III. NON-RESIDENTIAL CUSTOMERS

1. The District may use water for irrigation of common areas, road maintenance or other minor uses. It is hereby determined that the District's use of said water is to the benefit of all lot owners equally and the District and Homeowners Association will, therefore, not be subject to any fees.
2. Contractors whose work is not related to construction within the District shall be subject to service charges. The contractor's rate for water usage shall be **1.5 times the comparable rate for residential users plus an additional charge to cover the actual cost of billing and providing a water meter.** Contractors may be limited in terms of quantity of water used or time of usage to protect Districts' residents. Payment for water supply shall be made in advance.

IV. SERVICE CONNECTIONS

Service connections for water are provided to each lot near the property line. In no case, shall a tap be permitted into a main line without written approval of the Manager. Connection to the water system will be made only after contacting the District's office and will be made in accordance with the following regulations:

1. The Board will be notified, in writing, prior to any connection to the water system. Thereupon, the District's office will provide the applicant with

connection specifications developed by the District and approved by the Board.

All connections to the District's water system shall have water meters appropriately installed on the water service line at a point between the District's water main and the first point where water is actually used, including lawn sprinklers and other irrigation systems. The water meter shall be of a type and sized approved the District and shall be installed and located in accordance with District specifications.

See Water Service Connection Policy and Cost Schedule to follow,
APPENDIX 'C'.

2. After connection to the tap, the laying of service lines to the serviced unit, but prior to back-filling such lines, the District's Operator (herein called "operator") will be contacted for purposes of inspecting the connection. (Refer to Operator's Contract) The Operator will perform the inspection in accordance with procedures approved by the Board, and after such inspection, the Operator shall authorize back—filling and the turning on of water service upon request. The property owner is hereby informed that the District is responsible for providing water service to the lot at the meter — this does not include a specified psi of water pressure. Water pressure is the responsibility of the property owner. District will not accept responsibility for any materials other than K copper on all connections post the meter on owner's side.
3. A minimum of 24 hour notice may be required by the Operator prior to the completion of any such inspection as described in subparagraph 2 above.
4. Any violation of these regulations, connection specifications or inspection procedures may result in service being denied until appropriate corrective action has been taken.
5. All costs and expenses incident to the installation and connection of the building or premises with the District water system shall be borne by the property owner. The owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation of the water service line.
6. A separate and independent water service line shall be provided for every dwelling.
7. The size, flow, alignment, materials of construction, type of plumbing facilities and the methods to be used in excavating or the placing of the pipe, joining, testing and backfilling the trench shall all conform to the requirements of the District specs and the State Plumbing Code.

8. All excavations for water service lines shall be adequately guarded with barricades and lights to protect the public from hazards. Streets, sidewalks, parkways, paving cuts and other District property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

V. RESPONSIBILITIES FOR IMPROVEMENTS

1. Property owners shall be responsible for water improvements which serve only their lot(s). The District shall be responsible for the operation and maintenance of improvements to the service connection and/or meter should the District install them.
2. Property owners shall take special care to protect valve boxes from damage or loss caused by vehicles, vandals or other causes. The property owner shall take immediate action to repair or replace any improvement which is lost, destroyed or so damaged to the extent that it may be harmful to the health or welfare of the District and its property owners or general public. This would include, but not be limited to, loss of water valve box caps, the damage of water lines, exposure of lines to freezing and potential damage, inoperable water lines or broken water valve boxes. The property owner shall be responsible for the cost of these repairs, which will be done by the District.
3. If the property owner fails to reimburse the District within a reasonable length of time for repairs or replacements, the District will charge the property owner a special charge for the corrective action for the actual cost of the repairs plus 10% of such costs to cover administrative expenses. Any such special charges may be paid in monthly installments in agreement with owner and the Board. Any such installment payments shall be interest free, shall be due on the first day of the month in which a statement is received concerning such charges, and shall be subject to the same delinquent charges and policies as provided for residential service charges pursuant to the terms of Article II above. In addition, if any installment payment is more than 30 days delinquent, the full amount of the special charge will be declared due and collectable and appropriate legal action will be taken in a court of competent jurisdiction to recover such charges, if they are not thereafter immediately paid.

VI. UNLAWFUL ACTS

1. It shall be unlawful for any person to make connections with any water pipe or main of the District water system without first having obtained the necessary approvals and paying the fees required by this Resolution.

2. It is unlawful for any person, unless authorized by this Resolution or the appropriate District official, to trespass on the water system or the ground upon which the same is constructed.
3. It is unlawful for any person to injure or in any way damage, meddle, or interfere with any property or appliance constituting or being part of the water system or any fence, guardrail, box cover, building, or any other structure constructed or used to protect any part of the water system.
4. It is unlawful for any person to cap, place, dump or deposit any substance or material in the District's water system which will in any manner injure or obstruct the same.
5. It shall be unlawful for any person to use or remove water supplied by the District water system before such water has passed through the water meter installed for the lot upon which the water is to be used.
6. It is unlawful for any person to turn on water at the meter when the District's water operator has turned it off for non-payment of the Owner's water billing. Such action is punishable by law and is consider 'theft by deception'.

ADOPTED this 7th day of September, 2022 for effective date of September 7, 2022.

EL RANCHO FLORIDA METROPOLITAN DISTRICT

Steve Swisher

President

Steve Swisher

ATTEST:

James Belcher

Secretary

J Belcher



APPENDIX 'A'

The following lots are exempt from payment of tap fees by agreement with Intra West Bank of Denver. The exemption of these lots from tap fees is part of the consideration for the purchase of the water system.

Up to three taps for the parcel of land known as the "Bowman Tract". *This no longer applies as the District owns the Bowman Tract.*

Also, the following lots in El Ranchos Florida Subdivision:

UNIT I

	<u>BLOCK</u>	<u>LOT</u>
	1	2, 3, 5
	3	1
<u>UNIT II</u>	1	4—11
	2	2— 8, 9, 10, 11
	3	4, 5, 6
	4	1, 12
	5	1, 2, 3—5
	6	3, 6, 9 — 11, 13 — 18

APPENDIX 'B' - TAP FEES

1986	\$ 1300	2011	8000
1987	1500	2012	8000
1988	1950	2013	8000
1989	2106	2014	8000
1990	2274	2015	8000
1991	2456	2016	8000
1992	2653	2017	8000
1993	2865	2018	10,000
1994	3094	2019	10,000
1995	3342	2020	10,000
1996	3609	2021	10,000
1997	3898	2022	10,000
1998	4210		
1999	4547		
2000	4910		
2001	5303		
2002	5728		
2003	6186		
2004	6681		
2005	7215		
2006	7792		
2007	8000		
2008	8000		
2009	8000		
2010	8000		

APPENDIX 'C'

EL RANCHO FLORIDA METROPOLITAN DISTRICT Water Service Connection Policy Cost Schedule

Purpose:

To facilitate the improvement and upgrading of the Districts' water service connections to standards and materials generally accepted in the water distribution industry and as modified by the District from time to time. And to facilitate the implementation of a metering program and upgrades to meters when implemented.

New Service Connections:

For homes connecting to the Districts water system after September 7, 2022 the following requirements and criteria are to be met:

1. A service connection fee will be paid by the lot owner for cost of time and materials to excavate, set the meter and tie-in the service for \$3,500, unless the amount to do so exceeds \$3,500.

3/4" Meter w/auto read mechanism (Meter is to be a brand approved by the District)

Meter Pit

Meter Pit Top

Meter Setter Yoke

Curb Stop

3/4" Copper and/or Brass nipples as required

Labor for Install & Assembly

Misc. fittings as required

Pressure reducing valve (if needed)

2. **All costs for tie-in of the service will be borne by the property owner.**
3. The Districts' responsibility for water service ends at the meter pit or shut off valve which is to be located on or near the property line of the property being served. Placement of new service connections must be approved by the Districts' Water Operations Supervisor. The District is responsible for water

delivery not pressure. (A pressure reducing valve is suggested if found to be needed by the water operator)

Existing Service Connections:

For homes having been connected to the Districts water supply system prior to September 7, 2022 the following requirements and criteria are to be met:

1. Should a repair be required due to a failure at or before the service line valve, the District will repair and upgrade the service connection to current specifications at no cost to the property owner.
2. Should a repair be required due to a failure which was caused by the property owner, the District will repair and upgrade the service connection and **all costs involved will be reimbursed to the District by the property owner.**
3. Should a service connection be required to be dug up in order to shut—off a property owners water due to non—payment of service charges, the District will repair and upgrade the service connection and **all costs involved will be reimbursed to the District by the property owner.**
4. This policy adopted this 7th day of September, 2022 and added to the Rate Resolution of the District as revised.

APPENDIX 'D'

EL RANCHO FLORIDA METROPOLITAN DISTRICT 2022 WATER RATE STRUCTURE

BASE FEE:

\$ 70.30/MO.

(Includes 10,000 gallons of water)

74% of revenue goes into Enterprise Fund

WATER RATE STRUCTURE:

10001 - 20000 gallons billed at \$3/per 1000 gal.

20001 - 40000 " \$5/per 1000 gal.

40001 + " \$8/per 1000 gal.

Water is metered in El Rancho Florida and the above rate is the \$70.30/month plus the monthly water usage over 10,000 gallons.

CAPITAL ASSESSMENT FEE:

\$ 45.00/MO.

Fee assessed to build a capital reserve for future improvements to the water system monthly in addition to Base Fee and Water Charges.

ROAD RATE STRUCTURE

ROAD BASE FEE:

\$ 24.70/MO.

(Includes grading of the roads in warm months and snow plowing of the roads in the winter months.)

26% of revenue goes into Road Fund

ROAD CAPITAL ASSESSMENT FEE:

Fee assessed to build a capital reserve for future improvements to the bridge and road system monthly in addition to Base Fee and Water Charges.

\$ 0/MO.

WATER AND ROADS TOTAL MONTHLY BILL: \$ 140.00 / Minimum

NOTE: This water rate structure is subject change due to discretion of the Board of Directors in consideration of 'demand' on the District's water system.

WATER METER and PIT ASSEMBLY

SCALE: NONE

