

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO ACKNOWLEDGING THE SETTING OF 2018 SEWER PLANT INVESTMENT FEES AND SEWER USER RATES BY THE LOCHBUIE SEWER BOARD TO BE ASSESSED AND REMITTED TO LOCHBUIE BY BRIGHTON CONSISTENT WITH THE REQUIREMENTS OF THE *FIRST AMENDED AND RESTATED BEEBE DRAW WASTEWATER SERVICE AGREEMENT ENTERED INTO ON AUGUST 14, 2009 BY AND BETWEEN THE TOWN OF LOCHBUIE, CITY OF BRIGHTON AND SOUTH BEEBE DRAW METROPOLITAN DISTRICT*; ACKNOWLEDGING THE EFFECTIVE DATE OF SUCH REVISIONS; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

Resolution No.: 2017-146

WHEREAS, on or about August 14, 2009, the City of Brighton entered into the *First Amended and Restated Beebe Draw Wastewater Service Agreement by and between the Town of Lochbuie, the City of Brighton and the South Beebe Draw Metropolitan District* (“WSA”); and

WHEREAS, Article 3, Part F of the WSA establishes the Lochbuie Sewer Board (“Board”) as the governing body for the Lochbuie Regional Wastewater Treatment Plant; and

WHEREAS, Section 3.26.1 of the WSA provides that the annual setting of Plant Investment Fees (“PIF”) rates for the Lochbuie Wastewater Treatment Plant shall require a supermajority concurring vote of four (4) voting members of the Lochbuie Sewer Board (with provisions if a supermajority vote cannot be obtained); and

WHEREAS, Section 3.26.2 of the WSA provides that the annual setting of user rates shall require a supermajority concurring vote of four (4) voting members of the Lochbuie Sewer Board (with provisions if a supermajority vote cannot be obtained); and

WHEREAS, following receipt and consideration of a third party provided PIF rate and user rate study, the Board, at its regular meeting on November 30, 2017 adopted a resolution which revised the Sewer PIF and Sewer User Rates as set forth below:

Effective January 1, 2018, Sewer PIF rates shall be as follows:

| | |
|---------------------------------------|-----------|
| 5/8" tap Lochbuie & 3/4" tap Brighton | \$4,725 |
| 1" tap | \$11,812 |
| 1 ½" tap | \$23,625 |
| 2" tap | \$37,800 |
| 3" tap | \$70,875 |
| 4" tap | \$118,125 |

Effective with the first meter reading (rates to be applied to all usage measured at such reading) in January, 2018, sewer user base and volumetric rates shall be as follows:

| | |
|--|---------|
| Lochbuie Monthly Fixed Charge | \$14.25 |
| Lochbuie Volumetric Rate (per 1,000 gallons) | \$4.50 |
| Brighton Wholesale Rate (per 1,000 gallons) | \$3.95 |

WHEREAS, pursuant to the terms of the WSA, Brighton collects the Sewer PIF's and the Sewer User Fees and remits the same to the Escrow Agent or the Town of Lochbuie, as applicable; and

WHEREAS, because, in implementing the process set forth above, the City of Brighton is acting as a 'pass through' agent for Lochbuie, the Sewer PIF's and Sewer User Fees are not considered rates or fees of the City of Brighton; and

WHEREAS, in order for developers within the City of Brighton to be apprised of the increased Lochbuie Sewer PIF and Sewer User Fees, the City Council is desirous of acknowledging those increases to be incorporated into the City's Annual Fee Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

- 1. The City of Brighton hereby acknowledges the revised Lochbuie Sewer PIF and Sewer User Fees set above, which were duly adopted by the Lochbuie Sewer Board, and the effective dates thereof.**

RESOLVED THIS 19th DAY OF December, 2017.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney