

RESOLUTION 03-2017

**RESOLUTION OF THE BOARD OF DIRECTORS OF
TRIVIEW METROPOLITAN DISTRICT ADOPTING POLICY IN
REGARDS TO CUSTOMER FEES FOR PERPETUAL PUMP STATION
OPERATIONAL COSTS – SANCTUARY POINTE**

WHEREAS, Triview Metropolitan District ("District") has determined that it is appropriate to adopt, amend and supplement portions of its existing rules and regulations concerning the District's policy in regards to a "special impact fee" to be paid by certain residences located within "Sanctuary Point Booster Zone" within the District for residential water supplies;

WHEREAS, the District entered a certain Infrastructure Agreement with the developer of the Sanctuary Pointe property dated January 23, 2015 as recorded in the records of the El Paso County Clerk and Recorder at Reception No. 216105296 concerning the rights and responsibilities of the developer and the District as concerns construction, maintenance and funding of certain water and sewer infrastructure necessary for the development of the Sanctuary Pointe Property;

WHEREAS, said Infrastructure Agreement recognizes that certain residences, those located in Sanctuary Point Booster Zone as depicted on Exhibit A, hereto, will require the operation of a "pressure pump system" in perpetuity in order to maintain adequate household water pressure;

WHEREAS, the District believes it inequitable for residents throughout the District not benefitted through the use and operation of said pressure pump system to be assessed or otherwise responsible for funding the perpetual operation of such pressure pump system, and the Infrastructure Agreement expressly contemplates the District's imposition of a fee only on those persons/residences so benefitted;

WHEREAS, pursuant to C.R.S. §32-1-1001(1)(h),(j) and (k) and §32-1-1004(3) this Board has the authority on behalf of the District to fix and from time to time increase rates, charges and tap & impact fees for services or facilities furnished by the District within and outside District boundaries, and to assess reasonable penalties for delinquency in the payment of such rates, fees or charges;

WHEREAS, pursuant to C.R.S. §32-1-1001(m) and (n), this Board has the power to adopt, amend and enforce bylaws and rules and regulations for the District that are not in conflict with the constitution and laws of the State of Colorado, for the carrying on of the business of the District, and may exercise all rights and powers necessary or incident to or implied from its specific powers; and

WHEREAS, the District has reviewed its existing rate structure, rules and regulations, and has determined that it is appropriate to amend existing policies in regards to the imposition of a "special impact fee" for water service upon residences within Sanctuary Point Booster Zone as depicted on attached Exhibit A;

NOW, THEREFORE, pursuant to the District's authority and the power under C.R.S. §32-1001 and §32-1-1004, the following policy is adopted in regards to the District's rate structure forming a portion of the District's rules and regulations.

1. Sanctuary Point Booster Zone Special Impact Fee. The District has consulted with its engineering consultants and determined that implementation of a special impact fee upon all residences located within Sanctuary Point Booster Zone, as depicted on attached Exhibit A, is appropriate based upon the following conclusions, terms and conditions:

a. The perpetual operation of a Pressure Pump System is necessary in order to provide adequate household pressures to all residences, both single family and multi-family, located within Sanctuary Point Booster Zone due to the lack of variance in elevation between such residences and the District's existing storage facilities. The District's consultants estimate the annual cost of the perpetual operation of such Pressure Pump System to be approximately \$31,200, or \$2,600 per month;

b. At build-out as currently platted, conservatively 350 residences (combined single family and multi-family) will be constructed in Sanctuary Point Booster Zone. Based upon such density, the District determines that a monthly Special Impact Fee of \$10.00 per single family and multi-family residence is reasonable and appropriate for funding the perpetual operation of the Pressure Pump system, when inflationary costs and additional funding already provided by the developer is taken into consideration.

c. Said Special Impact Fee shall be assessed as a separately identified line item on the monthly billing statement issued to each Sanctuary Point Booster Zone resident by the District, and shall be due and payable upon the same terms and conditions applicable to the general rates and fees of the District, and subject to collections utilizing the all of same methods otherwise available to the District.

2. Determination by the Board. It is the Board's determination that this policy and the fees discussed herein are reasonably related to the overall existing and future costs of operations and capital improvements for the services provided by the District as concerns perpetual operation of the Pressure Pump System in Sanctuary Point Booster Zone, are necessary for the District to recover such costs and plan for future expense, and are uniformly made to apply to all of the District's customers within Sanctuary Point Booster Zone who are benefitted thereby.

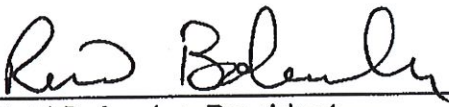
3. Other Rates and Fees. All other rates and fee regulations and policies of the District not expressly revised by this Resolution shall remain in full force and effect.

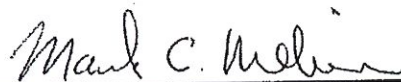
4. Enterprise. This Resolution is taken by the District acting through its water activity enterprise.

5. Proper Action. This action is taken by the Board at its regular public

meeting after all required public notices and postings of the meeting have been made, with a quorum of the Board in attendance and taking proper action thereon.

THEREFORE, the above policy and Special Impact Fee structure was established as the rules and regulations of the District and were enacted by the Board of Directors of the District on this 9th day of May, 2017, to be effective immediately.


Reid Bolander, President


ATTEST: Mark Melville, Vice President

