

**RESOLUTION 2023-05**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF DURANGO WEST METROPOLITAN DISTRICT NO. 2 ESTABLISHING RULES AND REGULATIONS FOR WATER AND SEWER SERVICE WITHIN THE DISTRICT.**

**WITNESSETH:**

**WHEREAS**, the Durango West Metropolitan District 2 (the “District”) is a Colorado Special District organized pursuant to the Colorado Special District Act, C.R.S. § 32-1-101, *et seq.* (the “Act”); and

**WHEREAS**, the District owns, operates and maintains a water supply and distribution system (the “Water System”) and a wastewater collection and treatment system (the “Sewer System”); and

**WHEREAS**, the Act authorizes the Board of Directors (the “Board”) of the District to adopt, amend, and enforce rules and regulations for properties within the District which are connected to the Water System and the Sewer System; and

**WHEREAS**, the Board has determined that the terms of service and enforcement provisions set forth herein are reasonable and necessary to properly operate, maintain and protect the Water System and the Sewer System for the use and benefit of all District property owners.

**WHEREAS**, this Resolution was originally passed in 2020. Additional language has been added for clarification.

**NOW THEREFORE BE IT RESOLVED** by the Board of Directors of the Durango West Metropolitan District No. 2:

**1. Water Facilities.**

A. Maintenance responsibility for water meters, remote meter readouts and meter pits. It shall be the responsibility of the District to maintain and repair all water meters, remote meter readouts and remote wiring within the District, except when repairs are required due to the intentional or willful destruction of such facilities by the property owner, the owner’s guests or the owner’s invitees, in which case the District shall make the repairs and charge the owner. It is the responsibility of the homeowner to maintain their meter pit and conduct necessary repairs expeditiously.

B. Access for Maintenance. Each owner, by accepting service from the District, agrees to provide reasonable access to the District for the purpose of inspecting, testing, repairing or replacing water meters, remote meter readouts or remote wiring. Many of the older meter installations in the District are located inside the residence, such as in the crawl space, a water heater closet, garage, etc., so cooperation with the District regarding scheduling access is required. The District shall provide at least 72 hours’ notice, either in person, by telephone or in writing, prior to entry on the property except when emergency repairs must be made immediately to prevent damage to property or protect the District’s water supply. In those cases where an owner does not provide access to repair or replace a meter

located within the residence, the District may excavate and install a new water meter pit and meter at a suitable location near the curb. The District shall not be responsible for the repair or replacement of landscaping which is impacted by the installation. All costs and expenses incident to the installation of the new water pit and meter shall be the responsibility of the owner of the property and collected as provided in section 3.A. below. The owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation, operation or maintenance of the new water meter.

C. Original Installation. It shall be the responsibility of the owner to properly install an approved meter valve with locking ring, water meter, meter union tail piece, remote meter readout, remote wiring and meter pit at the time of initial construction. The owner will notify the District when a new service is going to be installed and the District will provide an approved meter and remote meter readout and specifications for meter pit. The District must inspect all new installations before acceptance. If any part of the installation is found to be improper, corrections must be made, and another inspection is required, the cost for reinspection will be paid by the owner.

D. Other facilities. All other parts of the water service line from the connection on the main line to the property shall be the responsibility of the owner of the property. The District shall be responsible for all water mains.

## **2. Sewer Facilities**

A. Owner's Responsibilities for Service Line. All costs and expenses incident to the installation, connection and maintenance of the sewer service line shall be the responsibility of the owner of the property served by the line. The owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation, operation or maintenance of the service line.

B. District Responsibility for Sewer Mains. The District shall be responsible for the maintenance of all public sewer mains and manholes.

## **3. Enforcement**

A. Charges for Repairs. Whenever a property owner fails to make repairs or permit access by the District for repairs or replacements required pursuant to this resolution, the District may, after such notice as is appropriate in the circumstances, make such repairs or replacements and send a bill for the costs to the property owner. All unpaid charges shall constitute a perpetual lien against the property until paid as provided by the Colorado Special District Act.

B. Charges for noncompliance. Whenever a property owner fails to comply with the terms of service set forth herein, a notice of noncompliance shall be sent to the owner at the billing address in the District records. The notice shall describe the noncompliance and advise the owner that unless the noncompliance is cured within 7 days from the date of mailing of the notice, the owner shall be subject to the following schedule of charges and enforcement actions:

- i. First notice - \$100.00
- ii. Second notice - \$250.00

iv. Third notice – discontinuance of service in accordance with District policy.

All unpaid charges shall constitute a perpetual lien against the property until paid as provided by the Colorado Special District Act.

C. Alternatives to discontinuance of service. In noncompliance situations where discontinuance of water service is not possible or is impractical, the District may, in addition to any other enforcement action, charge the property owner for water service for the monthly maximum amount of gallons included in the base rate times the highest commodity rate then in effect until the property owner is in compliance with the terms for water service.

D. Existing rates, fees, tolls and other charges. The enforcement provisions set forth herein are in addition to all existing rates, fees, tolls and charges now in effect or subsequently enacted which are hereby confirmed.

4. Repeal of Prior Resolutions. All prior resolutions of the District, or parts thereof, which are inconsistent or in conflict with this Resolution are hereby repealed but only to the extent of such inconsistency or conflict.

5. Effective Date. This Resolution shall be effective immediately upon its adoption and approval.

ADOPTED this 17th day of May, 2023.

**DURANGO WEST METROPOLITAN DISTRICT NO. 2**

By: Carly VanHoy  
President

ATTEST:

Jane Joerney  
Secretary