

**RESOLUTION**  
Resolution No. 05\_\_

A RESOLUTION AUTHORIZING THE AMENDMENT OF SECTIONS OF THE RESTATED AND REENACTED RULES AND REGULATIONS, EAST RIVER REGIONAL SANITATION DISTRICT, GUNNISON COUNTY, COLORADO REGARDING SEWER TAP FEES AND SEWER SERVICE CHARGES.

WHEREAS, East River Regional Sanitation District, Gunnison County Colorado ("the District"), is a quasi-municipal corporation and political subdivision of the State of Colorado, duly created, organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the District is responsible for provision of sewer treatment services for District residents, and residents of other areas subject to service agreements with the District, subject to the capabilities of its system and its financial ability to meet such demand; and

WHEREAS, the District plans to construct new facilities to ensure its future ability to fulfill these responsibilities; and

WHEREAS, the District desires to establish an adequate fee structure to defray the costs that will be incurred by the construction, maintenance, operation and repair of new facilities related to waste water treatment and transmission; and

WHEREAS, the District has determined it is necessary to approve an increase in Sewer Service Charges and Sewer Tap Fees to fund these new service facilities and to Amend the Rules and Regulations of the District to accomplish this purpose; and

WHEREAS, the District's Board of Directors is vested with full power and authority to act as the governing body of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East River Regional Sanitation District, Gunnison County, Colorado:

1. Regulations 4.2, 4.4, 4.5, 4.6, and 4.13 of the Restated and Reenacted Rules and Regulations of East River Regional Sanitation District, Gunnison County, Colorado, effective August 20, 1997, are hereby amended as set forth in Exhibit A, attached hereto and herein incorporated by reference.
2. Proceeds from the amended tap and service fees will be used to fund new treatment facilities.
3. The District's tap and service fees will henceforth be based on the schedules in Exhibit A.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

EAST RIVER REGIONAL SANITATION  
DISTRICT  
GUNNISON COUNTY, COLORADO

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Greg Wiggins, Chairman

[SEAL]

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Dan Murphy, Secretary/Treasurer

**EXHIBIT A**

4.2 **STATEMENTS.** Statements for all periodic charges set forth herein shall be rendered quarterly in advance. Charges for late payments, service line repairs, and other appropriate charges shall be added to the statements. Bills shall be mailed the same week of every quarter and shall be payable within thirty (30) days from the date on the statement. **Until paid, all fees and charges shall constitute a first and perpetual lien on and against the property served.** Any such lien may be foreclosed in a manner provided for under the law for mechanic's liens. Delinquent accounts shall draw interest in the unpaid charges at the rate of one percent (1.0) per month.

4.4 **SEWER TAP FEES.** An Equivalent Residential (EQR) unit has been established wherein the base tap fee is multiplied by this factor (EQR) to determine the appropriate tap fee. The tap fee must be paid prior to the issuance of a building permit. The base tap fee is \$5,288.00 beginning April 1, 2005. The tap fee schedule thereafter is as follows:

**TAP FEE SCHEDULE (per EQR)**

2006	\$5,817
2007	6,398
2008	7,038
2009	7,742
2010	8,516
2011	9,368
2012	10,305
2013	11,335
2014	12,469
2015	13,716
2016	15,087
2017	16,596
2018	18,256
2019	20,081
2020	22,089

4.5 **RULES TO DETERMINE APPLICABLE EQRs.**

All fees and charges of the District shall be multiplied by the EQR rating of the Customer's improvements or proposed improvements. If use of a Customer's property is changed, or improvements are modified, following initial construction or in the course of construction, then the EQR rating for the Customer's property shall be modified to conform thereto. The Customer shall have the affirmative duty to notify the District of all such modifications, and failure to do so shall be a violation of these Rules and Regulations.

EQR ratings shall be determined as follows:

A. For Single Family Residences (including caretaker units)

All such, having no more than one kitchen and 3 bathrooms, shall be rated at 1.00 EQR. Each additional tub or shower shall increase the rating by 0.1 EQR, each additional toilet or sink or hot tub or spa, which hot tub or spa has a hardline connection to the District's water or sewer services, shall increase the rating by 0.05 EQR. Additional kitchens add 0.2 EQRs. Duplex units governed by Associations shall be treated as a single residence for billing purposes; however, each unit within said duplex will be treated as a single family residence under this section to determine its EQR. Duplex units subject to a party wall agreement shall be treated as separate single family residences, unless said duplex is subject to a party wall agreement that provides for common billing, in which case it will be treated as a duplex governed by an Association under this section for the purpose of determining its EQR.

B. For Multi-Family Residences (Including Lodges)

All such, having no more than one kitchen and one bathroom, shall be rated at 0.70 EQR, and all such having one bath only shall be rated at 0.50 EQR. Additional facilities shall increase the EQR rating as in the case of single-family residences.

C. For Commercial Units

Retail stores or businesses, shall be rated at 0.75 EQR for each 2500 square feet of floor area. Accessory areas in connection with such stores or businesses, such as exercise rooms, locker rooms, convention rooms, lobbies and storage areas shall be rated at 0.75 EQR per 2500 square feet of floor area. Public laundromats shall be rated at 1.00 EQR per washing machine, regardless of square footage. Hot tubs or spas shall increase the rating of 0.10 EQR.

Applications for service which involve water uses not covered by the foregoing shall be rated by the District on a case-by-case basis.

4.6 **SEWER SERVICE CHARGES.** All service charges (user fees) for sewer service within the District will be a product of the EQR applicable to the Unit receiving service and the flat rate charge for calendar years according to the following schedule:

**USER FEE SCHEDULE (per EQR)**

As of April 1, 2005	\$360
2006	378
2007	397
2008	417
2009	438
2010	459

2011	482
2012	507
2013	532
2014	558
2015	586
2016	616
2017	647
2018	679
2019	713
2020	748

**4.13 BILLING PROCEDURES FOR MULTI-UNIT PROPERTIES.** Billing of all fees for (i) lots with a maximum use and density designation, as determined by the final plat, of more than one unit, and (ii) structures having more than one unit, will be made to the agent or entity designated by the owners(s) of such lot or structure for that purpose and it shall be the obligation of such owners to provide for such a common agent or entity. Failure to provide for such an agent or entity or failure of that agent or entity to provide timely payment for all units within the lot or structure may result in enforcement procedures against all owners for payment deficiencies. In the event that a duplex governed by an Association or a party wall agreement that provides for common billing, or other commonly-governed multi-unit structure fails to pay its tap or user fees, enforcement procedures may be taken against any and all unit owners.

- a. A duplex built upon a duplex lot and governed by an Association shall be permitted to combine EQRs for billing purposes, and shall receive one statement under § 4.2.
- b. A duplex built upon a duplex lot and not governed by an Association or a party wall agreement that provides for common billing shall receive individual statements under § 4.2, and will not be permitted to combine EQRs for billing purposes.
- c. A duplex built upon a duplex lot and not governed by an Association, but subject to a party wall agreement that provides for common billing shall be permitted to combine EQRs for billing purposes, and shall receive one statement under § 4.2.
- d. Associations that govern Skyland Multi-Family Tracts will be permitted to combine the EQRs of each unit for billing purposes, and shall receive one invoice pursuant to § 4.2.