

RESOLUTION 12-2020

RESOLUTION OF THE BOARD OF DIRECTORS OF COLORADO CITY
METROPOLITAN DISTRICT
SETTING FORTH THE RESPONSIBILITIES AND AUTHORITY OF THE
COLORADO CITY ARCHITECTURAL ADVISORY COMMITTEE (CCAAC)

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

WHEREAS, the Board of Directors of the District (CCMD 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.;

WHEREAS, the District has assumed the duties of the Architectural Control Committee as set forth in covenants recorded against real property within the District, and has the power to enforce covenants and provide design review and approval for property in the District;

WHEREAS, pursuant to Resolution 16-2019, the CCMD Board established the Colorado City Architectural Advisory Committee (CCAAC) to review alleged covenant violations and design applications, and the CCMD Board delegated certain responsibilities and tasks to the CCAAC.

WHEREAS, the CCMD Board wishes to hereby update and set forth the responsibilities and authority delegated to the CCAAC.

NOW, THEREFORE, be it resolved by the Board of Directors of the District as follows:

The Board hereby amends Resolution 16-2019, as follows. Effective upon adoption of this Resolution, the following provisions shall be applicable to the CCAAC and shall govern enforcement and design review.

1) **Committee Structure:**

- a) CCAAC shall be comprised of a minimum of one (1) or more volunteer residents of the District and the Colorado City Manager.
- b) CCAAC will acquire from Pueblo County Clerk and Recorder a true and correct copy of recorded Colorado City covenants and have the copy available for viewing at the CCMD office and posted on the CCMD website.
- c) The CCMD Board will appoint members to CCAAC and may remove any member from the committee, with or without cause at any time.
- d) The members of CCAAC will designate a chairman of the committee to present findings & recommendations to the CCMD Board and Manager, as needed, but not less than one time per month at a regularly scheduled Board meeting.
- e) CCAAC will establish a meeting schedule of not less than one meeting per month.
- f) CCAAC specific activities or costs shall be reimbursed to members by CCMD, within the budget and appropriations approved by the CCMD Board.

2) **Complaints**

- a) CCAAC will generate a complaint form that will be approved by the CCMD Board and available at the CCMD office for use by the public for complaints alleging violations of covenants or Pueblo County / CCMD regulations.
- b) The District Manager and any CCAAC member will accept all complaints, anonymous or otherwise, and will log and date such complaint.
- c) A complaint form generated by CCMD will be completed and attached to any and all correspondence to the property owner.
- d) All complaints will be forwarded to CCAAC for investigation.

3) **Investigations**

- a) Upon receipt of a complaint, CCAAC will review and determine if violation of recorded covenants and amendments has occurred.
 - i) If determined to be Colorado City covenant violation, enforcement action will proceed.
 - ii) If determined to be Pueblo County Title 17 violation, the committee will request that the CCMD Board file a written complaint with Pueblo County Planning and Development for enforcement action.
 - iii) If determined no violations have occurred, correspondence of such will be provided claimant.

4) **Enforcement**

- a) If CCAAC determines that a Colorado City covenant violation has occurred, CCAAC will generate a "courtesy letter" to be sent to violating Property Owner (Owner) addressing complaint along with a copy of covenants.
 - i) Owner will have 10 days to make necessary corrections or present an acceptable plan to the CCAAC. All subsequent correspondence and action will incur administrative fees allowed by law, including attorney fees, mailing costs, service costs, and court costs. Any and all costs incurred for enforcement will be the responsibility of Owner and, if unpaid, could result in a lien against violating property.
 - ii) After expiration of the 10-day courtesy letter time period with no action or acceptable plan, the CCAAC by the CCMD Board will issue a registered letter demanding corrections with a 15-day time limit to comply.
 - iii) If 15-day time limit expires with no acceptable corrective action, or an approved plan for same is not provided, the violation will be referred back to the CCMD Board, which may take legal action for enforcement of Colorado City covenants.

5) **Right of Property Owner to Hearing**

- a) The subject Property Owner, or any other owner whose property is included in the same covenant as the subject property, will have the right to appeal any CCAAC findings to the CCMD Board, with a public hearing in front of the CCMD Board, provided that a written appeal is filed with the District Manager within 15 days of the decision of the CCAAC. If no appeal is filed within such timeframe, the decision of the CCAAC is final. Appeals will not negate the time limits, fees incurred, or other actions of the CCAAC, unless the CCMD Board reverses the decision of the CCAAC. Decisions of the CCMD Board following the public hearing will be final.

6) **Decisions**

The CCMD Board will make all decisions on any appeals or matters referred to the Board by the CCAAC by majority vote.

7) **Penalties**

- a) The Board has not adopted any penalties for covenant violations, other than as allowed by equity of law; however, due to the cost of administration and enforcement, fees will be applied to recover costs incurred by the District. In addition, the Property Owner may be subject to costs for damages incurred as a result of the violation.

8) **New Construction**

- a) CCAAC will review all applications for new construction (new building construction, re-roofing, fences, sheds, garages, carports, decks, etc.) in Colorado City to verify the compliance to covenants and receipt of appropriate fees.
- b) Upon review of all required items on routing slip CCAAC shall:
 - i) Report deficiencies to the District Manager, if any,
 - ii) Make recommendations to District Manager for approval or disapproval;
 - iii) The application shall be referred to the CCMD Board to make a determination.
- c) Property Owner Appeal Process is the same as paragraph 5 above.

Adopted and approved on May 26, 2020, by the Board of Directors of Colorado City Metropolitan District, Pueblo County, Colorado.

COLORADO CITY METROPOLITAN DISTRICT

By: _____



Terry Kraus, President

ATTEST:



Gregory Collins, Secretary