

**RESOLUTION 2016-12-01 OF THE BOXELDER BASIN REGIONAL STORMWATER
AUTHORITY CONCERNING STORMWATER SERVICE & SYSTEM DEVELOPMENT
FEES**

WHEREAS, the Boxelder Basin Regional Stormwater Authority (the "Authority") was established pursuant to terms and conditions of the Intergovernmental Agreement for Stormwater Cooperation and Management (the "IGA") dated August 20, 2008 by and among the Board of Commissioners of Larimer County, Colorado (the "County"), the City of Fort Collins, Colorado, a municipal corporation (the "City"), and the Town of Wellington, Colorado (the "Town"); and

WHEREAS, pursuant to the terms and conditions of the IGA, the Authority has constructed stormwater detention and related facilities known as the East Side Detention Facility, County Road 52 Improvements, and the Larimer Weld County Canal Improvements (collectively known as the "Improvements"); and

WHEREAS, in order to provide funds for design and construction of the Improvements, the Authority entered into loan contracts (the "Loan Contracts") with the Colorado Water Conservation Board ("CWCB"); and

WHEREAS, in order to provide funding for a portion of the Improvements, the Authority entered into an Intergovernmental Agreement (Concerning Cost Sharing for Boxelder Basin Stormwater Mitigation Improvements) dated November 15, 2010 with the Timnath Development Authority, Colorado ("TDA"); and

WHEREAS, in order to authorize the execution of the Loan Contracts with the CWCB, the County, the City and the Town entered into the First Amendment to Intergovernmental Agreement for Stormwater Cooperation and Management (the "First Amendment"); and

WHEREAS, the Authority has completed the construction of the Improvements; and

WHEREAS, in order to construct the East Side Detention Facility, the Authority has acquired rights-of-way and fee title to properties for the East Side Detention Facility; and

WHEREAS, the Authority has the obligation to pay compensation for the acquisition of the right-of-way for the East Side Detention Facility; and

WHEREAS, the total amount of the compensation has yet to be determined; and

WHEREAS, Article 5 of the IGA provides that the Authority shall be authorized and required to impose rates, fees and charges on property within the Authority Service Area to fund the Improvements through a stormwater service fee and a system development fee; and

WHEREAS, Section 5.02(a) of the IGA provides that the Stormwater Service Fee shall be set by the Authority and on average shall not exceed \$0.04 per square foot of an impervious area per year or less than \$0.03 per square foot of an impervious area per year; and

WHEREAS, Section 5.02(b) of the IGA provides that the System Development Fee shall not exceed \$0.30 per square foot of new impervious area or less than \$0.20 per square foot of new impervious area; and

WHEREAS, currently, the Stormwater Service Fee is set at \$0.03 per square foot and the System Development Fee is set at \$0.20 per square foot; and

WHEREAS, in the Loan Contracts with CWCB, the Authority has pledged all necessary revenues from the two fees and any other funds legally available to the Authority sufficient to pay the annual payment and principal of interest due under the Loan Contracts; and

WHEREAS, the Authority Board has reviewed the current financial obligations of the Authority including, but not limited to, operation and administrative costs of the Authority, projected cost to compensate the owners of property the Authority has acquired to construct the ESDF project, and the annual obligation to pay principal and interest on the CWCB loans; and

WHEREAS, the Authority shall consider establishing a capital reserve fund target; and

WHEREAS, the Authority shall consider conducting a review of the current fee billings; and

WHEREAS, the Authority has determined that it is authorized and required to increase, pursuant to its authority granted in the IGA, the Stormwater Service Fee to \$0.033 per square foot of impervious area per year, and the System Development Fee to \$0.22 per square foot of new impervious area effective January 1, 2017.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BOXELDER BASIN REGIONAL STORMWATER AUTHORITY AS FOLLOWS:


1. Effective January 1, 2017, the Stormwater Service Fee shall be set at \$0.033 per square foot of an impervious area per year for properties located within the Authority's Service Area.
2. Effective January 1, 2017, the System Development Fee shall be set at \$0.22 per square foot of new impervious area for properties located within the Authority's Service Area.
3. Fees assessed by the Authority for residential structures shall be in accordance with Attachment A.
4. The Stormwater Service Fee and the System Development Fee are subject to review by the Board, and may be adjusted downward for the 2017 fee year.
5. This Resolution amends Resolutions 2008-1 and 2008-2 of the Authority adopted on December 8, 2008 with regard to the above, and shall be effective as of the date of its adoption.

ADOPTED this 8th day of December, 2016.

BOXELDER BASIN REGIONAL STORMWATER AUTHORITY

By: 
President

ATTEST:

By 
Secretary

Attachment A

Boxelder Basin Regional Stormwater Authority

Table of Stormwater Fees for Residential Structures

<u>Type of Structure</u>	<u>Annual Fee</u>
Single Family Residence ¹	\$66
Mobile Home in Park	\$49.50
Mobile Home on Individual Lot	\$56.10
Duplex	\$66 per unit
Apartment/Condominium Complex	\$66 per unit

¹ Includes properties classified as agricultural by County Assessor but having single family residential use