

Resolution No. 2020-06-01

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
PAINT BRUSH HILLS METROPOLITAN DISTRICT**

ADOPTING FEE INCREASES FOR CERTAIN DISTRICT FEES

WHEREAS, the Board of Directors (the “Board”) of Paint Brush Hills Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado (the “District”) has determined that it is in the best interest of the District and the residents and property owners of the District to adopt fee increases to certain District fees in order to offset the costs of service by the District and provide for an equitable apportionment of costs to specific properties responsible for such costs; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the Board is authorized to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of the State of Colorado for carrying on the business and affairs of the Board and the District; and

WHEREAS, pursuant to § 32-1-1001(n), C.R.S., the Board is authorized to have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted to the District by Article 1, Title 32, C.R.S.; and

WHEREAS, pursuant to § 32-1-1001(j)(1), C.R.S., the District is authorized to fix and impose fees, rates, tolls, charges and penalties for services or facilities provided by the District; and

WHEREAS, the District previously adopted a fee schedule on June 27, 2019 (“Fee Schedule”) and the increases to the certain District fees, identified below, shall be construed as superseding and amending the Fee Schedule, but only to the extent specifically identified in this Resolution; and

WHEREAS, the District provided at least thirty (30) days’ notice of this proposed fee increase to the citizens of the District through posting the proposed increases on the website of the District in accordance with § 32-1-1001(2)(a), C.R.S., on June 18, 2020; and

WHEREAS, the Board of the District has determined that it is in the best interest of the District and the residents and property owners of the District to adopt the fee increases in order to provide for the preservation of the health, safety, and welfare of residents, property owners, and the public.

NOW, THEREFORE, be it resolved by the Board of Directors of Paint Brush Hills Metropolitan District as follows:

1. Adoption of Fee Increases. The following fee increases are hereby adopted pursuant to § 32-1-1001(1)(j) and § 32-1-1001(2)(a), C.R.S.:

- a. **Street Lighting Fee:** Assessed in Filings 13B, 13C, and 13D on a per month and per property basis – Current cost to District based on electricity charge from Mountain View Electric Association plus 8% for District operation and maintenance of street lights.
 - i. **Street Lighting Fee for Scenic View at Paint Brush Hills** will also be assessed on a per month and per property basis – Current cost to the District based on electricity charge from Mountain View Electric Association plus 8% for District operation and maintenance of street lights
 - ii. **The Street Lighting Fee for Filing 13E** is not yet in effect but will be assessed in the same manner and based upon the electricity charge from Mountain View Electric Association plus 8% once in effect.
- b. **Transfer Fee:** District will require a \$250 deposit for all account transfers in order to secure payment of the \$125 Transfer Fee and ensure customer compliance with the account transfer process.
- c. **Late Account Notice Administrative Fee:** \$15
- d. **Delinquent Account Shut-Off Notice Administrative Fee:** \$15

2. **Amendment.** The District expressly reserves the right to amend, revise, redact, and/or repeal this Resolution, in whole or in part, from time to time in order to further the purpose of carrying on the business, objects, and affairs of the District. The foregoing shall specifically include, but not be limited to, the right to adopt new or to amend current fees, rates, tolls, charges and penalties for services or facilities provided by the District as may be necessary, in the Board's discretion.

3. **Effective Date.** The provisions of this Resolution shall take effect as of the date of this Resolution.

4. **Severability.** If any term or provision of this Resolution or if any rule or regulation is found to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable term or provision shall not affect the validity of the remainder of the Resolution or the fee increases, as a whole, but shall be severed, leaving the remaining terms or provisions in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

[Signature page follows]

RESOLVED AND ADOPTED this 16 day of July, 2020.

PAINT BRUSH HILLS METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado

Rebecca E. Smith

Officer of the District

ATTEST:

Russell D. Lawrence

APPROVED AS TO FORM:

LYONS GADDIS, PC

Attorneys at Law

Catherine A. Jallerico

General Counsel to the District