

\$337,202.96 on Sept. 15 is the difference between one-third of the cost for the TLWWTF phosphorus and the 19.79 percent share of the costs which Monument has already paid the TLW-WTF Joint Use Committee.

Mill levy option details

Section 24-10-113, C.R.S., authorizes MSD to certify the judgment mill levy. (See <http://law.justia.com/codes/colorado/2016/title-24/administration/article-10/section-24-10-113>)

MSD does not have unrestricted nonemergency reserves to pay this judgment. The resolution states that paying this judgment by fully depleting the district's operations reserve is not in the best interest of the district or its customers. The Colorado Legislature enacted Section 24-10-113(3) of the Colorado Revised Statutes, which states that if a public entity is unable to

pay a judgment during the fiscal year in which it becomes final because of lack of available funds, it shall levy a tax sufficient to pay for the judgment in the next fiscal year or years in an amount not to exceed 10 mills per year.

The resolution states that Section 20(1) General Provisions of the voter-approved Colorado Taxpayer Bill of Rights (TABOR) expressly suspends the provisions of Article X Section 20(4) (a) that require prior district voter approval to increase taxes for the purpose of paying a final court judgment. This section also expressly suspends the provisions of TABOR Section (7) which might subject revenue from the district's judgment levy to TABOR's annual revenue restrictions. (See <http://law.justia.com/constitution/colorado/cnart10.html>)

The resolution states that the MSD

Board of Directors considered increasing user fees and/or entering into a revenue bond to pay the judgment. The board reviewed the district's finances and determined that those options would be more expensive and create a greater hardship on the district's customers than imposing a one-time mill levy on all properties within the district. This mill levy property tax may be deducted from property owner incomes, whereas fee increases are not deductible. The resolution also states that mill levy is the fastest and most efficient method of paying the judgment and will result in the lowest overall costs to the district, its taxpayers and customers.

2018 budget hearing scheduled

The board unanimously approved a motion to change the date of the regular MSD Dec. 20 board meeting

to a special meeting on Dec. 13, and include the annual board hearing on the final 2018 MSD budget during this meeting.

The Monument Sanitation District Board meets on the third Wednesday of each month at 9 a.m. The next meeting is scheduled for Wednesday, Oct. 18 at 130 2nd St. Monument. For information call 481-4886.

Jim Kendrick can be reached at jimkendrick@ocn.me.

Woodmoor Water and Sanitation District, Sept. 21

Lawsuit decided in favor of district

By James Howald

The Woodmoor Water and Sanitation District (WWSD) board heard a presentation from district lawyer Charles Norton concerning Judge William Bain's ruling on the lawsuit between WWSD and Monument Sanitation District (MSD). District staff also provided updates on operational issues. See the related lawsuit information in the Monument Sanitation District article on the facing page.

To accommodate the schedules of the board members, the meeting was held on Sept. 21, one week after the usual date for the board's monthly meetings, which are typically on the second Thursday of each month

Judge rules on district lawsuit

Norton told the board that Bain had ruled on the lawsuit pending between WWSD and MSD, and District Manager Jessie Shaffer asked the board to ratify Bain's ruling so that the district could move forward to implement the ruling.

According to Norton, Bain ruled

that MSD must pay WWSD \$337,000 to reimburse it for its overpayment on the cost of constructing the Tri-Lakes wastewater treatment facility improvements. The ruling specifies MSD will pay 8 percent simple interest annually on that amount, bringing the total payment to \$360,000. Norton said he anticipated that MSD would pay the amount in one year.

Norton added the ruling will allow MSD to put in place a special mill levy of 7 mills, which would be excluded from TABOR regulation, allowing the district to pay off the judgement within a year.

The board voted unanimously to ratify the agreement.

Staff report highlights

- Shaffer asked the board to reserve some time on Oct. 18 to begin work on the 2018 budget. Shaffer said a topic to be discussed is whether or not to use the district's cash reserves to pay down debt.
- Assistant District Manager Randy

Gillette reported that the augmentation station on the Chilcott Ditch was threatened by erosion and would require stream improvements to Fountain Creek to remediate.

- Revegetation efforts on Woodmoor Ranch (previously JV Ranch) are going well.
- Well 11 is receiving maintenance.
- The district's aging radio system and telemetry needs to be updat-



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9:45 a.m.

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Join us for a tribute performance by
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Continental Breakfast will be served
at 8:30 to all

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attendance along with one guest. Please
RSVP by November 6th.

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