

RESOLUTION 01-05, SERIES 2024
A RESOLUTION AMENDING ADDENDUM B WATER FEES, SERVICE CHARGES, AND PENALTIES- REV 9
TO WATERWORKS ORDINANCE 1, 2015 TO MODIFY WATER RATES

WHEREAS, the Town Board of Jamestown, CO is responsible for a well-functioning water works utility; and,

WHEREAS, the Town Board of Jamestown, CO is responsible for the provision of services to the water customers served by that water utility; and,

WHEREAS, the Jamestown water works utility depends upon revenues from fees assessed from its customers; and,

WHEREAS, the Town Board of Jamestown must set the procedure on how to ensure revenues from fees are collected; and,

WHEREAS, the Town Board of Jamestown is committed to set fee rates in a manner that is transparent and equitable to all of its customers; and

WHEREAS, the Jamestown water works utility desires to set fiscal policy on the Water Operations Checking account, the Operations Reserve (savings) account, and the Water Enterprise Capital Reserves account to cover future capital expenditures,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:

That Addendum B Water Fees, Service Charges and Penalties to Ordinance 1, Series 2015 be amended with the following language to update the fee amounts. (Rev 9)

Payment scheduling

Fees will be assessed quarterly, in advance for each calendar quarter year, and the charges so assessed shall become a lien on the real property served. Invoices will be emailed or otherwise forwarded not less than ten days prior to the first day of any quarter. Fees for the use of water shall become due and payable to the Town Clerk, quarterly, in advance, on January 1, April 1, July 1, and October 1 of each year or monthly, if approved, in advance, on the first day of each month of each year. If any account remains unpaid for a period of thirty (30) days from the date of billing, the account shall be assessed penalties interest and/or late charges as described in this Addendum to present Water Ordinance: Addendum B: "Water fees, Service Charges and Penalties"

Desiring to accomplish a significant step toward being fiscally responsible in light of predictable future capital needs, the fee structure is:

Fees for Regular water services (fees will be evaluated every three years or less)

Beginning second quarter: April 1 to June 30, 2024: (increase of 8%)

The quarterly fee for a 1 bathroom residency will be \$216.

The quarterly fee for a 2 bathroom residency will be \$258.

The quarterly fee for a 3 bathroom residency will be \$298.

The quarterly fee for a 4 bathroom residency will be \$326.

The quarterly fee for a 5 bathroom residency will be \$334.

Residences with more than 5 bathrooms will be charged an additional \$9.
a quarter for each additional bathroom.

Beginning first quarter; January 1, to March 31, 2025: (increase of 5%)

The quarterly fee for a 2 bathroom residency will be \$227.

The quarterly fee for a 2 bathroom residency will be \$271.

The quarterly fee for a 3 bathroom residency will be \$313.

The quarterly fee for a 4 bathroom residency will be \$342.

The quarterly fee for a 5 bathroom residency will be \$351.

Residences with more than 5 bathrooms will be charged an additional \$9.
a quarter for each additional bathroom.

Beginning first quarter; January 1, to March 31, 2026: (5% increase)

The quarterly fee for a 1 bathroom residency will be \$238.

The quarterly fee for a 2 bathroom residency will be \$285.

The quarterly fee for a 3 bathroom residency will be \$329.

The quarterly fee for a 4 bathroom residency will be \$359.

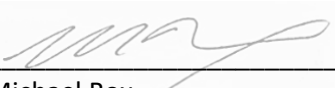
The quarterly fee for a 5 bathroom residency will be \$369.

Residences with more than 5 bathrooms will be charged an additional \$9.
a quarter for each additional bathroom.

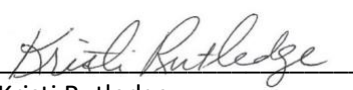
ADUs are charged as if they are additional bathrooms to principle dwelling.

INTRODUCED, ADOPTED, APPROVED, AND SIGNED THIS 8th DAY OF JANUARY, 2024.

Signed:


Michael Box,
Mayor

Attest:


Kristi Rutledge,
Town Clerk

Addendum B, Ordinance 01 2015 Jamestown Waterworks: Water fees, Service Charges and Penalties

REV 9 dated 01-6-24 - This Revision contains all applicable changes.

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Fiscal Policy of Jamestown Water Enterprise

It is the fiscal policy of the Water Enterprise that a \$15,000 positive balance in the Water Operations checking account be maintained and that this amount be carried over at the end of each fiscal year. It is the fiscal policy of the Water Enterprise that an Operations Reserve (savings) account be maintained at the level of \$20,000. It is the fiscal policy of the Water Enterprise that \$2,500, which represents a portion of the capital reserves fund of the Jamestown General Fund, be transferred directly into the Water Enterprise Capital Reserves account at the beginning of each fiscal year, or at whatever time such funds become available. At the end of each fiscal year should there be a balance in the Water Operations Checking account that is greater than \$15,000 and should the Operations Reserve (savings) account be fully funded at \$20,000 then all additional funds will be deposited in the Water Enterprise Capital Reserves account.

Every two (2) years at the end of the fiscal year the Water Committee will review its goals for projected capital needs.

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ADUs are charged as if they are additional bathrooms to principle dwelling.

Note: The need for a quarterly surcharge was re-visited in 2017 and it was determined that the rate would need to stay in place in order to keep up with current operational costs. Above rates include that surcharge.

Community Garden fee for seasonal water use will be billed at a minimum rate of \$20 up to 100 square feet. An additional \$20 for each additional 100 square feet or increment thereof.

Billing address

Property owners may request water bills be mailed to third parties. The Town when possible will honor such requests, however the owner of the real property shall remain liable for all amounts due.

Owners' responsibility for updating billing addresses

The town will make every effort to send bills to each water customer or their designated person. However, the failure of the Town to reach an owner or designated water services payer does not alleviate that customers liability for payments and all additional applicable charges and remedies.

Fee for turning off or on water service valve \$75.

Tap Permits and Fees

A tap (connection) fee shall be assessed and paid for all permits for connection to the waterworks system. The applicant must be the owner of the property for which a water tap is desired and must complete and submit an application on a form specified by the Town. Under unusual and exceptional circumstances and at the sole discretion of the Town Board such fees may be in whole or in part suspended or exempted.

- 1) The application shall be accompanied by a deposit of not less than ten (10) percent of the tap fee.
- 2) Except where an a priori agreement is made, the balance of the water tap fee shall be paid within 90 days of approval of permit by the Town Board or prior to commencement of construction for the tap, whichever is earliest.
- 3) Failure by the applicant to complete payment under the applicable provisions of this ordinance shall void the approval of the permit and there shall be no refund of any deposits or payments made prior to default.
- 4) Taps must be placed in service within one year of approval by the Board. Applicants may request an extension of the one year in service requirement provided circumstances unforeseen at time of permit approval are demonstrated. All extensions granted by the Board shall be in writing and shall be limited to a single extension not to exceed one additional year.
- 5) If the Board denies the application, the deposit shall be returned to the applicant, less any costs incurred by the Town in association with the processing of the application.
- 6) Fee for a water tap for new construction where no water well or cistern is pre-existing is \$18,000.

7) Any new water tap not used will be assessed a minimum of a single bathroom rate beginning two years after the tap & curb box is installed and inspected.

Provision for Installment Payment for tap fee

The Board may approve the use of reasonable installment plans at interest rates not exceeding those permitted by law. Where this provision is employed it shall be subject to the following requirements:

- 1) A written agreement shall be executed between the Town and tap applicant.
- 2) The agreement shall specify tap in service dates, and initial water use fee payment, interest rate, payment amount, frequency and any other terms and conditions.
- 3) Interest rate charges shall be equal to the bank prime rate, plus two (percentage) points, as published in a Denver Colorado daily newspaper on the Friday prior to permit approval.
- 4) Term of payment shall not exceed four years. The number of payments shall not exceed forty-eight.
- 5) Failure to meet the requirements of a written agreement as described above will activate penalties & remedies as described in the sections currently existing in Amendment B of Ordinance 01-2015 relating specifically to delinquency penalties and delinquency remedies: "Delinquency Remedies".

Reduced Quarterly Fees for Low Income Households.

To qualify for a discounted water rate, households with an annual gross income of \$25,000 or household incomes that qualify for Medicaid per the Colorado Department of Healthcare Policy and Financing through Health First Colorado Monthly Maximum Income Guidelines, shall qualify for reduced quarterly fees. Households that meet those qualifications, are eligible to have their quarterly water use fee reduced by 20%. In order to qualify for the reduction, the subscriber must submit to the Town Clerk, proof of income for the previous year in the form of a copy of a Federal Tax return, notarized affidavit or other substantial documentation, such as a current Medicaid card. Such documentation shall not be copied and shall be returned to the subscriber within 7 days with confirmation or denial of qualification for the reduction. The Clerk will periodically review and confirm income status for qualification.

Delinquency penalties

Should an account become more than 30 days delinquent a late charge of 10% shall be assessed. The late charge shall also be assessed for each subsequent 30-day period for which the account remains unpaid; however, total late charges shall not exceed 25% of the amount owed.

Delinquency Remedies.

Every charge relating to the waterworks system shall be a lien on the property served from the time the charge is due, until paid. If any such charge is not paid by the date

due the Town may avail itself of one or more of the following remedies, or any other lawful available remedies.

- a) The Town may foreclose the lien.
- b) The Town may maintain an action in any court of competent jurisdiction for the amount of the charge due and any interest, costs, and attorney fees as allowed by law.
- c) The Town may certify the amount of the charge due to the Boulder County Clerk and Treasurer, together with an assessment fee of \$150.00 plus 10% of the aggregate total past due amount and assessment fee (\$15), to become an assessment upon the property served and to be collected and paid over to the Town in the same manner as taxes.
- d) The procedure for discontinuing water service pursuant to this ordinance addendum shall be as follows:
 - 1) The Town Clerk shall send a written discontinuation notice to the owner of the property served, and, if applicable, to the occupant at the address of the property served, stating that water service will be discontinued on a specified date, which date shall be no sooner than ten (10) days after the date the notice is mailed.

- 2) The form and content of the written notice shall be determined by the Town Clerk, but the notice shall state at a minimum, that there is a right to appeal to the Town the decision to discontinue water service if the appeal is requested in writing by the owner of the property served, and if the request is received by the Town Clerk before the close of business, pursuant to office hours as established from time to time, at least two days prior to the date specified for discontinuation.
- 3) The merits of an appeal described in paragraph (2.) of this subsection (d) will be determined by the Town Mayor, Chairman of the Water Committee or Town Clerk who may also want to discuss the matter at a Town Board of Trustees meeting. Factors to be considered are: whether the delinquency in fact exists, and if so, the amount of the delinquency.
- 4) If water service is discontinued pursuant to this subsection (d), water service shall not be reinstated until the owner of the property served has paid the amount of the delinquency, a discontinuation of services fee of \$75.00 and any other charge, including applicable fees or late charges described in this addendum to Water Ordinance 1 Series 2015.
- 5) If water service is discontinued pursuant to this subsection (d), any costs for damages to pipes, lines, shut off valves, boxes or other property which may occur during shut off or turn on of water service shall be paid by the subscriber.

Optional Payment Contract

Subscribers past due, a portion of which is past due over 120 days, and subject to one or more of the remedies described above may elect to enter into a contract with the Town prescribing a formal payment plan to eliminate the delinquency as well as maintain all future payments coming due during the period of the contract. The subscriber, who must be the owner of the property, may enter into such agreement by paying at least 1/12th of the sum of the unpaid balance and any quarterly payments coming due over the course of the contract and contracting to make not more than 11 additional equal payments, one per month, by the 15th of each month. Failure to make payment in accordance with the contract shall cause all unpaid amounts to become immediately due, payable and subjects the account to the penalties described above in section: "Delinquency Remedies".

Unlawful Restoration of Services

In the event that water service is shut off due to payment delinquency, unauthorized restoration of water service prior to settlement of the delinquency by any person shall result in a daily surcharge of \$100 in addition to any other applicable penalties and any applicable charges, interest and late fees.

Relief for Approved Multiple Family Rental Units During Long periods of Non-Occupancy.

Owners of residences with approved rental apartments or duplexes may obtain relief from water fees for unoccupied, un-rented rental units under the following conditions:

- (1) The apartment or duplex must be within or attached to the residence and have been in existence as a rental unit prior to November 7, 1983 or otherwise be approved by the Town Board in writing.
- (2) The residence must otherwise be owner occupied and must be the owner's primary residence.
- (3) The rental unit must have been un-rented and unoccupied for a period of at least six months prior to the water fee period for which relief is sought.
- (4) The owner must certify in writing that the rental unit has been un-rented and unoccupied for the prescribed period. The term "unoccupied" shall be defined as meaning that the rental unit has not been dedicated to a person or group of persons for the purpose of using it as living space, (for example, a relative or friend of the resident owner), for a period greater than 29 days during any of the preceding six month period. The term "un-rented" shall be defined as meaning that the no funds for rental or use of the unit is agreed upon or collected for any period during the preceding six month period.
- (5) For the period(s) of water fee relief, the number of bathrooms in the rental unit shall be added to the resident owner's fee for the purpose of calculating the quarterly water fee bill(s).
- (6) Relief from the fee shall be applied to no more than one rental unit per approved multiple family residence at any one time.
- (7) Upon rental and/or occupancy of the rental unit the quarterly water fees shall again be calculated as if multiple taps were in use and may be prorated for partial fee periods.

01/06/2024- see resolution 01-05, 2014