

PAGOSA AREA WATER AND SANITATION DISTRICT

RESOLUTION 2012 - 07

RESOLUTION TO AMEND AND RESTATE RESOLUTIONS ADOPTING POLICY TO DETERMINE EQUIVALENT UNITS FOR NEW OR CHANGE OF USE COMMERCIAL AND RESIDENTIAL CONNECTIONS TO THE DISTRICT'S MUNICIPAL WATER SYSTEM

WHEREAS, the Pagosa Area Water and Sanitation District ("District") is a quasi-municipal corporation and political subdivision of the State of Colorado organized pursuant to Title 32 of the Colorado Revised Statutes, and charged with the responsibility of providing water service to its constituents; and

WHEREAS, Section 32-1-100(1)(h), C.R.S., authorizes the District's Board of Directors ("Board") to have the management, control, and supervision of all the business and affairs of the special district and all construction, installation, operation, and maintenance of special district improvements; and

WHEREAS, Section 32-1-1001(1)(m), C.R.S., authorizes the Board to adopt, amend, and enforce bylaws, rules and regulations for carrying out the business, objects, and affairs of the Board and District; and

WHEREAS, on November 13, 2001 and three times thereafter, on July 8, 2003, February 8, 2005, and May 9, 2006, the Board did implement and continues to implement Capital Investment Fee ("CIF") policies to raise funds for general improvements to the efficiency, capacity, reliability, and safety of its water treatment and distribution systems as necessary to serve existing and planned water demand; and

WHEREAS, on December 12, 2006, the Board implemented policies to address the methodology and basis for assessing water treatment and water distribution costs necessitated by growth in water demand created by increased residential and commercial density inside its service area; and

WHEREAS, on August 12, 2008, the Board implemented a policy to determine equivalent units ("E.U.s") for new or change of use commercial and residential connections to the District's municipal water system; and

WHEREAS, the Board has determined that using the 1997 Uniform Plumbing Code and fixture units to specify gallons per minute meter capacity requirements is an industry standard procedure; and

WHEREAS, the Board has determined that E.U.s can be equitably calculated for commercial connections by reflecting the hydraulic capacity ratio shown in Exhibit A, with a 1" meter size being equivalent to 1 E.U.; and

WHEREAS, the Board has determined that all new single-family residential connections are equal to 1 E.U. regardless of fixture count or meter size; and

WHEREAS, the Board has determined that it is in the best interest of the District and its customers to take measures to ensure that water meters are appropriately sized to most accurately measure water usage, reduce non-revenue real and apparent water loss, and encourage water conservation.

NOW THEREFORE, be it resolved by the Board of Directors of the Pagosa Area Water and Sanitation District, that its water E.U. calculation methodology and fee payment option is amended, clarified, and shall be implemented, as follows:

1. Methodology:

Step 1.

- a. The Owner/Agent shall determine the number of fixture units and fixture water capacity requirements using the PAWSD “Commercial Water Meter Sizing Worksheet” or “Residential Water Meter Sizing Worksheet”, attached hereto as Exhibit A and Exhibit B respectively, returning this worksheet with the signature(s) of Owner/Agent thereon to PAWSD.

OR

- b. In the case of new construction, a licensed engineer with the Owner/Agent shall determine the number of fixture units and fixture water capacity requirements using the PAWSD “Commercial Water Meter Sizing Worksheet” or “Residential Water Meter Sizing Worksheet”, attached hereto as Exhibit A and Exhibit B respectively, returning this worksheet with the signatures of the engineer and Owner/Agent thereon to PAWSD.

Step 2. PAWSD shall determine the required meter size by the affirmed fixture unit count, as described in the 1997 Uniform Plumbing Code or later revisions to such Code that have been duly adopted by PAWSD. In the case of a multiple-phase project, the allocated meter size shall be sufficient for the first phase of construction, with meter connections and meter pit in place to accommodate future meter size upgrades as required by subsequent phases.

Step 3. Based upon the hydraulic capacity ratio of the meter size as compared to the 1” meter size, with a 1” meter size being equal to 1 E.U., E.U.s are assigned and the monthly basic rates and CIF fees calculated accordingly.

- a. In the case of multiple-phase projects, E.U.s, rates, and fees are calculated according to the meter size installed, with a re-calculation made whenever the meter size is changed to accommodate later phases.
- b. In the case that the new connection or larger meter is the result of a change in water use by an existing residential or commercial customer account, the new connection will receive credit for the existing E.U. allocation and will pay the CIF fees on the net difference, if any.

2. Board Discretion

The Board shall have the sole discretion concerning the applicability of appropriate meter size and the subsequent and resulting E.U. allocation. The Board reserves the ability to replace a meter that, at any time, is larger than appropriate with an appropriately sized, smaller meter at no cost to the customer. Conversely, the Board reserves the ability to replace a meter that, at any time, is smaller than appropriate, based on the historical rate (i.e., in gallons per minute) of water demand, with an appropriately sized, larger meter. In this latter case, the customer will be charged for the increase in cost of the larger meter as well as for the resulting increase in E.U.s and related charges.

3. Payment:

Payment of the CIF shall be due and payable at the time that application for a connection permit is made to the District, or when the District is notified or learns of an expanded use through an existing connection.

4. Applicability of District Fees. The intent of this Resolution is to keep all aspects of the District's existing fee policy intact, and to merely apply a change in methodology for calculating E.U.s for residential and commercial customers. Payment of the CIF shall in no way relieve the customer from paying all other applicable District fees then in effect as provided in the District's Rules and Regulations.

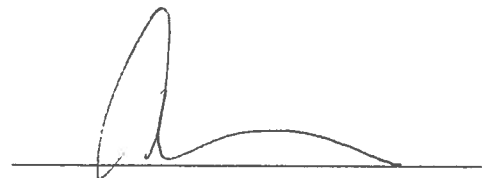
5. Rules and Regulations. The appropriate corresponding sections of the District's Rules and Regulations are hereby amended to conform to the procedures and policies adopted herein, and staff is directed to make appropriate changes to the District's Rules and Regulations to so conform.

6. Severability. If any section, subsection, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this Resolution, the intent being that the same are severable.

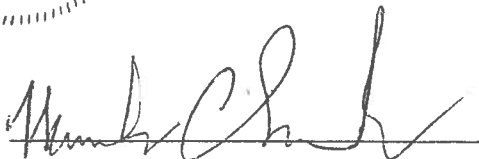
7. Repealer. All orders, resolutions, bylaws, or regulations of the District, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency.

8. Effective Date. This Resolution shall be enforced as effective on, and as of, September 11, 2012 for commercial and residential customers, the date upon which the Board adopted its amended and restated policy of calculating E.U.s on the basis of meter size as described herein.

ADOPTED this 11th day of September, 2012 by a vote of 3 in favor and 0 opposed.



Allan Bunch, President/Chairman



Michael Church, Secretary

