

**FORT COLLINS-LOVELAND WATER DISTRICT
RESOLUTION NO, 2023-02**

RESOLUTION INCREASING CERTAIN RATES AND FEES

WHEREAS, the Fort Collins-Loveland Water District (“**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, pursuant to §32-1-1001(1)(h), C.R.S., the Board of Directors (“**Board**”) of the District is responsible for the management, control and supervision of all of the business and affairs of the District; and

WHEREAS, pursuant to Section 32-1-1001(1)(j)(I), C.R.S. the Board has the authority to fix and from time to time increase or decrease rates, fees, tolls, penalties, or charges for services, programs, or facilities furnished by the District, and pursuant to Section 32-1-1006(1)(g), C.R.S. to fix and from time to time increase or decrease tap fees; and

WHEREAS, to protect the public health, welfare, and safety of the residents, visitors and customers of the District the District has established a Cross-Connection Control Program; and

WHEREAS, the District is experiencing a trend of increasing delinquency of backflow device testing which is non-compliance with its Cross-Connection Control Program requirement; approximately 178 commercial and multi-family accounts with one or more assemblies are out of testing compliance, representing 280 individual assemblies out of testing compliance, and 234 of those assemblies have not submitted a test report in more than one year and 90 days; and

WHEREAS, the District is accountable to the Colorado Department of Public Health and Environment (“**CDPHE**”) to actively pursue compliance for customers who are not in compliance, as this impacts the safety and water quality of the entire water distribution system or the District; and

WHEREAS, the District wishes to increase the penalty for non-compliance and also communicate non-compliance to the on-site representative in addition to the billing contact to obtain increased compliance with backflow device testing requirements; and

WHEREAS, at least thirty days’ advance notice to the District’s customers of the Board’s intent to consider a rate increase on January 17, 2023 was provided in accordance with Section 32-1-1001(2)(a)(IV), C.R.S;

NOW, THEREFORE, be it resolved by the Board of Directors of the Fort Collins-Loveland Water District that:

1. **2021 Rates and Fees Schedule.** The schedule of District rates and fees is hereby revised to include the following penalties and actions for non-compliance with the Cross-Connection Connection Control Program:
 - a. 0-30 days past due date = \$100 Penalty per assembly out of testing compliance. Mail final notice. Fine will be waived if compliance is achieved within 30 days from date of notice.
 - b. At 31 days = \$1000 Penalty. Mail notice and hand deliver to service address. No waiver on fine.
 - c. At 61 days = \$2000 Penalty. Mail notice and hand deliver to service address. No waiver on fine.
 - d. At 91 days = suspension of service until all fines are paid and backflow device testing is in compliance.
2. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.
3. **Effective Date.** This Resolution shall take effect immediately upon its approval by the Board of Directors of the District, with the adjustments to the 2023 Rates and Fees Schedule taking effect immediately.

The foregoing Resolution was approved and adopted this 17th day of January, 2023.

DISTRICT FORT COLLINS-LOVELAND WATER

By:



Jim Borland, Chairman

Attest:



Chris Pletcher, Secretary