

2026 AMENDED AND RESTATED RESOLUTION OF THE EXECUTIVE BOARD OF THE FALCON AREA WATER AND WASTEWATER AUTHORITY, COUNTY OF EL PASO, STATE OF COLORADO, IMPOSING FEES

WHEREAS, the Falcon Area Water and Wastewater Authority, County of El Paso, Colorado (the “Authority”), is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the Authority was organized in accordance with Section 29-1-204.2, Colorado Revised Statutes, as amended, and currently operates under the Amended and Restated Intergovernmental Agreement for the Establishment of The Falcon Area Water and Wastewater Authority, entered into on December 17, 2021 (the “Amended and Restated Establishment Agreement”); and

WHEREAS, in accordance with the Amended and Restated Establishment Agreement, the Service Area of the Authority shall mean the aggregate of the territory within any and all of the following: (a) the boundaries of a Member, (b) a defined area in which a Member or Members furnishes water service of any type by written agreement, and (c) a defined area of proposed future service in a Member’s Service Plan approved pursuant to C.R.S., Title 32.; and

WHEREAS, in accordance with Section 29-1-204.2, Colorado Revised Statutes, and the Amended and Restated Establishment Agreement, the Authority is authorized to acquire and develop water resources, systems, or facilities; and to acquire, hold, lease (as lessor or lessee), sell, or otherwise dispose of any real or personal property utilized only for the purposes of water treatment, distribution, and wastewater disposal; and

WHEREAS, pursuant to Section 29-1-204(3)(j), C.R.S., and the Amended and Restated Agreement, the Authority has the power to impose water and wastewater service fees, water availability and water acquisition fees, tap fees and other charges, assessments, fines, penalties and interest for the provision of water distribution and wastewater collection and treatment; and

WHEREAS, the Authority previously determined to impose certain one-time water tap fees, wastewater tap fees, and water acquisition fees on each residential, non-residential, and commercial unit built upon the property served by the Authority (“Unit”) at or prior to the issuance of a building permit for a Unit, to assist with the financing, planning, and development of water and wastewater improvements (“the Improvements”); and

WHEREAS, the property served by the Authority will be benefitted by the Improvements and the Authority has also determined to impose on-going service fees for the water and wastewater services provided to users of such services as set forth herein; and

WHEREAS, the Authority is authorized to utilize revenue from the water tap fees, wastewater tap fees, water acquisition fees, and wastewater facility fees for costs associated with the Improvements and/or to pledge the same for the repayment of principal and interest on bonds and to utilize on-going service charges and fees for any lawful purpose of the Authority; and

WHEREAS, the Authority’s Executive Board wishes to adopt a new fee schedule for 2026 as set forth herein; and

WHEREAS, the Authority’s Executive Board previously adopted that certain 2025 Resolution of the Executive Board of the Falcon Area Water and Wastewater Authority, County of El Paso, State of Colorado, Imposing Fees dated June 24, 2025 (the “2025 Fee Resolution”), which superseded and replaced prior Fee Resolutions adopted by the Board; and

WHEREAS, the Authority’s Executive Board desires to amend, restate, and replace in its entirety the 2025 Fee Resolution with this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE BOARD OF THE FALCON AREA WATER AND WASTEWATER AUTHORITY AS FOLLOWS:

1. The recitals above are incorporated by reference.
2. The 2025 Fee Resolution is hereby amended, restated, and replaced in its entirety by this Resolution, and the 2025 Fee Resolution shall no longer be of any force or effect.
3. The Authority’s Executive Board hereby determines that it is in the best interests of the Authority and its members to exercise its power to impose certain fees as set forth in **Exhibit A** hereto, which sets forth the fees to be imposed on any Unit desiring water service and wastewater service from the Authority, effective January 27, 2026 (“Fees”).
4. The Water Tap Fee, Wastewater Tap Fee, Water Acquisition Fee, Water and Sewer Administrative Fee, and the Wastewater Facility Fee are set forth in **Exhibit A**, as administratively updated on an annual basis, shall be due and payable from the developer or homebuilder at or prior to the time El Paso County issues a building permit for a Unit. No connections shall be made to the Authority water or wastewater systems until applications for service have been made to the Authority and all applicable fees of the Authority have been paid.
5. A condition of service is that each owner of property outside of Authority then current boundaries dedicate all necessary water rights appurtenant to the land to be served, and in the event such water is not sufficient to provide service to the property, then the property owner may be required to make a cash payment in lieu of such dedication the amount of which will be determined by the Authority at the time of application for service based upon the specific use requested and associated water demands.
6. The Authority will bill all monthly service fees as set forth in **Exhibit A** in arrears and the property owner shall pay the full amount within fifteen (15) days of the date shown on the statement.
7. The Authority reserves the right to amend this Resolution at any time in the future to change the amount of any or all of the Fees.
8. The Fees shall be imposed as stated herein, beginning upon the effective date of this Resolution.
9. Failure to make payment of the Fees due hereunder shall constitute a default in the payment of such Fees. Upon a default, interest shall accrue on such total amount of Fees due at the rate of twelve percent (12%) per annum and the Authority shall be entitled to institute such

remedies and collection proceedings as may be authorized under Colorado law. The defaulting property owner shall pay all costs, including attorneys' fees, the Authority incurs in connection with the foregoing.

10. All fees, assessments, charges, and penalties owed to the Authority under this Resolution shall be and constitute a perpetual lien against the property being served which lien shall commence, without notice or recording, at the time such fees, assessments, charges, penalties and obligations are incurred. The perpetual lien of the Authority shall be collectible in the same manner as set forth in Section 32-1-1006, C.R.S.

11. In addition to any other means of collecting delinquent fees, rates, tolls, penalties, charges or assessments made or levied solely for water and sewer service, including charges for availability of such service, the Authority may certify the delinquent amounts to the El Paso County Treasurer for collection in the same manner as property taxes. The Authority shall charge a fee as otherwise determined by the Authority Board for the administrative costs of this collection method, which fee shall be added to all delinquent amounts, including other penalties and interest charges, before certification.

12. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

RESOLUTION APPROVED AND EFFECTIVE this 27th day of January 2026.

FALCON AREA WATER AND WASTEWATER
AUTHORITY

Douglas Simple

By: _____

President

Attest:

Peggy Libbey

Secretary

EXHIBIT A
2026 FEE SCHEDULE

FAWWA Rates and Fees - 2025

WATER

Monthly

Basic Water Meter Fee	3/4 "	33.39	
Water Use Fee		17.49	
<i>Includes the first 5,000 gallons of water</i>			
5,000 to 10,000 gallons per month		5.17	per 1,000 gallons
10,000 to 15,000 gallons per month		6.19	per 1,000 gallons
15,000 to 20,000 gallons per month		7.16	per 1,000 gallons
20,000 to 30,000 gallons per month		19.61	per 1,000 gallons
Over 30,000 gallons per month		23.85	per 1,000 gallons

SEWER

Monthly

Basic Sewer Fee (<i>per single family equivalent</i>)	43.46
CMD Clean Water Fee (<i>per single family equivalent</i>)	13.00**

**Per treatment contract increases \$1.00/year until 2027 and then adjusted per agreement terms.

Meter read occurs on the 1st of each month.

Billing mailed the 5th of each month. Bills due the 25th of each month.

OTHER FEES

Amount

Water Service Turn Off Fee	140.00
Water Service Turn On Fee	100.00
Late Payment Fee	15.00
Return Check Fee	50.00
Account Set Up Fee	100.00
Transfer of Account Fee	50.00

After Hours Fee		60.00	
Billing Service Fee		5.75	
AMR Service Fee		4.95	
Under Drain Fees - <i>Maintenance of sewer main</i>		3.00	
Construction Water Fee		6.00 per 1,000 gallons	
Water Re-Use Fee		TBD by Authority at Future Date	
Storm Water Fee			
Unauthorized Connection Fee		Per the Rules and Regulations, twice the then current Tap Fee amount that would be due and payable for the property	
Unauthorized Access of District Hydrant without Permit/Authorization		2500.00	
Water Meter Install and Connection Fee (Paid at building permit issuance)		1495.00	
Minimum Monthly Fee per Residential User			
Water Meter Fee	33.39		
Water Use Fee	17.49		
Water	50.88		
Basic Sewer Fee	43.46		
CMD Clean Water Fee	13.00		
Basic Sewer Fee	56.46		
Total Water & Sewer	107.34		
Other Fees			
Billing Service Fee		5.75	
<i>Monthly charge for water and sewer billing svc's.</i>			
Meter Reading Fee - AMR		4.95	

<i>Monthly charge for meter reading service for usage</i>	
Under Drain Fees	
<i>Monthly charge for meter reading service for usage</i>	
Total Other Fees	23.95
Total -	121.04
One Time Fees	
Residential*	
Water Tap Fee	\$12,566.36 per unit, and for each fiscal year thereafter, up to an additional 3%
Wastewater Tap Fee	\$12,566.36 per unit, and for each fiscal year thereafter, up to an additional 3%.
Water Acquisition Fee	\$6,753.05 per unit, and for each fiscal year thereafter, up to an additional 3%.
Water and Sewer Administrative Fee	\$230.00, payable at the same time as the Water Tap Fee, Wastewater Tap Fee, and Water Acquisition Fee
Wastewater Facility Fee	\$3000 per unit for single family lots of 5,000 square feet and greater; \$2,000 per unit for single family or townhome lots under 5,000 square feet; and \$1,000 per unit for apartments and condominium units
<p>* The tap fees listed are not required for the following properties (previously paid or payable to SRMD1) but ARE subject to all other fees provided herein:</p> <ul style="list-style-type: none"> -Homestead at Sterling Ranch Filing No. 1 and 2 -Branding Iron at Sterling Ranch Filing No. 1 and 2 -Homestead North at Sterling Ranch Filing No. 1, 2, and 3 -Sterling Ranch Filing No. 2, 3, and 4 -Parcel 5 (Copper Chase) and Parcel 16 (both as identified in Sterling Ranch Sales Map) and the Mixed Use (14.8 acres)/corner of Briargate and Vollmer as set forth in the Sterling Ranch Amended Sketch Plan 	
Multi-Family	
	Multi-family Water Tap, Wastewater Tap and Water Acquisition fees will be evaluated based on specific use proposed and determination by the Authority engineer of project requirements and approved by the Executive Board of the Authority on a case by case basis.
Commercial/Non-Residential	

3" Water Tap (inclusive of sewer)	\$375,000, and for each fiscal year thereafter, up to an additional 3%.
2" Water Tap (inclusive of sewer)	\$175,000, and for each fiscal year thereafter, up to an additional 3%.
1.5" Water Tap (inclusive of sewer)	\$75,000, and for each fiscal year thereafter, up to an additional 3%.
1" or less Water Tap (inclusive of sewer)	\$45,000, and for each fiscal year thereafter, up to an additional 3%.

BULK WATER RATES

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<u>Monthly</u>			
0 - 40,000 Gallons of Usage			300.00
40,000 - 100,000 Gallons of Usage			
In District			\$4.00 per 1,000 gallons
Out of District			\$6.00 per 1,000 gallons
Above 100,000 Gallons of Usage			
In District			\$7.50 per 1,000 gallons
Out of District			\$11.25 per 1,000 gallons
Effective Date 01/01/2025			