

HAYMEADOW METROPOLITAN DISTRICT NO. 6

A RESOLUTION ESTABLISHING CERTAIN NON-POTABLE WATER SERVICE RATES, AND TAP FEES, AND CHARGES

WHEREAS, the Haymeadow Metropolitan District No. 6 (“**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing water authority pursuant to law;

WHEREAS, the District Board of Directors (“**Board**”) has the authority to fix and, from time to time, increase or decrease fees, rates and charges, pursuant to law for services, programs or facilities furnished by the District;

WHEREAS, the Board hereby finds and determines that it is in the best interest of the public health, welfare and safety of the residents and visitors of Haymeadow Metropolitan District Nos. 1-6 (the “**Districts**”) that the District collect adequate revenues to pay ongoing operation, maintenance, capital improvement, and costs associated with the non-potable water system;

WHEREAS, the Board has considered the most recent analysis performed by District staff and consultants, and finds that the proposed rates, fees, and charges comply with the laws related to rational nexus and reasonable proportionality for the establishment of rates, fees, tolls and charges; and

WHEREAS, on February 9, 2024, notice was provided to the District’s customers in accordance with law and more than thirty days in advance of the Board’s intent to consider rate increases at the April 10, 2024 regular meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Haymeadow Metropolitan District No. 6 as follows:

1. The District hereby imposes a non-potable water user fee, at the rate of \$275 per year (subject to adjustment as described below) per single family unit connected to the District’s non-potable irrigation system to fund the costs of operating, maintaining and replacing when necessary the District’s non-potable irrigation system (the “**Non-Potable Water User Fee**”). For units connecting to the system during a year, the fee shall be prorated based on the number of months such units are connected to the system. The Board of Directors of the District finds that the Non-Potable Water User Fee is fair and equitable, and approximates a pro rata calculation of the projected actual costs to operate, maintain and replace when necessary the non-potable irrigation system which are not otherwise funded by the District. The Non-Potable Water User Fee shall be due and payable on the earlier of (a) April 1 each year or (b) the date that the unit is connected to the system, provided that any property that connects to the system between May 1 and September 30 shall be charged a pro-rata portion of the Non-Potable Water User Fee for the year.

2. The District also hereby imposes a non-potable irrigation system tap fee, at the rate of \$1,388 (subject to adjustment as described below) per single family unit connected to the District’s non-potable irrigation system to fund the cost to finance, acquire, construct, install and

provide the non-potable irrigation system (the “**Non-Potable Water Tap Fee**”). The Board of Directors of the District finds that the Non-Potable Water Tap Fee is fair and equitable, and approximates a pro rata calculation of the projected actual costs to finance, acquire, construct, install and provide the non-potable irrigation system which are not otherwise funded by the District. The Non-Potable Water Tap Fee shall be due and payable no later than the earlier of: (a) the connection of a property to the system (i.e., for any units which are currently under construction) or (b) upon the issuance of a building permit.

3. The Non-Potable Water User Fee and Non-Potable Water Tap Fee shall be adjustable annually by the percent the Consumer Price Index for Denver-Aurora-Lakewood All Items Not Seasonally Adjusted (“**CPI**”) (or its successor index) increased over the prior year as of September of each year beginning in budget year 2025. The Non-Potable Water User Fee and Non-Potable Water Tap Fee may also be adjusted as deemed necessary or appropriate as determined by the Board of Directors. The Board of Directors hereby finds that the CPI for Denver-Aurora-Lakewood was 327.704 for September 2023.

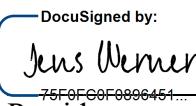
4. This Resolution shall supersede any contrary provision contained in the District’s Rules and Regulations, which shall be modified as soon as reasonably practical to conform with the provisions set forth in this Resolution; provided, however, if there is any charge or fee that is set forth in the Rules and Regulations, or elsewhere established, which is not changed by this Resolution, said fee is hereby ratified and shall remain in full force and effect.

5. Until paid in full, Non-Potable Water User Fees and Non-Potable Water Tap Fee together with interest accrued thereon, shall constitute a perpetual lien against the property served as provided and permitted by law. Any unpaid fees may be collected in accordance with the provisions of Section 32-1-1001(1)(j), C.R.S., certified for collection to the County Treasurer in accordance with the provisions of Section 32-1-1101(1)(e), C.R.S., or as otherwise permitted by law and may include interest on any unpaid amounts and any costs of collection, including, without limitation, reasonable attorney’s fees and costs.

6. This Resolution may be recorded in the office of the Clerk and Recorder of Eagle County against all properties within the Districts’ boundaries.

ADOPTED this 10th day of April 2024.

Haymeadow Metropolitan District No. 6

DocuSigned by:
By 
Jens Werner
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President

Attest:

DocuSigned by:

Scott Schlosser
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Secretary