

RESOLUTION 2021--\_07\_\_\_\_\_

WHEREAS, the MORRISON CREEK METROPOLITAN WATER AND SANITATION DISTRICT, Routt County, Colorado (the "District"), has adopted rules and regulations to govern the operations of the District; and

WHEREAS, pursuant to Section 1.6 of said Rules and Regulations, the Board of Directors of the District reserved the right and power to amend such Rules and Regulations without necessity of prior notice; and

WHEREAS, the Board of Directors now desires to amend such Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE MORRISON CREEK METROPOLITAN WATER AND SANITATION DISTRICT That the Rules and Regulations are hereby amended as follows:

1. Service Charge Rates. Appendix B, Rates and Charges, Service Charges and Tap Fees, is hereby amended in part by deletion of the below described Sections A and B of such Appendix B and the substitution of the following in lieu thereof:

**Appendix B**  
**Rates and Charges:**

A. **Service Charges - Sanitary Sewer services** - The following rates and charges which shall be and become applicable on and after January 1, 2022:

- a. **Single Residential Unit.** The Sanitary Sewer Service Charge for each Single Residential Unit including each townhome unit shall be \$ 168.50 for each 2-month period from and after January 1, 2022, through December 31, 2022. For calendar year 2023, such Charge shall be \$ 173.56 for each 2-month period in that year. For calendar year 2024, such Charge shall be \$ 178.76 for each 2-month period in that year. For calendar year 2025, such Charge shall be \$ 184.12 for each 2-month period in that year. For calendar year 2026, such Charge shall be \$ 189.65 for each 2-month period.
- b. **Duplex Unit** - Each Duplex Unit shall pay a Sanitary Sewer Service Charge equal to the then-applicable Sanitary Sewer Service Charge for a Single Residential Unit per Section A.a above for each applicable 2-month period, whether the Sewer service to the Duplex building is from a single sewer service line or from two sewer service lines. Therefore, a Duplex building is to be treated as if it were two separate single family residences. Each Duplex Unit shall be separately billed for such Sanitary Sewer Service charges unless the owner of such Duplex requests that Sanitary Sewer Service Charges for both Duplex Units be combined in a single billing.

- c. **Multiple Family Unit, including (but not limited to) a triplex, four-plex, apartment building and condominium building** - The number of single family dwelling unit equivalents located within such building times the applicable Bi-Monthly Sanitary Sewer Service Charge for a Single Family Residential Unit per Section A.a above for each applicable 2-month period. There shall be no early payment discount for early payment of Sanitary Sewer Service Charges to any condominium or condominium building or project, and any provision of these Rules and Regulations providing for any such discount was previously rescinded and shall be null and void.
  - d. **Caretaker Dwelling** - 150% of the applicable Bi-Monthly Sanitary Sewer Service Charge for a Single Family Residential Unit per Section A.a above for each applicable 2-month period, for both the principal single family dwelling unit and the caretaker dwelling, provided that the water service to the caretaker dwelling goes through the water meter for the appurtenant principal single family dwelling unit (and if otherwise, the building shall be treated as a Duplex building).
  - e. **Hotel, Lodge, Motel, Accommodation Units, and Commercial and Industrial users (Being customer classifications II and IV in section 8.3 of the Rules and Regulations)** - The bi-monthly Sanitary Sewer Service Charge shall be 2.5% of the calculated tap fee but not less than the Applicable Bi-Monthly Sanitary Sewer Service Charge for a Single Family Residential Unit per Section A.a above for each applicable 2-month period.
  - f. **Volume Charges for Sewage Pumped From Sealed Sanitary Systems (Vaults) and Delivered to District Wastewater Treatment Plant.** The District shall charge each Pumper Contractor a volume charge for depositing sewage pumped and collected from approved sewage vaults within the District into the District's sewer plant. Such charge shall be 6.95 cents per gallon through December 31, 2022. For calendar year 2023, such charge shall be 7.15 cents per gallon. For calendar year 2024, such charge shall be 7.37 cents per gallon. For calendar year 2025, such charge shall be 7.594 cents per gallon. For calendar year 2026, such charge shall be 7.82 cents per gallon.
  - g. **Out-of-District Structures.** For any structure served by the District's central sewer collection lines but located outside of the boundary of the District, the service charge rate shall be 150% of the applicable in-District rate for the type of structure. The District reserves the right to refuse service to any structure outside of the District boundary for any reason whatsoever.
- B. Service Charges - Water services** - The following rates and charges which shall be and become applicable on and after January 1, 2022:
- a. **Single Residential Unit** - The Water Service Charge for each Single Residential Unit including each townhome unit and each Irrigation Area Dwelling Unit shall be the total,

for each 2-month period, of the Base Charge, as herein below defined in this Section B.a, which shall be billed in advance on a bi-monthly basis, PLUS the Usage Charge, as herein below defined in Section B.b, which shall be billed in arrears on a bi-monthly basis. The Base Charge for water service for each Single Residential Unit is due and payable if the Unit is connected to the District's potable water system, regardless of whether the Unit is occupied or any water is delivered to or used by any occupant of the Unit. The Base Charge for each Single Residential Unit is \$ 76.00 for each 2-month period from and after January 1, 2022, through December 31, 2022. For calendar year 2023, such Base Charge shall be \$ 80.56 for each 2-month period in that year. For calendar year 2024, such Base Charge shall be \$ 85.39 for each 2-month period in that year. For calendar year 2025, such Base Charge shall be \$ 90.52 for each 2-month period in that year. For calendar year 2026 and, such Base Charge shall be \$ 95.95 for each 2-month period.

- b. **The Usage Charge** - The Usage Charge is based upon the quantified flow of treated potable water supplied by the District and delivered bi-monthly to the property on which the unit is located, based upon a water meter installed in or adjacent to the unit by or under the direction of the District. All potable water used within the unit or outside within or adjacent to the property from the District's service connection to the property shall flow through and be accounted for by the water meter. The Usage Charge is calculated for each 2-month period in each calendar year as follows:

For the quantity of potable water delivered through the meter which is:

<u>AT LEAST:</u>	<u>BUT LESS THAN:</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
<b>Column 1</b> .001 gallons	<b>Column 2</b> 10,000 gallons	\$5.97	\$6.39	\$6.84	\$7.31	\$7.83
10,001 gallons	20,000 gallons	\$7.64	\$ 8.17	\$8.75	\$9.36	\$10.01
20,001 gallons	40,000 gallons	\$10.92	\$11.68	\$12.50	\$13.38	\$14.31
40,001 gallons	67,000 gallons	\$15.25	\$16.32	\$17.46	\$18.68	\$19.99
over 67,000 gallons	no limit	\$27.33	\$29.24	\$31.29	\$33.48	\$35.82

- c. **Duplex Unit** - Each Duplex Unit shall pay a Water Service Charge equal to the then Applicable Bi-Monthly Water Service Base Charge plus Usage Charge for a Single Residential Unit, whether the Water service to the Duplex building is from a single water service line or from two water service lines. Therefore, a Duplex building is to be treated as if it were two separate single family residences. Each Duplex Unit shall be separately billed for such Water Service charges unless the owner of such Duplex requests that Water Service Charges for both Duplex Units be combined in a single billing.

- d. **Multiple Family Units, including (but not limited to) a triplex, four-plex, apartment building and condominium building** - The Water Service Charge for each building containing Multiple Family Units, including (but not limited to) a triplex, four-plex, apartment building or condominium building shall be the total, for each 2-month period, of the Base Charge per Single Residential Unit as above defined in Section B.a times the number of such Single Residential Units in such building (herein called the "Building Unit Total"), which shall be billed in advance on a bi-monthly basis, PLUS a Usage Charge for all potable water supplied to such building through its building water meter(s) as described below. The Base Charge for each Multiple Family Unit is due and payable for all Units in the building which are connected to the District's water system, regardless of whether one or more Units are occupied or any water is delivered to or used by any occupant of any Unit.

The Usage Charge for a building containing Multiple Family Units is based upon the quantified flow of treated municipal water supplied by the District and delivered to the building containing Multiple Family Units bi-monthly, based upon one or more water meters installed in such building at one or more locations selected by the District through which potable water is delivered to all Multiple Family Units in such building. The Usage Charge for such building shall be calculated in the same manner as provided above in Section B.b for Single Residential Units EXCEPT that the minimum and maximum of each block of water usage under Column 1 and Column 2 of Section B.b above shall be multiplied by the Building Unit Total when applied to a Multiple Family Units building. The Usage Charges for a Multiple Family Units building shall be billed bi-monthly in arrears.

All potable water from the District used within the Multiple Family Units building or outside adjacent to the building from the District's service connection to the property on which the building is located shall flow through and be accounted for by the water meter(s) of such building. The District reserves the right, however, in order to equitably account for actual water usage, to require that exterior summer irrigation usage of potable water within a Multiple Family Unit property be separately connected to a separate water meter installed by the District and providing only irrigation water, the cost of which is to be borne by the Multiple Family Unit building/property as a whole, and thereafter treated as a Landscape Irrigation Account, in which event thereafter the minimum and maximum of each block of water usage under Column 1 and Column 2 of Section B.b above for the Multiple Family Units, excluding the Landscape Irrigation Account for such building, shall continue to be the blocks of water usage under Column 1 and Column 2 of Section B.b above multiplied by the Building Unit Total.

There shall be no early payment discount for early payment of Water Service Charges to any condominium or condominium building or apartment building or Multiple Family Units building, and any provision of these Rules and Regulations providing for any such discount was previously rescinded and is null and void.

- e. **Caretaker Dwelling** - Provided that the water service to the Caretaker Unit goes through the water meter for the appurtenant principal single family dwelling unit (and if otherwise, the building shall be treated as a Duplex), the water service charge is the total of 150% of the applicable Bi-Monthly Single Residential Unit water Base Charge, as herein above provided in Section B.a, which shall be billed in advance on a bi-monthly basis, PLUS the Usage Charge to the entire Caretaker Dwelling building, as herein above provided in Section B.b, which shall be billed in arrears on a bi-monthly basis. The Applicable Bi-Monthly Base Charge for each Caretaker Dwelling building shall be due each 2-month period, regardless of whether either the principal dwelling unit or the caretaker unit is occupied or any water is delivered to or used by any occupant of either unit, for such 2-month period.

All potable water used within the Caretaker Dwelling building or outside adjacent to the property from the District's water connection to the property shall flow through and be accounted for by the water meter for such building. The Usage Charge for the entire Caretaker Dwelling building is calculated in the same manner as above provided for a Single Residential Unit except that the minimum and maximum of each block of water usage under Column 1 and Column 2 of subsection B.b above shall be multiplied by 1.5 times.

- f. **Hotel, Lodge, Motel, Accommodation Units, and Commercial and Industrial users (Being customer classifications II and IV in section 8.3 of the Rules and Regulations)**  
- The bi-monthly water service Base Charge for potable water services from the District to a Hotel, Lodge, Motel, Accommodation Units, Commercial Users, and Industrial Users (being customer classifications II and IV in Section 8.3 of the Rules and Regulations of the District) shall be 2.5% of the calculated tap fee for each such building but not less than the Applicable Bi-Monthly Base Charge for a Single Family Unit for each 2-month period times a fraction (the "Density Fraction"), the numerator of which is the water tap fee which would then be calculated for such building if such building were then being connected to a District water trunkline for the first time and the denominator of which is the water tap fee then applicable at that same time to a Single Residential Unit (but in no event shall such Density Fraction be less than 1). The Usage Charge for the entire Hotel, Lodge, Motel, Accommodation Units, Commercial or Industrial user, whether one or more buildings, is calculated in the same manner as above provided in Section B.b for a Single Residential Unit except that the minimum and maximum of each block of water usage under Column 1 and Column 2 of subsection B.b above shall be multiplied by the higher of 1 or the Density Fraction.
- g. **Landscape Irrigation Account** - The bi-monthly Water Service Charge for each Landscape Irrigation Account shall be based upon usage of potable water supplied by the District as measured through the water flow meter of such Landscape Irrigation Account, for each 2-month period. All potable water used on or outside adjacent to the property irrigated from such Landscape Irrigation Account tap and service line shall flow through and be accounted for by such water meter. There is no Base Charge for a Landscape

Irrigation Account, but only a Usage Charge. The bi-monthly Usage Charge for each Landscape Irrigation Account water meter for each 2-month period is calculated for each 2-month period in each calendar year as follows:

For the quantity of potable water delivered through the meter which is:

<u>AT LEAST:</u>	<u>BUT LESS THAN:</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
<b>Column 1</b>	<b>Column 2</b>					
.001 gallons	6,700 gallons	\$ 13.81	\$14.78	\$15.81	\$16.92	\$18.10
6,701 gallons	27,000 gallons	\$ 16.82	\$18.00	\$19.26	\$20.61	\$22.05
27,001 gallons	67,000 gallons	\$ 20.17	\$21.58	\$23.09	\$24.71	\$26.44
over 67,000 gallons	no limit	\$ 29.23	\$31.28	\$33.47	\$35.81	\$38.31

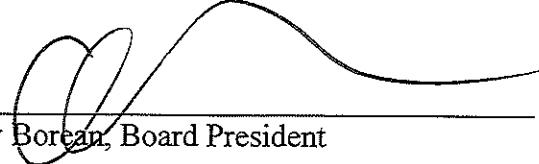
h. **Out-of-District Structures.** For any structure served by the District’s central municipal water service lines but located outside of the boundary of the District, the service charge rate shall be 150% of the applicable in-District rate for the type of structure. The District reserves the right to refuse service to any structure outside of the District boundary for any reason whatsoever.

C. **Annual Adjustment to Water and Sewer Service Charge Base Rates.** Effective on January 1, 2027, and on each January 1 thereafter through and including January 1, 2033, the bi-monthly Sewer Service Charge rates set forth in Section A.a above, and the bi-monthly Base Rate for Water Service Charges set forth in Section B.a above shall be increased by the greater of (i) 4% or (ii) the percentage change, to 2 decimal places, in the Cost of Living Index for the Denver-Aurora-Lakewood Metropolitan Area, Urban Consumers, “All Items,” for the 12-month period ending on the June 30 preceding the adjustment date.

2. **Ratification.** Except as above amended, the Rules and Regulations of the District are hereby ratified and confirmed.

APPROVED AND ADOPTED this 2<sup>nd</sup> day of December, 2021, effective on and after January 1, 2022.

MORRISON CREEK METROPOLITAN WATER AND SANITATION DISTRICT

By:   
 Anthony Borean, Board President

ATTEST:

  
 Geovanny Romero, General Manager