

Resolution No. 2026-09
TRIVIEW METROPOLITAN DISTRICT
RESOLUTION NO. 2026-09 ADOPTING AMENDMENT TO THE RULES AND
REGULATIONS OF TRIVIEW METROPOLITAN DISTRICT - WATER SERVICE
ENFORCEMENT PROCEDURES

WHEREAS, Triview Metropolitan District (the “**District**”) was organized as a special district pursuant to an Order and Decree of the District Court in and for the County of El Paso, Colorado, and operates pursuant to the Special District Act, C.R.S. §§ 32-1-101, *et seq.*; and

WHEREAS, the Board of Directors (the “**Board**”) of the District is authorized to adopt, amend, and enforce rules and regulations for carrying on the business and affairs of the District pursuant to C.R.S. § 32-1-1001(1)(m); and

WHEREAS, the District is authorized to shut off or discontinue water or wastewater service for any violation of its rules and regulations pursuant to C.R.S. § 32-1-1006(1)(d); and

WHEREAS, the District has previously adopted Rules and Regulations (as amended from time to time, the “**Rules**”), which provide at Section 2.1 that the privilege to use water service is subject to suspension, revocation, and shut-off for any violation of the Rules, and allow the Board in Section 1.9.5 to adopt procedures governing shut-off; and

WHEREAS, the Board wishes to clarify the procedures governing the shut-off of water service for violations of the Rules; and

WHEREAS, Section 16 of the Rules establishes an enforcement procedure for wastewater service violations, and the Board has determined that a similar written procedure for water service enforcement is necessary and appropriate; and

WHEREAS, the Board has determined that the adoption of this Amendment is in the best interests of the District and is consistent with the District’s obligations under applicable law, including the due process requirements of the Fourteenth Amendment to the United States Constitution; and

WHEREAS, the Board has reviewed the proposed amendment set forth herein and finds it appropriate for adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. **Adoption of Amendment.** The Board hereby adopts the following new Section 2.4, entitled “Water Service Enforcement,” to be added to the Rules and Regulations of Triview Metropolitan District immediately following existing Section 2.3. The text of new Section 2.4 is set forth in full below:

SECTION 2.4 - WATER SERVICE ENFORCEMENT

2.4.1 Purpose and Scope. This Section establishes the procedures by which the District may enforce compliance with Sections 1 through 8 of these Rules and Regulations governing water service, including, without limitation, provisions governing meter access, meter replacement, service line maintenance, water conservation requirements, and payment obligations. This Section supplements the general shut-off authority set forth in Sections 1.9.2, 1.9.5, and 2.1 of these Rules and the statutory authority conferred by C.R.S. § 32-1-1006(1)(d). Nothing in this Section shall be construed to limit: (a) the District's right to immediately shut off service in an emergency pursuant to Section 2.4.7; (b) the District's right to temporarily discontinue service pursuant to Section 1.9 and 10; or (c) any other remedy available to the District at law or in equity.

2.4.2 Notification of Violation. Whenever the Manager finds that any Person has violated or is violating a provision of the Water Service Rules, including by refusing to provide the District access for meter testing, repair, or replacement as required by Sections 4.1.2, 6.18, and 8.11, the Manager may serve upon such Person a written Notice of Violation. The Notice of Violation shall: (a) identify the specific provision(s) alleged to have been violated; (b) describe the nature of the violation in sufficient detail to allow the Customer to understand and correct it; (c) specify the corrective action required and, where applicable, offer at least two dates and times for the District to perform any required work; (d) state a reasonable time for correction of not fewer than fourteen (14) days from the date of the Notice, unless a shorter period is warranted by public health, safety, or system integrity considerations; and (e) state that failure to correct the violation within the time specified may result in a Notice of Intent to Terminate Service and shut-off of water service. The Notice of Violation shall be served by first-class and certified mail to the Customer's address of record, and by posting on the door of the service address if the certified mailing is returned unclaimed. Service of the Notice of Violation shall be considered satisfied upon mailing by the District, in compliance with this Section 2.4.2. A meeting with the Manager may be requested but shall not toll the correction period unless the Manager expressly agrees in writing to a revised schedule.

2.4.3 Notice of Intent to Terminate Service. If the violation is not corrected within the time period stated in the Notice of Violation, the Manager may issue a written Notice of Intent to Terminate Service. The Notice shall: (a) state that the Customer remains in violation of the cited Rule(s); (b) state the District's intent to terminate water service on a date not fewer than ten (10) days from the date of service; (c) inform the Customer of the right to request a show-cause hearing by submitting a written request to the District Manager within seven (7) business days; (d) state that water service will not be terminated while a timely hearing request is pending; and (e) state that failure to request a hearing within seven (7) business days will result in termination on the stated date without further notice. The Notice shall be served in the same manner as the Notice of Violation.

2.4.4 Show-Cause Hearing - Request and Notice. Upon timely receipt of a written hearing request, the Manager shall schedule a show-cause hearing and serve a written Notice of Hearing specifying: (a) the date, time, and location of the hearing, which shall be not fewer than ten (10) days from the date of service of the Notice; (b) the rule(s) alleged to have been violated; (c) a directive to appear and show cause why a termination order should not be entered; and (d) a statement that the Customer may appear in person, submit written materials, and present witnesses. The Notice of Hearing shall be served personally or by certified mail at least ten (10) days before the hearing.

2.4.5 Show-Cause Hearing - Conduct. The show-cause hearing shall be conducted by the Manager or by a designee appointed by the Manager. The hearing officer shall have authority to: (a) request the attendance and testimony of witnesses and the production of documents and evidence relevant to the hearing; (b) receive testimony and evidence; and (c) transmit to the Manager a written report of the evidence and the hearing, including any transcript and exhibits, together with recommended findings of fact and a recommended disposition. All testimony shall be under oath. The hearing shall be recorded, and a transcript shall be made available to any party upon payment of reasonable reproduction costs. The Customer shall have the right to appear in person, be represented by counsel at the Customer's own expense, present witnesses, and submit documentary evidence. Technical rules of evidence shall not apply; relevant evidence may be admitted if it is the type of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

2.4.6 Written Findings and Orders. Following the hearing, the District shall issue written findings of fact based upon the evidence presented. The District may issue one of the following orders: (a) *No Violation Order* - an order finding no violation and directing that service shall not be terminated; (b) *Compliance Order* - an order finding a violation and directing specified corrective action within a defined period not to exceed thirty (30) days, extended only for good cause, before service is terminated; (c) *Termination Order* - an order finding a violation and directing termination of water service on or after a date not fewer than five (5) business days from the date of the order, unless the violation is cured to the satisfaction of the Manager before that date; or (d) *Other Orders* - such other or further orders as are necessary and appropriate. The written findings and order shall be served on the Customer in the same manner as the Notice of Violation.

2.4.7 Emergency Shut-Off Without Prior Notice. Notwithstanding Sections 2.4.2 through 2.4.6, the District may immediately shut off or discontinue water service without prior notice where the Manager determines that: (a) immediate shut-off is necessary to protect the public health, safety, or welfare; (b) a condition presents an imminent risk of harm to the District's water system or supply; (c) a Customer has tampered with, damaged, or interfered with District water infrastructure or meters; or (d) any other emergency condition requires immediate action. Where service is shut off without prior notice, the District shall provide written notice of the shut-off and the reasons therefor as soon as reasonably

practicable, and shall afford the Customer an opportunity to cure the underlying condition before permanently terminating service pursuant to a Termination Order under Section 2.4.6.

2.4.8 Reinstatement of Service. Following any termination of water service under this Section, service shall not be reinstated until: (a) the Customer has fully cured the violation(s) to the satisfaction of the Manager; (b) all outstanding District charges, including accrued fees, penalties, and interest, have been paid in full; and (c) the Customer has paid the applicable reconnection and reinstatement surcharge pursuant to Section 1.9.5. Reinstatement shall be treated as a new application for service if service has been physically disconnected.

2.4.9 Appeal. Any Customer aggrieved or adversely affected by an order of the District issued under this Section may appeal such order to the District Court in and for the County of El Paso, State of Colorado, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. Service shall not be reinstated pending appeal unless ordered by the court.

2.4.10 Non-Exclusive Remedies. The procedures set forth in this Section are not the exclusive remedies available to the District for violations of these Rules. The District may concurrently pursue any remedy available at law or in equity, including injunctive relief, assessment of penalties, imposition of a perpetual lien pursuant to C.R.S. § 32-1-1001(1)(j), and referral for criminal prosecution.

2.4.11 Meter Access and Replacement. A Customer's refusal to provide the District access to the Customer's premises for the purpose of testing, repairing, or replacing a water meter as required by Sections 4.1.2, 6.18, and 8.11 of these Rules constitutes a violation of these Rules subject to enforcement under this Section 2.4. The District's right to test, repair, or replace a meter pursuant to Section 4.1.2 is unilateral and does not require the Customer's consent. A Customer who continues to refuse access following a Compliance Order under Section 2.4.6(b) is subject to a Termination Order without further notice or opportunity to cure.

2. **Ratification.** Except as expressly amended herein, all provisions of the Rules and Regulations of Triview Metropolitan District as previously adopted and amended shall remain in full force and effect. In the event of any conflict between this Amendment and any prior provision of the Rules, this Amendment shall control.

3. **Effective Date.** This Resolution and the Amendment set forth herein shall be effective as of the date of adoption by the Board.

4. **Severability.** If any portion of this Resolution is declared by any court of competent jurisdiction to be invalid, void, or unenforceable, such decision shall not affect the validity of any other portion of this Resolution which shall remain in full force and effect, the intention being that such portions are severable. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Resolution a provision similar in terms to such illegal,

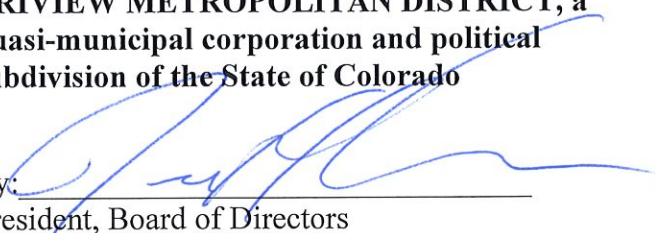
invalid, or unenforceable provision so that the resulting reformed provision is legal, valid, and enforceable.

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ADOPTED JULY 22, 2026

DISTRICT:

**TRIVIEW METROPOLITAN DISTRICT, a
quasi-municipal corporation and political
subdivision of the State of Colorado**

By: 

President, Board of Directors

Attest:

By: 

Secretary, Board of Directors

[Signature Page to Resolution No. 2026-09 – Adopting Amendment to the Rules and Regulations
of Triview Metropolitan District]