



SNAKE RIVER WASTEWATER TREATMENT PLANT

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4344 Swan Mountain Rd.
Dillon, CO 80435

TO: Board of County Commissioners, County Clerk and Recorder

FROM: Karen LeCocq, Account Manager

RE: Certification of Indebtedness to the Snake River Sewer Fund

DATE: November 9, 2021

Background: The Snake River Waste Water Treatment Plant (“SRWWTP”) charges service fees quarterly to the owners of properties connected to the SRWWTP’s system. The SRWWTP does not have the discretion to shut off service to properties that fail to pay the service fees. The SRWWTP’s remedy when service fees are outstanding is to request that the BOCC authorize liens being placed on the subject properties in the amount of the outstanding fees, which liens are collectable and curable in the same manner as unpaid taxes. Before bringing this request for the BOCC to authorize the liens, the SRWWTP provides the subject owners with at least one written notification of the impending lien for the arrearage. Further, the lien remedy is described in the Snake River Sewer Fund Tap Ownership Agreement entered by person requesting use of the SRWWTP system. The SRWWTP typically brings the request for the BOCC to authorize the liens once per year, which provides users even more opportunity to come into compliance before their properties being liened. The attached exhibit lists the properties that are now at least two quarters in arrears on payment of SRWWTP service fees. Also attached are the Clerk and Recorder’s certificates of indebtedness, which are the actual amounts owing and the periods of time for which the indebtedness has accrued for each of the subject properties.

Legal Authority: Pursuant to Section 30-20-420, Colorado Revised Statutes (“C.R.S.”), “In the event that any user of the system neglects, fails, or refuses to pay the rates, fees, tolls, and charges fixed by the Board of County Commissioners for the connection with and use of the system, said user shall not be disconnected from said system or refused the use of said system...but the rates, fees, tolls and charges therefore may be certified by the County Clerk and recorder to the Board of County Commissioners of the county in which the subject property is located and shall become a lien upon the real property served by said system and collected in the manner as though they were part of the taxes.

Staff Recommendation: Staff recommends that the BOCC authorize liens for outstanding SRWWTP service fees be placed on the properties described in the attached exhibit.