

Resolution No. 2026-11

TRIVIEW METROPOLITAN DISTRICT

**RESOLUTION NO. 2026-11 ADOPTING AMENDMENT TO THE RULES AND
REGULATIONS OF TRIVIEW METROPOLITAN DISTRICT – WASTEWATER
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 assess reasonable penalties for delinquency in the payment of rates, fees, tolls, or charges or for any violations of the rules and regulations of the special district together with interest on delinquencies from any date due at not more than one percent per month, and 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 a framework governing the provision of wastewater service, including Sections 9 through 16 thereof; and

WHEREAS, Section 16 of the Rules currently establishes an enforcement procedure for wastewater service violations; and

WHEREAS, the Board has previously adopted Resolution No. 2026-09, which established a detailed water service enforcement procedure in new Section 2.4 of the Rules, including provisions governing notice of violation, notice of intent to terminate service, show-cause hearings, written findings and orders, emergency shut-off, reinstatement of service, appeals, and non-exclusive remedies; and

WHEREAS, the Board wishes to amend Section 16 of the Rules to align the wastewater service enforcement procedures with the water service enforcement procedures adopted in Resolution No. 2026-09, in order to provide consistent, clear, and due process compliant enforcement procedures for both water and wastewater service; 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 amended Section 16 of the Rules and Regulations of Triview Metropolitan District, entitled "Enforcement.". Existing Sections 16.1 through 16.2.5 are hereby deleted and replaced in their entirety with new Sections 16.1 through 16.10 as set forth below. Existing Sections 16.3 through 16.5 (addressing disclosure, trade secrets, and public notice of significant violations) are renumbered as Sections 16.11 through 16.13, respectively, and otherwise remain unchanged and in full force and effect. The amended text of Section 16 is set forth in full below:

SECTION 16 – ENFORCEMENT

16.1 Purpose and Scope. This Section establishes the procedures by which the District may enforce compliance with Sections 9 through 16 of these Rules and Regulations governing wastewater service, including, without limitation, provisions governing prohibited discharges, discharge limitations, service line maintenance, inspection access, industrial discharge permit conditions, and payment obligations. This Section supplements the general suspension of service, and enforcement authority set forth in Sections 1.9.2 and 1.9.5 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 discontinue or suspend service in an emergency pursuant to Section 16.7; (b) the District's right to temporarily discontinue service pursuant to Sections 1.9 and 10.14; or (c) any other remedy available to the District at law or in equity.

16.2 Notification of Violation. Whenever the Manager finds that any Person has violated or is violating a provision of Sections 9 through 16 of these Rules, including any prohibition, limitation, or requirement contained therein, 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 Person 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 or inspection; (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 Lien Property and/or Suspend Service. The Notice of Violation shall be served by first-class and certified mail to the Person'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 16.2. 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.

16.3 Notice of Intent to Lien Property and/or Suspend 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 Lien Property and/Suspend Service. The Notice shall: (a) state that the Person remains in violation of the cited Rule(s); (b) state the District's intent to place a lien on the service property and/or suspend service on a date not fewer than ten (10)

days from the date of service; (c) inform the Person 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 service shall not be suspended and a lien will not be placed on the property while a timely hearing request is pending; and (e) state that failure to request a hearing within seven (7) business days will result in lien placement and/or suspension of service on the stated date without further notice. The Notice shall be served in the same manner as the Notice of Violation. Additionally, the District may enforce the Customer's payment obligations by any and all other lawfully available means, including suits for collection, foreclosure of the District's lien on the Customer's property, or certification of amounts due to the County Treasurer for collection along with taxes.

16.4 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 Person 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. Service may be made on any agent or officer of a corporation.

16.5 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 Person shall have the right to appear in person, be represented by counsel at the Person'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.

16.6 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 suspended and a lien shall not be placed on the service property; (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 suspended or discontinued; (c) *Lien Order* – an order finding a violation and directing a lien be placed on the service property 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 and directives as are necessary and appropriate. The written findings and order shall be served on the Person in the same manner as the Notice of Violation.

16.7 Emergency Suspension of Service Without Prior Notice. Notwithstanding Sections 16.2 through 16.6, the District may immediately suspend or discontinue wastewater service without prior notice where the Manager determines that: (a) immediate suspension of service is necessary to protect the public health, safety, or welfare, or to prevent or abate imminent harm to the environment; (b) a discharge presents an imminent risk of harm to the District's wastewater system, collection lines, or treatment facilities; (c) a Person has tampered with, damaged, or interfered with District wastewater infrastructure; (d) a Person has made or maintains an unauthorized connection to the wastewater system in violation of Section 10.3; or (e) any other emergency condition requires immediate action. Where service is suspended without prior notice, the District shall provide written notice of suspension and the reasons therefor as soon as reasonably practicable, and shall afford the Person an opportunity to cure the underlying condition before permanently suspending service and/or placing a lien on the property pursuant to a Lien Order under Section 16.6.

16.8 Reinstatement of Service. Following any suspension of wastewater service under this Section, service shall not be reinstated until: (a) the Person 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 Person has paid the applicable reinstatement surcharge pursuant to Section 1.9.5. Reinstatement shall be treated as a new application for service if service has been physically disconnected.

16.9 Appeal. Any Person 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.

16.10 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.

16.11 Disclosure; Availability to Public. Except as otherwise provided in Section 16.12, all records, reports, data or other information supplied by any Person as a result of any disclosure required by this Section shall be available for public inspection.

16.12 Trade Secrets; Confidentiality of.

16.12.1 The provisions of Section 16.11 shall not be applicable to any information designated as a trade secret by the Person supplying such information. Material designated as a trade secret may include but shall not be limited to processes, operations, style of work or apparatus or confidential commercial or statistical data.

16.12.2 Information designated as a trade secret pursuant to Section 16.12.1 shall remain confidential and shall not be subject to public inspection. Such information

shall be available only to officers, employees or authorized representatives of the District charged with enforcing the provisions of this Section.

16.12.3 It shall be unlawful for any officer, employee or authorized representative of the District to divulge in any manner or to any extent not authorized by judicial order or other provision of law information supplied pursuant to any requirement of this Section, when such information has been designated as a trade secret pursuant to Section 16.12.1. In addition to any other penalties that may be imposed, any officer, employee or authorized representative of the District who violates the provisions of this Section shall be subject to discharge from the employ of the District.

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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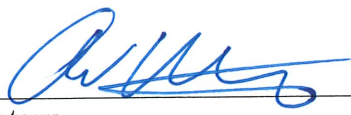
ADOPTED September 24, 2026.

DISTRICT:

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

Vice  _____
President

Attest:

 _____
Secretary

*[Signature Page to Resolution No. 2026-11 – Adopting Amendment to the Rules and Regulations of Triview
Metropolitan District – Wastewater Service Enforcement Procedures]*