

RESOLUTION 2020-12-4

RESOLUTION OF THE BOARD OF DIRECTORS OF THREE LAKES WATER AND SANITATION DISTRICT REGARDING TEMPORARY WAIVER OF USER FEES FOR STRUCTURES DESTROYED BY EAST TROUBLESOME CREEK FIRE

WHEREAS, Three Lakes Water and Sanitation District (the “District”) is a special district and political subdivision of the State of Colorado, subject to certain provisions set forth in the Colorado Special District Act, §§ 32-1-101, *et seq.*, C.R.S., pursuant to § 32-10-180, C.R.S.; and

WHEREAS, § 32-1-1001(1)(j)&(k), C.R.S., authorizes the District to impose fees, rates, tolls, penalties or charges for services provided by the District; and

WHEREAS, the District imposes quarterly user fees on properties within the District intended to cover tan owner’s equitable share of the costs to administer, operate, maintain, repair, replace and upgrade the District facilities and the costs to manage the District; and

WHEREAS, pursuant to Rule 6.2 of the Rules and Regulations of the District, owners of structures which were once connected to the District’s sewer system may request termination of sewer service for reasons including demolition of the structure, but shall continue to be charged quarterly user fees “unless the owner has voluntarily abandoned its Tap(s) in accordance with Section 4.7 or been granted temporary suspension of quarterly user fees due to an individual catastrophic event pursuant to Section 7.17”; and

WHEREAS, the East Troublesome Creek Fire (the “Fire”) in Grand County that began on October 14, 2020 caused widespread injury and severe damage to the District, its residents and its customers, including destruction of homes and businesses; and

WHEREAS, on October 17, 2020, the Federal Emergency Management Agency declared the East Troublesome Fire to be a disaster (FM-5378-CO); and

WHEREAS, the Board of County Commissioners of Grand County adopted Resolution 2020-10-22 on October 20, 2020, declaring a local disaster emergency in Grand County, Colorado, for the 2020 East Troublesome Creek Fire; and

WHEREAS, the Board adopted Resolution 2020-11-1 declaring a local disaster emergency within the District for the Fire; and

WHEREAS, the District’s policy allowing owners to apply for temporary suspension of quarterly user fees due to an individual catastrophic event pursuant to Rule 7.17 does not apply to large scale catastrophic events affecting multiple properties and, therefore, does not apply to buildings destroyed by the Fire; and

WHEREAS, the Board wishes to allow customers whose buildings were destroyed by the Fire to apply for a temporary suspension of quarterly user fees in accordance with the terms and conditions set forth herein; and

WHEREAS, the Board finds that this Resolution is in the best interest of the District and its residents and property owners.


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THREE LAKES WATER AND SANITATION DISTRICT AS FOLLOWS:

1. The owner of any real property within the District may apply for temporary suspension of quarterly user fees for structures served by the District that were destroyed by the Fire. The request shall be made in writing and mailed or emailed to the District Manager at the following addresses: Katie Nicholls, PO Box 899, Grand Lake, Colorado 80447 or katie@threelakesws.com, and shall be received no later than January 31, 2021. Documentation must be provided that the home or other building served by the District on the property is uninhabitable as a result of damage from the Fire.
2. Upon determination by the District that a home or other building on the property was rendered uninhabitable by the Fire, the Board will temporarily suspend quarterly user fees for that building for the next four quarters - 4th quarter 2020 through 3rd quarter 2021 (if the owner has not yet paid for the 4th quarter of 2020), or all four quarters of 2021. User fees will be restarted before the expiration of four quarters upon a) the building is determined by the District, in its reasonable discretion, to be habitable, or b) the property owner resumes discharge of wastewater from the property. The property owner shall notify the District promptly if a new certificate of occupancy is issued for any building on the property.
3. Following the temporary suspension of user fees, quarterly user fees shall commence and continue unless and until the owner has voluntarily abandoned its Tap(s) in accordance with Section 4.7 of the District's Rules and Regulations.

Whereupon, a motion was made and seconded, and, upon a majority vote, this Resolution was approved by the Board.

ADOPTED AND APPROVED this 14th day of December, 2020.

THREE LAKES WATER AND SANITATION DISTRICT

By: 
Patricia Farmer, Chairman

ATTEST:



Scott R. Huff, Secretary/Treasurer