

**Resolution: 16-2019**

**A RESOLUTION SETTING UP THE PROCESS FOR THE COLORADO CITY ARCHITECTURAL ADVISORY COMMITTEE (CCAAC) THAT WILL BE GOVERNED AND OVERSEEN BY THE COLORADO CITY METROPOLITAN DISTRICT (CCMD) BOARD OF DIRECTORS TO HANDLE COMPLAINTS, SUPPORT, AND REGULATE THE CONVENANTS OF COLORADO CITY METROPOLITAN DISTRICT**

**WHEREAS, Colorado City Metropolitan District (“District”) is a quasi-municipal corporation and political subdivision, duly organized and existing under the Constitution and laws of the State of Colorado; and**

**WHEREAS, the Board of Directors of the District (“Board”) is authorized to fix and from time to time to increase or decrease fees, rates, tolls, penalties and charges for services, programs or facilities furnished by the District, pursuant to §§ 32 1 1001(1)(j) &(k), C.R.S.;**

- I. The CCMD Board of directors will become the Architectural Committee under 32-1-1004 (2) C.R.S.
  - A. Per legal counsels advice/ instructions concerning CCMD Architectural/Covenant enforcement.
  - B. “A covenant enforcement process should include a process for making complaints, investigations, notices, hearings and penalties.”
    1. Making complaints – CCMD will accept all complaints including anonymous complaints to be logged, and dated.
      - Anonymous complaints will protect citizens from retaliation.
      - Complaint Form will be accepted or generated by the Metro office for documentation of complaints received by written complaint e-mail, and/or letter will be attached to complaint form when received by office.

## 2. Investigations –

- District Manager will do initial report to CCAAC committee
- The Colorado City Architectural Advisory Committee (CCAAC) will be covenant review committee to make recommendations to the board.
- Architectural Advisory Committee should be comprised of a minimum of 3 members, and the District Manager from Colorado City Metropolitan District (CCMD) as mediator to the committee and board.
- CCMD Board will appoint and or remove any member of the committee upon review.
- CCAAC Chairman or designee will receive complaint forms from the CCMD office and District Manager to guarantee delivery/documentation of complaints.
- CCAAC Chairman or designee will present findings & recommendations to the CCMD Board of directors, during regular scheduled meetings.
- CCAAC will review complaints in comparison to recorded covenants/amendments.
- An investigation will be made by an official designated by the CCMD board of directors, and return findings to CCAAC. The CCAAC will then determine whether it's a covenant or title 17 enforcement. If deemed Pueblo County Title 17 enforcement, the committee will request the board file a written complaint with the Pueblo County Planning and development for enforcement.
- If deemed covenant enforcement, CCAAC will generate a "courtesy letter" to be sent by CCMD office to said property owner addressing complaint with a copy of covenants.
- Owner has a 10 day limit to make necessary corrections, or present an acceptable plan to the Metro Board.
- After expiration of 10 day courtesy letter with no action or acceptable plan, all future correspondence and action will incur administration fees, lawyer fees, mailing costs,

serving costs, and court costs determined by the CCMD board will be applied and could result in a lien against the property. Any cost incurred for enforcement will be attached to enforcement.

- If acceptable action is not taken the board will issue a registered letter for corrections with a 15 day time limit to comply.
- After expiration of the 15 day time limit and no acceptable action taken or approved plan by the property owner, the Metro Board will then take legal action for enforcement of the covenants.

#### 1. Hearings –

- Every property owner will have the right to challenge the CCAAC findings to the CCMD board. Challenges will not negate the time line, fees, or other actions unless the challenge is deemed valid.

#### 2. Decisions –

- The Metro board will make all decisions by majority vote.

#### 3. Penalties –

- There are no addressed penalties other than equity of law, however due to the cost of generating letters and action some fees will be applied. {Costs to generate letters, other actions such as legal, cost of serving, and etc..}

#### 4. Rules and Regulations –

- The rules and regulations created and inserted into Colorado City Metropolitan district rules and regulations resolution will not be changed without a public notice posted 30 days in advance.

## Plan of Action for the CCMD Board of Directors


The CCMD Board will:

- Pass this resolution for rules and regulations of covenant enforcement
  - Immediately Post openings for volunteers on the Colorado City Architectural Advisory Committee (CCAAC).
  - Instruct the review committee to generate a complaint form. To be approved by the CCMD board and delivered to the metro office.
  - Instruct CCMD Metro manager to develop a true and correct copy of the covenants/amendments for Colorado City Residents.
  - Instruct CCMD Metro manager to post true and correct covenants/amendments on CCMD website.
  - Instruct CCMD manager to add CCMD architectural agenda item to all future regular board meetings agenda.
  - Insert in public notice on water Bill mailings to residents for the next six months:
    1. Please review your covenants as covenant enforcement has begun. Covenants can be found on Metro web site [co.gov/coloradocitymetro](http://co.gov/coloradocitymetro)
- II. Colorado City Architectural Advisory Committee (CCAAC will also be involved with construction projects (New building, re-roofing, and fences/sheds/garages/carports/decks) within the District. CCAAC will review that the appropriate fees and application accompanied to insure compliance of the covenants.
1. Applications and fees turned into CCMD office by owner with the requirements met before signing of routing slip for build out.
  2. Architectural design including colors, textures, and materials used to stay within guidelines of covenants.
  3. All reviews of property pins and staked placement of building will be measured and reviewed to make certain all required setbacks are being followed as may covenants require and per Pueblo Planning and Development adopted code (Title 17).

CCMD manager will add new section in the rules and regulations section containing the adopted information.

A motion was made and seconded, and, upon a majority vote, this Resolution was ADOPTED AND APPROVED by the Board this 12th day of November, 2019.

COLORADO CITY METROPOLITAN DISTRICT

By:   
Terry Kraus, Chairman

ATTEST:

By:   
Greg Collins, Secretary