

BACKGROUND

Multiple Subdivisions

Multiple Developers

Sub-Contractors who walked away

City refused to accept finished systems;
Builder refused to make corrections.
City called us a “private water and
sewer system” and issued occupancy
permits and returned the builder’s
bond.

SO WHAT'S THE PROBLEM

2011, the city refuses to continue maintaining the lift station and claims they are not responsible for our systems. Homeowners have been complaining about stench and damage due to gases.

- January 2014 we met Robert on site to go over the layout and the situation, especially the lift station
- February 2015, 2 water leaks developed in the street. First one the city initially refused to help with; the second one they did repair and billed us.
- Because of this situation, we looked into the history and learned where the public/private system discrepancy began.
- March 2015 the lift station fails.
- Summer 2016 a homeowner discovers his sewer line is not even connected to his house.
- The builder is bankrupt and the statute of limitations is expired.

WHAT FIXES WE HAVE TRIED SO FAR

- February of 2014 we started setting sanitizers in the manholes.
- June: cleanouts installed in problem areas
Dirt and rock discovered in lines.
- Debris was removed
- Schedule of periodic flushing began
- We have purchased back-up pumps to have on hand in case of another pump failure.

WHY WE WENT TO THE CITY

- We wanted to see why the city considered us a private system. What would it take to become a part of the public systems?
- We discovered correspondence that showed the systems were originally supposed to be accepted by the city upon completion.
- We are unaware of any documentation establishing a private water or sewer system.
- Most if not all homes that were re-sold (after initial purchase from developer) were presumed to be part of public water and sewer systems because the public records that Realtors rely on say “Public.”
- Our utility bills are the same as those of the adjacent “public” community.
- To date, our reserve plan has not provided for the cost of repairing or replacing sewer and water lines.
- 5 or 6 stick built homes elected not to join the HOA and have never paid dues but they are part of the same system.

WHY IS THE CITY WILLING TO COOPERATE

- They understand the challenge of finding contractors capable of doing a repair job and are willing to come to Needles to do it.
- Most members of the council know the history of our community. Some of them or other city staff members were present during discussions/negotiations many years ago. They know this is a mess.
- They admit that the golf course waste flows through us. (Do other communities flow to the golf course first?)
- The public to private to public to private to public system is very unusual.
- Breaks in our water system cost the city; our meters are at each individual property so water flowing from a break in the main is not being charged to us.
- They admit that we have always been paying into the “City Reserves” through our utility bills, just like the “public systems.”

WHAT IS A SPECIAL ASSESSMENT DISTRICT?

It is an agreement between the City and the homeowners that if we do certain repairs to make our systems acceptable, the City will take over responsibility for all future maintenance and repairs.

The establishment of the District provides a way of financing the repairs over several years for owners who do not want to or cannot pay an assessment all at once.

BENEFITS, COSTS, RISKS OF AGREEING OR DISAGREEING

- The establishment of the District allows us to get the flawed areas of the systems repaired soon. Once that is done, the City will “accept the systems” and incorporate the systems into their network of responsibility for future maintenance and repair.
- It will be costly but the District allows us to spread the cost over 10 or 20 or 30 years while getting the work done now. The HOA on its own could probably not secure such financing. Many homeowners may not be able to pay a large assessment up front.
- The cost to individual owners becomes essentially a lien on the property which can be passed on to future owners.* The HOA will not have to act as a collection agency.
- Once we agree on what repairs must be done, it will be put out to bid and the assessment per unit will be established.
- Establishing a Special Assessment District is a way to include those properties that are not part of the HOA.
- The costs associated with establishing the district will go toward a solution rather than to attorneys who might only be able to establish blame. We know who is to blame. Proving it will not get us closer to a fix.