

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

RESOLUTION 19-29
Revision of Stormwater Fee Delinquency and Collection Policy

WHEREAS, on the 25th day of October, 2006, a Resolution of the Board of Directors of the Authority (Resolution No. 5, Series of 2006) concerning "Adoption of Level of Service and Fix Rates and Rate Structure" was adopted, assessing a fee on all real property within the boundaries of the Authority; and

WHEREAS, on the 24th day of September 2008, a Resolution of the Board of Directors of SEMSWA (Resolution 08-36) concerning "Adoption of Stormwater Fee Delinquency and Collection Policy" was adopted setting forth a policy regarding delinquent fees; and

WHEREAS, on the 26th day of August 2009, a Resolution of the Board of Directors of SEMSWA (Resolution 09-35) concerning "Revision of Stormwater Fee Delinquency and Collection Policy" was adopted, amending the policy regarding delinquent fees; and

WHEREAS, on the 23rd day of October 2013, a Resolution of the Board of Directors of SEMSWA (Resolution 13-35) concerning "Revision of Stormwater Fee Delinquency and Collection Policy" was adopted, amending the policy regarding delinquent fees; and

WHEREAS, on the 18th day of December 2013, a Resolution of the Board of Directors of SEMSWA (Resolution 13-40) concerning "Revision of Stormwater Fee Delinquency and Collection Policy" was adopted, amending the policy regarding delinquent fees; and

WHEREAS, SEMSWA wishes to revise the Stormwater Fee Delinquency and Collection Policy and incorporate the Delinquency Fees into the SEMSWA Fee Schedule, which is approved by the Board of Directors of the Authority; and

WHEREAS, SEMSWA wishes to avail itself of the laws of the State of Colorado, pursuant to 29-1-204.2 (3) (j) (k) and (l) C.R.S. with regard to the collection of fees established in Resolution No. 5, Series of 2006 and Resolution 8-36 and as amended in 2008, 2009 and 2013.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Southeast Metro Stormwater Authority acting by and through SEMSWA Water Activity Enterprise approves and adopts Exhibit A, SEMSWA Stormwater Fee Delinquency and Collection Policy, which shall become effective on January 1, 2020.

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

Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:
Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor

SEMSWA
Stormwater Fee Delinquency and Collection Policy

Section 1 – Stormwater Bill. A SEMSWA stormwater bill may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. The SEMSWA stormwater bill may be sent directly by SEMSWA, or billed and collected along with other charges, including but not limited to the Arapahoe County property tax bill, as deemed most effective and efficient.

Section 2 – Responsibility for Bill. Failure to receive a bill is not justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of land shall be ultimately obligated to pay such charges and any associated fines or penalties, including but not limited to late charges.

Section 3 – Remedy for Unpaid Bill. Any stormwater fee or other fee or charge due to SEMSWA which is not paid when due may be recovered by SEMSWA by any action at law, in addition to any other remedy permitted by law.

Section 4 – Back billing. If a customer is underbilled or if no bill is sent, SEMSWA may back bill for a period of up to two years but shall not assess penalties for any delinquency during that back billed period.

Section 5 – Delinquency Fee. For all parcels, a one-time delinquency fee, consistent with the delinquency fee adopted by the SEMSWA Board of Directors on the SEMSWA Fee Schedule, shall be charged when a bill becomes delinquent. However, delinquency fees shall not be applied to parcels owned by government organizations, homeowners' associations (or similar organizations), or nonprofit organizations.

Section 6 – Lien. At the time a stormwater bill becomes delinquent, SEMSWA may file a lien against the property served. Said lien shall be filed with the County Clerk of the applicable county where the property is located. Said lien shall be duly signed by either the Executive Director or his or her designee, whose signature shall be acknowledged by a notary public licensed by the State of Colorado. The amount of the lien shall include (1) unpaid stormwater fees and (2) delinquency fees.

Section 7 – Certification to County Treasurer. Any delinquent amounts, including all amounts specified in Section 5 herein, may be enforced by assessment upon the property and premises served and certification to the county treasurer for collection under and pursuant to the authority and procedure provided in state statutes.

Section 8 – Effective Date. This policy shall become effective January 1, 2020.