

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION NO. ____, SERIES OF 2006
(Adoption of Level of Service and Fix Rates and Rate Structure)

WHEREAS, the Southeast Metro Stormwater Authority was formed by Intergovernmental Agreement to plan, fund, construct, acquire, operate, and maintain drainage and flood control facilities as well to manage stormwater quality and, in some instances, comply with the requirements of the National Pollutant Discharge Elimination System (“NPDES MS4 Stormwater”) within its boundaries, hereinafter “Purposes”; and

WHEREAS, the Southeast Metro Stormwater Authority established the SEMSWA Water Activity Enterprise to carry out those Purposes; and

WHEREAS, the Board of Directors of the Southeast Metro Stormwater Authority acting by and through SEMSWA Water Activity Enterprise has hired AMEC Earth & Environmental to assist it in both determining the level of service that SEMSWA should and can provide within its boundaries in regard to those Purposes as well as the rates and rate structures necessary to fund that level of service in regard to those Purposes; and

WHEREAS, the Board of Directors has held numerous board meetings at which AMEC has presented it’s findings and recommendations in regard to levels of service, rates and rate structures; and

WHEREAS, Southeast Metro Stormwater Authority is authorized pursuant to 29-1-204.2 (3)(d) C.R.S. “to acquire, construct, manage, maintain, or operate . . . drainage facilities, or any interest therein;” and is further authorized pursuant to 29-1-204.2 (3 (j) C.R.S. “to fix, maintain, and revise fees, rates, and charges for functions, services, or facilities provided by the entity;”; and

WHEREAS, SEMSWA Water Activity Enterprise, pursuant to 37-45.1-103 (1) C.R.S. “is excluded from the provisions of section 20 of article X of the state constitution.”; and

WHEREAS, the Board of Directors has further considered whether to impose its rates on all users of its stormwater management system including parcels owned by governmental entities and tax exempt organizations and parcels within the Authority boundaries located in Douglas County, Colorado as well as methods by which it could collect those fees; and

WHEREAS, finally the Board of Directors has considered whether it should establish a credit policy whereby users of SEMSWA’s stormwater management system may apply for a reduction in the user’s rate or fee because of either an error in the calculation of the rate or an anomaly in the user’s parcel.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Southeast Metro Stormwater Authority acting by and through SEMSWA Water Activity Enterprise hereby:

1. Adopts the attached *Proposed Level of Service with Initial Rate \$6.50 per Month, Annual Increases 5%* dated 10-18-06.
2. Adopts the following rate structure for single family residential (detached) structures:

Tier	Impervious Area / square feet	Annual Fee
1	100 – 1,000	\$45.00
2	1,001 – 2,900	\$60.00
3.	2,901 – 3,862	\$78.00
4	3,863 – 7,500	\$105.00
5	7,501 – 50,000	\$228.00

Under 100 square feet, no fee.

3. Adopts the following rate structure for all non single family residential (detached) structures:

Tier	Impervious Percent Range	Monthly Rate per square foot of Impervious Area
A	2% - 40%	0.001280
B	41% - 70%	0.001970
C	71% - 100%	0.002659

Under 2% impervious percent, no fee.

Rate shall be calculated by first determining both the total square feet of the parcel as well as its total impervious area both rounded to the nearest 500 square feet then determining the percent of impervious area to the total square feet of parcel. Using that impervious percent, the Tier level is selected, the applicable Monthly Rate is multiplied times the total impervious area and that result is then multiplied times twelve to achieve the Annual Fee for that parcel.

Tiers A, B and C shall apply to all non single family residential (detached) structures including all parcels owned by governmental entities and tax exempt organizations.

4. The fees established for each parcel shall automatically increase 5% per year, beginning January 1, 2008, unless otherwise suspended or modified by the Board of Directors. Such annual increase will account for inflation and increases in levels of service.

5. Fees for all parcels located in Arapahoe County, Colorado which are not owned by governmental entities or tax exempt organizations shall be collected by the Arapahoe County, Colorado Treasurer for a fee of no more than 1.5% of the fees collected.

6. Fees for all other parcels including parcels located in Douglas County, Colorado and parcels owned by governmental entities and tax exempt organizations shall be collected by separate billings issued by SEMSWA Water Activity Enterprise.

7. A fee will not be collected if the total fee is less than \$45.00.

8. A credit policy shall be adopted by the Board of Directors prior to January 1, 2007 which shall establish a procedure for users of SEMSWA's stormwater management system to apply to SEMSWA for a reduction in the user's rate because of either an error in the calculation of the rate or an anomaly in their parcel which would cause a substantial peak flow reduction from that normally expected from a similar sized and impervious area parcel.

(SEAL)

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Date: _____

ATTEST:

Secretary

Chairperson