

**RESOLUTION OF
THE BOARD OF DIRECTORS OF
KIOWA WATER AND WASTEWATER AUTHORITY**

**ESTABLISHING RULES AND REGULATIONS REGARDING PAYMENT OF
FEES**

WHEREAS, Kiowa Water and Wastewater Authority (the “Authority”) was organized pursuant to that certain Amended and Restated Kiowa Water and Wastewater Authority Establishing Agreement, dated June 4, 2013, as amended from time to time; and

WHEREAS, at a meeting held on August 8, 2023, the Board of Directors of the Authority (the “Board”) adopted those certain “Rules and Regulations Governing Kiowa Water and Wastewater Authority” (as amended from time to time, the “Rules and Regulations”); and

WHEREAS, in accordance with such Rules and Regulations, the Board is empowered to amend, or make revisions to, the Rules and Regulations from time to time, in their sole discretion, in order to properly manage the Authority’s business, objects and affairs and to promote the health, safety and welfare of the property owners and taxpayers within the Authority’s boundaries; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. That Section of the Authority’s Rules and Regulations is hereby amended in its entirety and restated to read as follows:

14.6 Payment of Fees.

14.6.1 Billing. The Authority shall bill all fees for wastewater and/or water service (“Service Fees”) to each Customer on a monthly basis, in arrears. The Authority may issue a single bill for a multi-unit structure or development that is not separately metered on a per-unit basis, which bill shall reflect Service Fees for all units, in the aggregate, and shall be due and payable as all other bills sent by the Authority. Service Fees and Fees are the responsibility of the Owner. The Owner may authorize the Authority to send a copy of the monthly statement to other designees. In such instances, however, the Owner remains ultimately liable for the Service Fees and Fees. The Authority assumes no responsibility for any agreements between Owners and Occupants, or vendors and vendees.

14.6.2 Due Date. All Service Fees and Fees are due upon receipt, and each Customer shall pay the total amount due and owing to the Authority on or before the twenty-fifth (25th) day of the month. Payments not received at the Authority’s office on or before the twenty-fifth (25th) day of the month are considered delinquent and shall be assessed a Late Payment Fee and Interest, as set forth below.

14.6.3 Billing Errors. In the event that a Customer believes his or her bill contains one or more errors, such Customer shall promptly contact the Authority to discuss such error(s). The Authority may require the Customer to submit a writing detailing the believed error(s) within fifteen (15) days of the date such Customer contacts the Authority. During this fifteen (15) day period, no Late Payment Fees shall be assessed on such Customer's account. The Authority shall review the bill and purported errors and make the final determination as to whether the bill shall stand as originally sent to the Customer, or if it should be amended to correct any errors. Upon such determination, the Authority shall resubmit the bill to the Customer, who shall have 15 days from the date of such resubmittal to pay the total amount shown as due and owing to the Authority.

14.6.4 Procedure for Review of Disputed Bills. In the event a Customer or Owner disputes the Service Fees or Fees, the Customer or Owner may notify the Billing Clerk. The Manager shall have the authority and discretion to rectify errors in the Service Fees or Fees and waive or reduce Late Payment Fees, Interest, and Costs of Collection. Additionally, the Owner or Customer has a right to request a hearing in front of the Authority's Board of Directors as provided in Article XVI – Hearing Process of these Rules and Regulations.

14.6.5 Late Payment Fees and Penalty Interest. Any Service Fees or Fees not paid in full within five (5) days after the scheduled due date (which due date is the twenty-fifth (25th) day of the month) shall be assessed a “Late Payment Fee” of fifteen dollars (\$15.00) pursuant to § 29-1-1102(3), C.R.S. “Interest” will also accrue on any outstanding Service Fees or Fees, exclusive of Late Payment Fees, Interest, and Costs of Collection, at the rate of 1% per month, pursuant to § 32-1-1006(1)(d), C.R.S. The Customer shall also be responsible for the “Costs of Collection” which includes, but is not limited to, attorneys’ fees and all costs, fees, and charges associated with the processing and/or collection of Service Fees or Fees.

14.6.6 Termination of Service for Unpaid Bills. In the event an account becomes 60 days delinquent (such 60 days beginning on the 25th day of the month), the Authority will send a letter to such Customer, via Certified U.S. Mail, to the service address and any other addresses on record that request notices of delinquencies, giving ten (10) days advance notice of termination of wastewater and/or water service and notifying the Customer of his or her right to request a hearing in front of the Authority's the Board of Directors as provided in Article XVI – Hearing Process of these Rules and Regulations. Failure to receive said notice shall not be grounds to delay shut off of service. A copy of the notice will be hand delivered to the service address and/or posted on the door. The notice will state the date the service will be shut off. This shut-off date will not be less than ten (10) Business Days after the date the notice is mailed. In the event that the account is not brought current within the 10-day period allotted and the Owner or Customer has not requested a hearing in front of the Authority's Board of Directors, water and/or wastewater service shall be terminated for such Customer's property. The Health Department may be notified via mail that the service has been shut-off. Service will remain terminated until such time as the Customer pays all outstanding amounts or makes other arrangements with the Authority for such payment.

When a service is turned off, a Turn-Off-Service Fee will be charged.

14.6.7 Revocation of Permit for Unpaid Bills. The Authority shall have the right to revoke any Permit, together with the right to receive the Authority's services, for non-payment of any Service Fees or Fees, as contemplated in these Rules and Regulations. Once a Permit is revoked by the Authority, the only means by which it may be restored is by the submittal of a new Application for Permit, as provided herein, together with all past due Service Fees or Fees due and owing to the Authority.

14.6.8 Collection of Delinquent Amounts. The Authority may:

(i) Undertake all reasonable efforts to collect any and all amounts that are due and owing to it for wastewater and/or water service;

(ii) Terminate wastewater and/or water service to the Customer's property;

(iii) Foreclose on a Customer's property as described below; and/or

(iv) Certify any and all delinquent amounts to the Elbert County treasurer for collection in the same manner as property taxes, pursuant to Section 32-1-1101(1)(e), C.R.S. The Authority may charge a County Treasurer Certification Fee for the administrative costs of this collection method, which shall be added to all delinquent amounts, together with any and all other fees, rates, tolls, penalty, charges and interest, before certification.

14.6.9 Returned Checks. Any check or other negotiable instrument tendered to the Authority for payment which is returned to the Authority as dishonored for any reason whatsoever shall be subject to a Returned Check Fee.

14.6.10 Liens For Unpaid Charges And Fees. All Service Fees, Fees, Late Payment Fees, Interest, Costs of Collection, and costs of Authority staff and consultant time, shall be charged against the property served and shall be a perpetual lien upon the property to which said service is provided or requested from the time when due.

2. Except as expressly set forth in this Resolution, all of the terms and conditions set forth in the Rules and Regulations are otherwise ratified and reaffirmed.
3. This Resolution shall become effective as of August 8, 2023.

[Signature page follows.]

ADOPTED this 8th day of August, 2023.

KIOWA WATER AND WASTEWATER
AUTHORITY,



Officer of the Authority

ATTEST:



Town Clerk/Billing Clerk