

TOWN OF BROOKSIDE

RESOLUTION NO.05-16, SERIES OF 2016

A RESOLUTION CONCERNING A WATER POLICY

WHEREAS, Ordinance 02-1999 as here quoted establishes the Brookside Water Enterprise;

“Section 1. Enterprise Declaration and Creation. The Board hereby finds and determines that it will provide water service by means of the Enterprise in conformity with all applicable Colorado laws. The Board further (i) recognizes and confirms that the Enterprise is an "enterprise" within the meaning of the Amendment, and (ii) declares its intent that the Enterprise be operated and maintained so as to exclude its activities from the application of the Amendment. Therefore, the Board hereby creates the "Town of Brookside Water System Enterprise." The Town shall take all actions on behalf of the Enterprise as hereinafter further provided.

Section 2. Governing Board. The Board shall constitute the governing board of the Enterprise (the "Governing Board"). The Governing Board shall conduct the business of the Enterprise in the same manner and follow the same procedures as the Board. All official business of the Enterprise shall be conducted at regularly scheduled or special meetings of the Board. The record of the proceedings of the Governing Board may be incorporated in the minutes of the Town and shall not be required to be recorded separately. No additional oath of office, qualification or procedure shall apply with respect to service as a member of the Governing Board. All business and actions of the Governing Board shall be governed by and made subject to all requirements, privileges, immunities, protections, limitations, and other provisions of law.

Section 3. Enterprise Powers. The Enterprise shall exercise the powers of an enterprise under the Amendment, including, without limitation, the power to issue or reissue bonds, notes, or other obligations, payable from the revenues derived or to be derived from its provision of services. The Enterprise shall also be entitled to exercise such powers as are set forth in any applicable Colorado law, including the power to set rates, fees and charges for services provided by the Enterprise: provided, however, in no event shall the Enterprise have the authority to levy or collect taxes, whether sales taxes, use taxes or ad valorem taxes, nor shall the Enterprise have the power to direct the Town to exercise its taxing power on behalf of the Enterprise.”

AND WHEREAS, the aforesaid ordinance gives the governing body of the Town of Brookside the responsibility of setting rates, fees and charges for services provided by the Enterprise as necessary for the fiscal health of the Water Enterprise;

AND WHEREAS, the Town Board of Trustees has at various meetings revised the fee schedule for charges pertaining to the Brookside Water Enterprise;

AND WHEREAS, it is the Brookside Town Board of Trustees' desire and intention to make clear its policy regarding the rules and regulations for the use and operation of the water system within the Town of Brookside.

AND WHEREAS, it is the desire, purpose, and intention of the Town Board to maintain above-mentioned Water Policy.

AND WHEREAS, if any sections, section, subsection or provision of above-mentioned policy is declared unconstitutional or otherwise invalid by any competent court, such invalidity shall not affect the other sections, section, subsection, provision or application of the policy.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BROOKSIDE that:

1. The attached revised water policy is adopted effective retroactively to such dates as rates, fees and charges were approved by the Town of Brookside Board of Trustees.
2. The policy will be upheld and enforced.
3. A copy of said policy will be retained in the Town Clerk's office for inspection, reference and referral.

INTRODUCED, READ, ADOPTED, AND APPROVED this 10th day of MAY, 2016.

_____, David K. Boden, Mayor

Attest:

I, the Town Clerk of the Town of Brookside, Colorado, do hereby certify that:

1. The foregoing is a true, correct, complete ordinance concerning the Town's Water System Enterprise.
2. The ordinance was passed, adopted, and approved at an open, regular meeting of the Board held at 1720 Brookside Ave. in Brookside, Colorado, on March 8, 2016 by roll call vote.
3. There are no rules or regulations of the Board which might prohibit the adoption of said ordinance.

WITNESS my hand and the seal of said Town affixed this May 12th, 2016.

_____, Renee Bolkema, Town Clerk

(SEAL)

Brookside Water Enterprise

The Brookside Water Enterprise purchases water from the Canon City Water Department and supplies water to 85 taps and 27 fire hydrants within the Town of Brookside. The Town belongs to the Canon City Fire District.

In 2000, a USDA Rural Loan for \$170,000 was pursued for water system improvements. The monthly residential payments on this loan are currently \$7.48. This amount is calculated by dividing the annual loan payment amount of \$7,628 by the number of taps in the Town by 12 months.

$[\$7,628/\#\text{taps}/12 \text{ months} = \text{monthly charge.}]$

The loan is scheduled to be paid off in 2039. The town also received a \$350,427.00 USDA Grant at that time. The monies were needed to improve the water system so that it could meet the required fire protection standards.

In 2016, the Town of Brookside received a \$322,500 grant from DOLA to complete the water improvements. This project will decommission all of the aging water lines and bring all of the water meters up-to-date, providing state-required backflow prevention and radio-read meter capabilities. The Town must provide a \$30,000 match and apply for a \$107,500 loan from the Colorado State Revolving Fund.

WHERE TO SEND PAYMENTS or other water utility correspondence:

Town of Brookside, 1720 Brookside Ave, Brookside, CO 81212

Office and Fax 719-276-3436

townhallbrookside@bresnan.net

CONTACT US

- For billing information:
(719) 276-3436 Monday, Tuesday, or Thursday from 9:00 a.m. to 1:00 p.m.
- The Clerk is in the office at additional times; call to verify that she is available if coming outside of the times listed above.

WATER CHARGES:

- Every water user whose property or structure is physically connected to the water system shall pay a monthly meter charge for the privilege of being connected to the water system.
- Meter charges shall be assessed, billed and payable in spite of any discontinuation of water service that is requested by a water user or imposed by the Water Department.
- If a water meter fails to register, the consumer will be charged at the average daily consumption as shown by the meter when in working order.
- Charges for water service create a lien against the real property where water service has been received until such charges have been paid in full.

The monthly water invoice includes the following charges:

- **Usage of water:** Usage per gallons of water and calculated from meter readings. The current rate is \$4.85 per thousand gallons used. The margin of increase between the Town's cost of water purchased and the rate charged the customers provides a portion of the revenue needed for daily operations. Any increase in cost per thousand from Canon City must be passed on to the consumers.
- **Debt Service Charge:** (\$7.48) In 1999, the water enterprise took out a Water Improvement Loan with USDA. This amount is calculated to divide the bi-annual loan payment of \$3,814.00 evenly between all water customers. The loan continues until the year 2039.
- **Water tap service charge:** (\$20.09) This amount has been calculated to provide a portion of the day-to-day expenses of maintaining the water system. In order to be considerate of lower income customers, the cost of daily operations is recouped through two mechanisms: the tap service charge and the cost of water used. On this item, any fixed base rate increases from Canon City Water Department must be passed on to our customer rates in order to stay financially sound.
- **Water Improvement Reserve:** (\$10.00) This amount is used to pay for replacement of water meters; fire hydrants and other water system components.
 - [In May of 2012, Colorado Rural Water Association completed a water rate study of our enterprise.](#) The water rates were approved as sufficient for day-to-day operations. However, an additional charge to create a reserve for repair and replacement of the water system was recommended. Thus, the water improvement reserve charge was added. The monthly charge of \$10 per meter creates an additional \$10,000 annually for the Water Enterprise.

WATER BILL PAYMENT:

- Invoices are sent out during the first week of each month and are due on the last day of the same month.
- Please reference your account number on your check.
- Water bill may be paid by check, cash or money order or by using the online link on the Town's website for water payment by debit / credit card.
- To pay your bill **by mail**, send to Town of Brookside, 1720 Brookside Ave. Brookside, CO 81212.
- To pay your bill **in person**, visit our office at 1720 Brookside Ave. Brookside, CO 81212.
- To pay your bill online, go to <https://www.colorado.gov/apps/payport/online/checkout.jsf>
A fee will be collected for this service. The Town does not receive this additional fee.
- Payment may be placed in the after-hours drop box by the entrance to the Clerk's Office.
- GO PAPERLESS Sign up to receive your water bills via email by sending a message to townhallbrookside@bresnan.net.
- Failure to receive a water bill will not relieve the consumer from the consequences of non-payment.
- Please make sure your record on file is current. Send all address change requests to townhallbrookside@bresnan.net or call 719-276-3436.
- **IF** you have been placed on a **cash only basis** due to returned checks; then payment must be cash, cashier's check, or money order.

DELINQUENT CHARGES:

- Water bills are due by 5:00 p.m. on due date *which is the last day of the month* or a **penalty of \$15.00 will be applied monthly** until account balance, including all fees, has been paid in full. Additional fees may apply if payment remains unpaid. Delinquent charges are not recorded until the 7th of the following month.
- **Administrative fee for delivery of a Delinquent notice:** \$15.00
- **Disconnect fee** \$25.00 and **reconnect fee** \$25.00. Owner or owner's representative must be present for water reconnect. A \$15 **return trip fee** will be charged if no one is available when the service person comes to make the reconnect.

OTHER FEES:

- **Transfer/Final** reading and billing: \$15.00
- **Customer-requested Meter reading:** \$10.00 (*fee is waived if the utility misread the meter*)
- **Meter accuracy check fee:** Customer will be charged all costs incurred in checking the accuracy of meter unless meter is found to be significantly inaccurate.
- **RETURNED CHECK FEE:** The Town of Brookside charges a \$20 fee for all returned checks. Payment by cash, cashier's check, or money order including additional fees.
- **Meter tampering fee:** The actual cost of repairs plus an administrative fee of \$50.00.
- **Fee for creating credit reference letter:** Customers who move away and request a credit reference letter that reflects their payment history while they were customers will be charged a \$5.00 fee to provide the credit reference letter.

Water Taps

New Tap Fee: A new 3/4" residential water tap fee in Brookside is \$10,925.00; Canon City receives \$7,125.00.

The tap fees are payable in full at time of application. Water service fees will be initiated upon purchase of the tap, regardless of when occupancy of the home occurs.

In the portions of Town where water service is available, new construction building permits cannot be issued without the purchase of a water tap. Water service is not currently available on the north side of Cedar Avenue, a.k.a, State Highway 115. For new construction on the north side of Cedar Avenue, proof of a state-certified domestic well is acceptable in lieu of a Town water tap. The Property Owner must submit construction drawings for a Building Permit. A number of agencies must give approval prior to the issuance of a Building Permit, one of which is the Fremont County Public Health Department.

Water Quality Reports (CCR)

To ensure the safety of our water supply, the State of Colorado enforces strict testing regulations. The Town's Water Operator performs these tests. Testing for bacteria is done on a monthly basis; other tests are done annually on a specific schedule that is available upon request.

Each year the State issues the results of all testing that has been done in the previous year in the Consumer Confidence Report. This report is distributed to all District members in the second quarter of each year. The cost of this quality assurance and compliance must be passed on to the customers.