

FOREST HILLS METROPOLITAN DISTRICT

A RESOLUTION AMENDING THE RULES AND REGULATIONS OF THE DISTRICT RELATING TO COLLECTION OF DELINQUENT AMOUNTS AND REPEALING 2014 RESOLUTION ON PAST DUE ACCOUNTS

WHEREAS, the Forest Hills Metropolitan District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, Colorado Revised Statutes; and

WHEREAS, pursuant to Section 32-1-1001(1)(h), C.R.S., the Board of Directors of the District (the “Board”) has the power to have the management, control, and supervision of all the business and affairs of the District and all construction, installation, operation, and maintenance of the District’s improvements; and

WHEREAS, pursuant to Section 32-1-1001(1)(j)(I), C.R.S., the Board has the power to fix and from time to time to increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District; and

WHEREAS, pursuant to Section 32-1-1001(1)(m), C.R.S., the Board has the power to adopt, amend, and enforce rules and regulations not in conflict with the Constitution and the laws of this State for carrying on the business, objects and affairs of the Board and of the District; and

WHEREAS, on February 22, 1989, the Board adopted Rules and Regulations of the District, as amended in April 1996 (the “Rules and Regulations”); and

WHEREAS, on July 9, 2014, the Board adopted a Resolution on Past Due Accounts (the “2014 Resolution”); and

WHEREAS, pursuant to Section 1.6 of the Rules and Regulations, the Board has the right and authority to amend the Rules and Regulations at any time to reflect those changes determined to be necessary by the Board; and

WHEREAS, at its meeting on February 16, 2022, the Board approved a motion amending the Rules and Regulations with respect to delinquent amounts and repealing the 2014 Resolution; and

WHEREAS, the Board desires to memorialize and further clarify such motion by adopting this Resolution; and

WHEREAS, the Board hereby finds and determines that amending the Rules and Regulations as set forth herein and repealing the 2014 Resolution is necessary to the function and operation of the District and is beneficial to the District and its customers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Forest Hills Metropolitan District as follows:

1. Incorporation of Recitals. The above-stated recitals are incorporated into this Resolution.

2. Amendments to Rules and Regulations.

(a) Section 3.4 of the Rules and Regulations, captioned Inspection Powers and Authority of District Agents, is hereby deleted in its entirety and the new Section 3.4 as set forth below is substituted in its place:

3.4 Inspection Powers and Authority of District Agents. Duly authorized contractors or agents of the District, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of these Rules and Regulations. Failure to permit such inspections, observations, measurements, samplings, and/or testing upon the request, in writing, of the District Manager or Board President may result in the District taking legal action to enter the premises or the immediate disconnection of service to the property of the party failing to permit such activity.

(b) Section 8.11 of the Rules and Regulations, captioned Penalty for Late Payment, is hereby deleted in its entirety and the new Section 8.11, captioned Delinquent Fees and Charges, as set forth below is substituted in its place:

8.11 Delinquent Fees and Charges.

All fees and charges for water and sewer service are due on the date indicated on the invoice therefor. Any account over thirty (30) days past due will automatically be assessed a \$250.00 late fee for each month of unpaid service (the "Late Fee") to cover the District's administrative and legal costs associated with the delinquent account. The District reserves the right to further assess to any Customer who is delinquent in payment of his or her account all legal, court, disconnection and other costs necessary or incidental to the

collection of said account that exceed the Late Fee. Customers have a right to dispute water/sewer charges and any Late Fee in accordance with the procedures set forth in Article XI of the Rules and Regulations, provided the initial complaint is submitted to the Board President within thirty (30) days of the date of the contested invoice.

3. 2014 Resolution. The 2014 Resolution is hereby repealed in its entirety.

4. Repealer. Any and all Resolutions or Rules and Regulations or part thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Resolutions or Rules and Regulations or part thereof shall not revive any other section or part of any Rules and Regulations heretofore repealed or superseded.

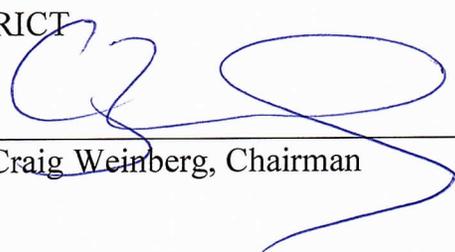
5. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

6. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the Board.

ADOPTED this 16th day of March, 2022.

FOREST HILLS METROPOLITAN
DISTRICT

By



Craig Weinberg, Chairman

Attest:



Ronda Zivalich, Secretary