

**RESOLUTION ESTABLISHING FEE ASSESSMENT AND COLLECTION POLICY
FOR BOXELDER BASIN REGIONAL STORMWATER AUTHORITY**

WHEREAS, Larimer County, the City of Fort Collins and the Town of Wellington, collectively referred to as the “Members”, adopted an intergovernmental agreement known as the Intergovernmental Agreement for Stormwater Cooperation on August 20th, 2008 (the “IGA”) for the purpose of creating the Boxelder Basin Regional Stormwater Authority (the “Authority”), and;

WHEREAS, the IGA provides for a Board of Directors to direct the affairs of the Authority, and;

WHEREAS, the Authority established a Stormwater Service Fee in accordance with Section 5.02 (a) of the IGA, and;

WHEREAS, the Authority established a System Development Fee in accordance with Section 5.02 (b) of the IGA, and;

WHEREAS, the Members adopted the First Amendment to the IGA on June 16, 2014 to authorize the Authority to make minor revisions to the service area by designating properties as “Non-Tributary Properties” or grant fee credits to other properties within the service area, and;

THEREFORE, be it resolved by the Board of Directors of the Authority as follows:

Stormwater Service Fee

1. Stormwater Service Fees shall be assessed and collected annually by the Authority on properties in the Service Area according to the rates approved by the Board of Directors, except those properties that are given a fee credit as provided in the First Amendment to the IGA.
2. Stormwater Service Fee credits shall be given by the Authority Board of Directors on a calendar year basis prior to December 31 for the current calendar year.
3. Stormwater Service Fees shall be assessed on all new properties prorated by the month of the year a Certificate of Occupancy is issued. The impervious area of non-residential properties shall be determined for purposes of establishing the Stormwater Service Fee at issuance of Certificate of Occupancy.
4. Stormwater Service Fees shall be invoiced no earlier than January 1, but no later than February 15, for the preceding calendar year fees and shall be due by March 15.
5. Non-payment of Stormwater Service Fees by March 15 shall result in a delinquency charge of the greater of fifteen dollars or five percent per month, not to exceed a total accumulated amount of twenty-five percent of the amount due per year.
6. Notification of non-payment to delinquent property owners shall be mailed no later than April 15.
7. The delinquent Stormwater Service Fees together with any delinquency charges constitutes a valid, perpetual lien on and against the property. The Authority shall cause any unpaid Stormwater Service Fees and delinquency charges to be certified on the tax rolls of Larimer County for collection, but no earlier than September 1 unless otherwise required by Larimer County. All costs of collection shall be the responsibility of the property owner.

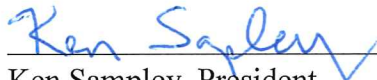
8. If a Member elects to pay directly to Authority, the Stormwater Service Fees assessed within its jurisdiction shall be paid to the Authority as provided in the IGA and shall not be subject to delinquency charges.

System Development Fee

9. The System Development Fee shall be charged by the Authority on properties in the Service Area according to the rates approved by the Board of Directors, except those properties that are given a fee credit as provided in the First Amendment to the IGA.
10. The System Development Fee shall be determined and collected upon issuance of a building permit.

APPROVED AND ADOPTED this 21ST day of December, 2015.

BOXELDER BASIN REGIONAL STORMWATER AUTHORITY



Ken Sampley, President

ATTEST:


George Reed, Secretary