

**RESOLUTION
OF THE
LOOKOUT MOUNTAIN WATER DISTRICT**

Water Fees, Rates and Charges

(Effective January 1, 2020)

WHEREAS, the Lookout Mountain Water District (the “**District**”) is a special district in Jefferson County, Colorado, organized pursuant to Article 1 of Title 32, Colorado Revised Statutes, known as the “Special District Act”; and

WHEREAS, the District is authorized by § 32-1-1001(1)(j)(I), C.R.S. and the Lookout Mountain Water District Rules and Regulations (“**Rules and Regulations**”) to fix and from time to time increase or decrease fees, rates, tolls, penalties or charges for services, programs or facilities provided; and

WHEREAS, the District’s capital facilities, operation and maintenance costs are funded from revenues generated in whole or in part from water fees, rates or charges; and

WHEREAS, the District and its staff have analyzed the District’s current water fees, rates and charges in light of the anticipated demand for services and the District’s capital facilities, operation and maintenance, and debt service costs and obligations; and

WHEREAS, the District and its staff have determined a need to increase and/or modify certain user charges to meet the District’s operational requirements for 2020; and

WHEREAS, notice of the consideration by the Board of Directors of the District to modify fees, rates, or charges was provided to the public in accordance with C.R.S. § 32-1-1001(2)(a); and

WHEREAS, the District desires to adopt the fees, rates and charges, including an increase in user charges, for 2020 in amounts sufficient to defray its capital facilities, operation and maintenance, and debt service costs and obligations; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF LOOKOUT MOUNTAIN WATER DISTRICT, JEFFERSON COUNTY, COLORADO, THAT:

1. Commencing January 1, 2020, the District hereby adopts the water fees, rates and charges for all customers located within the District’s service area boundaries (the “Service Charges”) as shown on the attached **Exhibit A**.
2. The 2020 schedule of the District’s Service Charges shall be attached as an exhibit to the District’s Rules and Regulations and incorporated therein.

3. As of the effective date of January 1, 2020, all prior resolutions of the District establishing Service Charges shall be repealed and shall be replaced by this Resolution.

4. This Resolution is and shall constitute a legislative measure of the District, which may be modified only by formal resolution of the Board of Directors of the District.

APPROVED AND ADOPTED THIS 11TH DAY OF NOVEMBER, 2019.

LOOKOUT MOUNTAIN WATER DISTRICT

By:



President

ATTEST:

By:



Secretary or Assistant Secretary

EXHIBIT A
Water Fees, Rates and Charges

Lookout Mountain Water District
SCHEDULE OF RATES AND FEES
 (Section References to the District's Policies, Rules and Regulations)

1. Water Rates (Sec. 2.2) – Monthly Water Rates (Charges) Per Billing Cycle

Lookout Mountain Water District					
2020 Water Charges					
<i>Use tier in thousand gallons:</i>		0 - 3	3 - 4	4 - 5	5 - 6
<i>Equivalent to -- gallons per year:</i>		0 - 36,000	48,000	60,000	72,000
<i>Tier Name for Res and Comm:</i>		Base	A	B	C
Taxable Properties (Residential and Commercial)	Rate	\$ 43.00	\$ 21.45	\$ 28.60	\$ 35.75
	Bill Estimate	\$ 43.00	\$ 64.45	\$ 93.05	\$ 128.80
<i>Tier Name for TxE:</i>		Base	A	B	C
Tax Exempt Properties (Government and Churches)	Rate	\$ 143.00	\$ 42.90	\$ 57.20	\$ 71.50
	Bill Estimate	\$ 143.00	\$ 185.90	\$ 243.10	\$ 314.60
<i>Use tier in thousand gallons:</i>		6 - 7	7 - 8	8 - 9	9 - 10
<i>Equivalent to -- gallons per year:</i>		84,000	96,000	108,000	120,000
<i>Tier Name for Res and Comm:</i>		D	E	F	G
Taxable Properties (Residential and Commercial)	Rate	\$ 43.00	\$ 50.00	\$ 57.20	\$ 64.35
	Bill Estimate	\$ 171.80	\$ 221.80	\$ 279.00	\$ 343.35
<i>Tier Name for TxE:</i>		D	E	E	E
Tax Exempt Properties (Government and Churches)	Rate	\$ 86.00	\$ 89.00	\$ 89.00	\$ 89.00
	Bill Estimate	\$ 400.60	\$ 489.60	\$ 578.60	\$ 667.60
<i>Use tier in thousand gallons:</i>		10 - 11	11 - 12	12 - 13	13 - 14
<i>Equivalent to -- gallons per year:</i>		132,000	144,000	156,000	168,000
<i>Tier Name for Res and Comm:</i>		H	I	J	K
Taxable Properties (Residential and Commercial)	Rate	\$ 71.50	\$ 78.65	\$ 85.80	\$ 89.00
	Bill Estimate	\$ 414.85	\$ 493.50	\$ 579.30	\$ 668.30
<i>Tier Name for TxE:</i>		E	E	E	E
Tax Exempt Properties (Government and Churches)	Rate	\$ 89.00	\$ 89.00	\$ 89.00	\$ 89.00
	Bill Estimate	\$ 756.60	\$ 845.60	\$ 934.60	\$ 1,023.60
<i>Use tier in thousand gallons:</i>		14 - 15	15 - 16	16 - 17	17 - 18
<i>Equivalent to -- gallons per year:</i>		180,000	192,000	204,000	216,000
<i>Tier Name for Res and Comm:</i>		L	L	L	L
Taxable Properties (Residential and Commercial)	Rate	\$ 89.00	\$ 89.00	\$ 89.00	\$ 89.00
	Bill Estimate	\$ 757.30	\$ 846.30	\$ 935.30	\$ 1,024.30
<i>Tier Name for TxE:</i>		E	E	E	E
Tax Exempt Properties (Government and Churches)	Rate	\$ 89.00	\$ 89.00	\$ 89.00	\$ 89.00
	Bill Estimate	\$ 1,112.60	\$ 1,201.60	\$ 1,290.60	\$ 1,379.60
<i>Use tier in thousand gallons:</i>		18 - 19	19 - 20	20 - 21	22+
<i>Equivalent to -- gallons per year:</i>		228,000	240,000	252,000	264,000+
<i>Tier Name for Res and Comm:</i>		L	L	L	L
Taxable Properties (Residential and Commercial)	Rate	\$ 89.00	\$ 89.00	\$ 89.00	\$ 89.00
	Bill Estimate	\$ 1,113.30	\$ 1,202.30	\$ 1,291.30	\$ 1,380.30
<i>Tier Name for TxE:</i>		E	E	E	E
Tax Exempt Properties (Government and Churches)	Rate	\$ 89.00	\$ 89.00	\$ 89.00	\$ 89.00
	Bill Estimate	\$ 1,468.60	\$ 1,557.60	\$ 1,646.60	\$ 1,735.60
Monthly Water Rate Table and Billing Cycle Calculations: Bill Estimates show total monthly maximum within each Tier. Charges are calculated by increments in gallons within each tier, except for the Base Tier, which is a minimum charge for all taps.					



2. Late Payment Fee (Sec. 4.2.3)

Minimum of \$7.50 per billing period (or 1% per month on outstanding balance).

3. Inclusion Application Fee (Sec. 2.3.1.1)

\$18,500.00, per tap, per legal parcel or lot. If inclusion is denied, the fee will be refunded less standard administrative fee of \$800 plus attorney's fees and actual costs (estimated at \$1,500).

4. Exclusion Application Fee

Exclusion Application Fee will be a standard administrative fee of \$800 plus attorney's fees and actual costs (estimated at \$1,500).

5. Permanent Disconnection/Abandonment (Conversion from Active to Inactive) – Fees and Costs) (Sec. 2.3.8)

After the revocation or voluntary abandonment of a connected tap, a fee will be charged to the owner to cover District administration costs for processing the disconnection request, inspections by the District Engineer of plans for the disconnection and inspection of the completed work before backfill, and/or any other District costs related to disconnection of the tap. A deposit of \$2,300 shall be made for these costs. **The owner is responsible for arranging and paying for excavation of the connection, cutting and plugging the connected line and any other costs required to physically disconnect the tap from the District's lines.** The owner must obtain District approval of plans by the District Engineer for such work before it is performed and the work must also pass inspection by the District Engineer before backfilling the project.

1. Disconnection Application Fee of \$2,300 will be a standard administrative fee of \$800 plus attorney's fees and actual costs (estimated at \$1,500).
2. Service Orders and Inspection Fees: An accounting of District costs will be provided within 120 days from completion of the project. If actual costs exceed the estimated \$2,300.00 initial deposit, an additional amount shall be deposited with the District within ten (10) days of notice from LMWD in an amount determined by the District.
3. Reassignment or Inclusion fees may also apply.

6. Tap Purchase Fee (Sec. 7.2.3)

Voluntary District buy-back price for inactive taps: \$1,500.00

7. Tap Application Permit Fee (Sec. 2.3.2)

\$800.00 for administration and cost of meter installation (1 trip plus an estimated meter cost of \$350). Additional Service Orders, such as site visits and/or inspections will apply, see Service Orders below. *For single service line installations.*

8. Returned Payment Handling Fee (Sec. 4.2.2)

\$25.00 per occurrence, regardless of reason (Processing fee for NSF (Non-Sufficient Funds) or other payment failures).

9. Inactive Taps Policies and Procedures (Sec. 2.1.1.1.2, 2.1.2; and by Resolution # 9/16-1)

1. All inactive taps, regardless of status, will be charged the "Minimum Monthly Rate" (or Base Rate) according to Water Rates table for active taps.
2. Failure to Assign a tap to property, annual fee: \$1,000.00 and administered as a monthly charge of \$83.33
3. Reassignment Fee for inactive taps: \$15,000.00
4. Revocation of unassigned inactive tap for failure to pay fees/charges exceeding \$2,500.00 (by public hearing).
5. Voluntary District buy-back price for inactive taps: \$1,500.00

10. Tap Transfer Fee (Sec. 2.3.6)

\$75.00 per occurrence; includes manual read if applicable.



11. Turn Off Fee (Sec. 2.3.3, 2.3.4 and 4.2.4)

\$75.00 per occurrence, for temporary or seasonal shut-offs/turn-offs, regardless of reason.

12. Turn On Fee (Sec. 2.3.3, 2.3.4 and 4.2.4)

\$75.00 per occurrence, for temporary or seasonal shut-offs/turn-offs, regardless of reason.

13. Lateral Non-compliance Fee for Annual Registration (Sec 5.2.1)

\$300 per year for non-compliance; Due annually, January 31st of each year.

14. Right of Entry, Safe Passage, and Meter Access (Sec. 3.2.3 and 3.2.4)

1. \$30.00 per occurrence, doubled for each additional infraction for failure to allow Right of Entry and Safe Passage.
2. \$30.00 per occurrence, doubled for each additional infraction for failure to allow Meter Access.

15. Meter Tampering Fee (Sec. 6.1), Illegal Turn-On, and Illegal Turn-Off Fees

1. Tamper Fee: \$200.00 per occurrence plus additional charges for repairs if applicable, regardless of cause.
2. Illegal Turn-On or Turn-Offs: \$500.00 per occurrence plus additional charges for repairs, if applicable.

16. Reassignment Fee, (Sec. 2.3.5)

\$15,000.00 (All taps on and after 9/1/17). *Prior to 9/1/17 Active taps - \$5,000.00 Residential and \$10,000.00 Commercial*

17. Meter Replacement, Meter Test Fee Deposit, Endpoints, and Eye On Water (Sec. 3.2.5)

1. \$250 per installation for Register and Endpoint. \$350 per installation for Meter, Register and Endpoint (Standard).
2. \$375 per installation and set-up for Beacon/Eye on Water and \$1.00 per month. Removal and replacement (back to Standard) \$400
3. Actual cost for non-standard size Meter, Register and Endpoint plus \$200.00.
4. \$600 deposit per meter test, includes meter replacement; credited to billing account if meter is found to be faulty.

18. Service Orders including Meter Usage Profiles, Inspections, Manual Read Fees (Sec. 2.3, 4.2.8, 5.3)

1. Service Orders: Actual Direct Cost with a minimum charge of \$75.00 per Trip. Estimated at \$100 per hour and up, depending on work needed. Service orders include, but are not limited to locates, turn-offs, turn-ons, call-outs, special reads, site visits or inspections, meter tampers, emergency call-outs for leaks, and oversight of repairs and leaks; regardless of whether the customer directly authorized the work, if it was in response to a perceived problem. Actual Direct costs include such items as parts, engineering, use of contractors or consultants, locate service, permits or fees.
2. Manual or Special Reads: \$50 per trip, as needed. Manual read is for a meter read that occurs on a different day than the regular billing cycle reading or if a meter must be read manually by staff.
3. Inspection Fees: Inspections needed for new connections, disconnections and other work being performed which effects the public water supply or pipelines. Minimum Charge of \$250.00 per trip or Actual Direct Costs, whichever is higher.
4. Meter Usage Profiles: Minimum Charge \$75 per Trip. A type of service order which requires staff, software and equipment to acquire data from the "smart meter". Requires an appointment to access the meter if interior or otherwise inaccessible.

A Service Order shall be issued for all of the above reasons and minimum charge of \$50 or \$75 applies and may be billed when issued. Actual costs will normally be billed within 90 days from date of occurrence. All charges to be billed to customer account and due according to regular billing policies.



19. Unauthorized Connections (Sections 2.2, 2.2.1, 2.1.3, 3.2, 6.2)

Applies to unauthorized connections and connections to dwellings that are not in compliance with policy. Every active tap is required to have a single meter to comply. On a case by case basis, the Board shall review the violation and assess fees and charges to ensure compliance. Recovery of cost of water should be considered. Once a compliance notice is served and remedy period has expired, \$1,000 per day for non-compliance.

20. Hydrant Use (or Other Water) Permit Fee, Deposit and Unauthorized Use Penalty (Sec. 7.3.1)

Note: Permits currently not available.

1. \$ 150.00 Application Fee
2. \$ 300.00 deposit to be applied to billed charges as specified in the Permit.
3. \$1,000.00 penalty for unauthorized hydrant or water use, doubled for each additional infraction.

21. Hydrant Installation Permit Fees (Sec. 7.3.2)

1. \$800.00 fee to be submitted with application to install a new or replacement hydrant. If permit is granted, no additional inspection fees shall apply. Engineering fees are additional, if applicable.
2. \$2,000 fee for installing hydrant without a permit.

22. Application to Modify or Extend Main or Lateral (Sections 5.2, 5.2.2)

\$7,000.00 fee/deposit to be submitted with owner’s request to install, modify or extend pipelines on the main or a new or existing Lateral:

1. \$3,000.00 fee shall be retained by LMWD for the initial processing of the application, including the first six (6) hours of engineering review and the first six (6) hours of other professional review, if necessary.
2. If permission is granted, the remaining \$4,000 shall be on deposit for inspection fees, engineering or legal review, turn-on, turn-offs, and other costs until the project is completed. An accounting of these costs will be provided within 120 days from completion/acceptance of project.
3. If costs exceed or are anticipated to exceed the estimated \$7,000 initial deposit, an additional amount shall be deposited with the District within ten (10) days of notice from LMWD in an amount determined by the District.

23. Violation of Rules and Regulations on Lookout Mountain Water District Property

\$100.00 per occurrence, in addition to State of Colorado mandated penalties or fines.

24. Cross-Connection/Backflow Fees (Sec. 5.3.5)

1. \$150.00 Inspection Fee (Sec.5.3.5.1)
2. \$300.00 for Failure to Submit Backflow Test Results Fee, per occurrence (Sec.5.3.5.2)
3. \$100.00 per day for violation (enforcement—see below)

25. Violations and Enforcement of Rules and Regulations, various (Sec. 1.4.1)

Prohibition, Penalties, and Charges:

Late payment delinquency penalty (regular charges and special project cost reimbursements)	Maximum allowed by law
Lien filing	\$250.00
Lien release	\$250.00
Unauthorized connection or disconnection penalty	\$1,000.00 per day of non-compliance
Violation of cross-connection and back-flow control regulations	\$100.00 per day of non-compliance
Installation of unauthorized water consuming devices (Meter tampering fee may still apply)	\$100.00 per day of non-compliance
All other violations of District Policies, Rules and Regulations, unless specifically stated	\$25.00 per day of non-compliance



26. Enforcement of Covenants in The Ridges at Lookout Mountain (Sec 1.5.2)

1. \$250.00 Inspection Fee, per Inspection.
2. \$ 20.00 per month for non-compliance.

27. Monthly Billing Cycle (Sec 4.1)

The billing cycle will normally follow these dates each month:

- Meter Reading shall occur during the 23rd through the 27th of the month
- Billing Date: Last day of the month; (Bills should be received on or before the 5th of the month)
- Payment Due Date: 20th (or previous business day, regardless of postmark)
- Late Fees Apply: after the 20th of the month
- Pre-shut off notices: (friendly reminder): 21st through the 25th of the month
- Cut-off Notices: (Shut-off): 26th through the 29th with deadline date in notice – (Customer given 5 to 7 business days before deadline)
- Cut-offs (Shut-off) will occur after deadline date. Fees Apply for Turn-off and Turn-on (to restore service after an interruption for non-payment). See 11 and 12 above.

28. E-Commerce Processing Fees (Convenience Fees)

Standard: \$0.75 per transaction. If possible, processing fees are disclosed in advance of each transaction.

From time to time the District should analyze the cost of payment processing fees charged by banks and other electronic payment processors for the use of e-checks, ACH, or credit cards. These costs are variable but may have a fixed component, and may be dependent on volume. Care should be taken to allocate and share costs for these convenience fees so as not to overly burden users and non-users for e-commerce related costs.

29. Colorado Open Records Request (Charges)

For the research, location and retrieval of documents, there will be a \$30 per hour charge, with the first hour at no charge. Copies in standard size and format will be charged at a rate of \$0.25 per page. Copies for a format other than standard page (such as photographs or large maps) will be charged at the actual cost of production. Requests must be made in writing (by standard form) and will not be considered received until deposit is made to cover the charges.

30. Actual Costs

The District may request additional deposits and/or payment of actual costs, if the actual costs to the District exceed anticipated costs.

