

**RESOLUTION OF
THE BOARD OF DIRECTORS OF
GREEN MOUNTAIN WATER AND SANITATION DISTRICT**

**A Resolution Amending Policy Regarding Will-Serve Notices
20-05**

At a regular meeting of the Board of Directors of the Green Mountain Water and Sanitation District, Jefferson County, Colorado, held at 6:00 P.M., on Tuesday, October 13, 2020, at Green Mountain Water and Sanitation District, 13919 West Utah Avenue, Lakewood, Colorado, at which a quorum was present, the following resolution was adopted:

WHEREAS, pursuant to Section 32-1-1001(1)(d), C.R.S., authorizes the Board of Directors of the District (the “Board”) to enter into contracts and agreements affecting the affairs of the District; and

WHEREAS, the Board recognizes the District has an obligation to manage its limited capacity,

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE GREEN
MOUNTAIN WATER AND SANITATION RESOLVES AS FOLLOWS:**

1. That the Rules and Regulations Section 5.6.3 Approval of Application/Tap Permit be amended as follows:

“Upon payment to the District of the applicable System Development Fees and all other applicable fees by the Developer, Owner or Customer, the District shall issue a Tap Permit. The fees are subject to change at any time prior to the issuance of the Tap Permit.”

2. That Rules and Regulations Section 5.6.4 “Will Serve Letters” be added as follows:

5.6.4 Will Serve Letters: At the sole discretion of the Board, a Will Serve Letter may be issued by the District outlining the conditions of water and sewer service to a particular parcel. The Will Serve letter is conditional based upon requirements set forth by the District, including having capacity to service the project. Developer, Owner or Customer may be required to pay for a capacity study, which does not guarantee that there will be any commitment from the District to provide the service. Issuance of the Will Server Letter DOES NOT constitute a contract in any form. The Will Serve Letter is merely a placeholder for future potential capacity.

5.6.4.1 Application: A Developer, and/or owner must submit an Application for Will Serve letter, and pay all associated fees (separate from the System Development and/or the Tap Fees), such application shall contain engineering

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designs showing calculated desired capacity for each project; such designs shall be developed by, and solely paid for by, the Developer, and/or Owner. The designs shall be done by an Engineer not affiliated with the District. The designs will then be reviewed by the District's Engineer. Such review shall be paid for by the Developer and/or Owner. Before proceeding further, any and all changes requested by the District in the designs shall be implemented. Any material modifications to the project design after approval will place the Will Serve letter in to suspension, and may be voided, upon further action of the Board. Material changes include, but are not limited to, altering the number of units to be served, type of effluence, etc.

5.6.4.2 Reserved Capacity: Upon issuance of a Will Serve letter, and at the sole discretion of the District, the District will hold the requested capacity, if such exists, in reserve for a period not to exceed 24 months from the date of the letter. If the Will Serve letter lapses past that period, new capacity studies as well as other requirements at the sole discretion of the District may need to be conducted to determine if the Will Serve letter will be re-issued.

5.6.4.3 Outstanding Will Serve Letters: Will Serve letters dated prior to September 1, 2020 shall expire December 31, 2020. Expired Will Serve Letters are subject to reapplication.

5.6.4.4 Term: Will Serve letters dated after September 1, 2020 will expire after a period of 24 months from the date of the letter.

5.6.4.5 Limitations:

- Will Serve letters DO NOT constitute substitutes for Tap Permits and/or Applications, which may be applied for when connections to the system are imminent.
- All Applications for Service shall follow these Rules and Regulations at the time of Application, including Rules and Regulations in Section 4.2, 5.1, 5.5, and
- All System Development Fees and/or Tap Fees (and other fees) applicable to the Developer, Owner or Customer will be paid for at time of application for a Tap Permit, at the rates in place at time of Permit Application date.
- Will Serve letters are applicable only to property described in the Will Serve Letter, and the addressed Developer or Owner, and are non-transferable. Change in ownership automatically voids the Will Serve letter and the new owner shall re-initiate the process to receive a new Will Server letter.
- Will Serve letters are subject to the District Board approval, which may be subject to vote only after public notice has been posted to the District website 30 days in advance of the vote.
- Issuance of a Will Serve letter will not imply consent by third parties, including, but not limited to, Denver Water, Metro Wastewater, and Bear Creek Water District, to agree to connections and/or services.

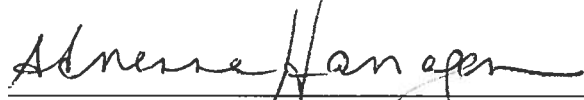
5.6.4.6 Denial or Revocation of Application. The District reserves the exclusive right to revoke or deny an application for Will Serve Letter under the same conditions as Denial of Service per section 5.6.2 of the GMWSD Rules and Regulations.

3. **REPEALER.** This Resolution supersedes and replaces all previous delegation resolutions, if any.

Whereupon, a motion was made and seconded, and upon a majority vote this Resolution was approved by the Board.


ADOPTED AND APPROVED THIS 13th DAY OF OCTOBER, 2020.

**GREEN MOUNTAIN WATER AND
SANITATION DISTRICT**



Adrienne Hanagan, President

ATTEST:



Alex Plotkin, Secretary