

**HERITAGE HILLS METROPOLITAN DISTRICT  
RESOLUTION AMENDING AND RESTATING RULES AND REGULATIONS  
FOR DISTRICT POOL FACILITIES**

At a regular meeting of the Board of Directors of the Heritage Hills Metropolitan District, Douglas County, Colorado, held at 12:30 P.M. on March 9, 2021, at 9201 S. Heritage Hills Parkway, Lone Tree Colorado, at which a quorum was present, the following resolution was adopted:

**WHEREAS**, the Heritage Hills Metropolitan District (the “District”) is a special district organized and existing pursuant to the Special District Act, Sections 32-1-101 *et seq.*, C.R.S.; and

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

**WHEREAS**, pursuant to Section 18-9-117(1), C.R.S., in addition to any authority granted by any other law, the District may adopt such orders, rules, and regulations as are reasonably necessary for the administration, protection, and maintenance of public property under its control, management, or supervision, specifically orders, rules, or regulations upon the following matters: preservation of property and other structures; restriction or limitation of the use of such public property as to time, manner, or permitted activities; prohibition of activities or conduct on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance; and necessary sanitation, health, and safety measures; and

**WHEREAS**, pursuant to and in accordance with the Service Plan for Heritage Hills Metropolitan District, as modified and refiled January 3, 2018, the District owns and operates certain recreational facilities within the District for the use and benefit of its taxpayers, residents, and the public; and

**WHEREAS**, among the facilities that the District owns and operates are two (2) pool facilities located, respectively, at 9201 East Heritage Hills Parkway, Lone Tree, Colorado 80124 (the “Clubhouse Pool”), and 9700 Winding Hill Avenue, Lone Tree, Colorado 80124 (the “Overlook Pool,” and together with the Clubhouse Pool, the “Pools”); and

**WHEREAS**, on April 14, 2021, the Board of Directors of the District (the “Board”) adopted the amended and restated Heritage Hills Metropolitan District Swimming Pool Rules and Regulations (the “Prior Pool Rules and Regulations”) via a Resolution Amending and Restating Rules and Regulations for District Pool Facilities; and

**WHEREAS**, pursuant to Section 32-1-1001(1)(j)(I), C.R.S., the District has the authority to fix and from time to time increase fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District; and

**WHEREAS**, a portion of the operations and maintenance mill levy imposed upon District residents is used to offset the costs of operating and maintaining the Pools and provide services related thereto; and

**WHEREAS**, in order to provide access and clean Pool facilities to non-taxpaying members of the public, the District requires supplemental revenue to offset the additional costs it incurs for providing the Pools and related services to additional members of the public; and

**WHEREAS**, to defray the cost of providing the Pools and services related thereto to both taxpaying and non-taxpaying members of the public, the Board deems it necessary to continue to impose a fee for the usage of the Pools by members of the public who are not District residents or taxpayers.

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HERITAGE HILLS METROPOLITAN DISTRICT AS FOLLOWS:

1. Rules and Regulations. The Prior Pool Rules and Regulations are hereby amended and restated in their entirety with the Heritage Hills Metropolitan District Swimming Pool Rules and Regulations set forth in **Exhibit A**, attached hereto and incorporated herein (the “Pool Rules and Regulations”).

2. Notice. The Board hereby directs the District Manager to post notice of (1) the Pool Rules and Regulations in the form attached hereto as **Exhibit B** and incorporated herein, and (2) any COVID-19 Supplement (as defined in the Pool Rules and Regulations), both on the District’s website and at the Pools in accordance with Section 18-9-117(2), C.R.S.

3. Pool Use Fee. The “Pool Usage Fee” for use of the Pools by members of the public who do not pay District taxes or otherwise reside within the District is Three Thousand Dollars (\$3,000.00) per residence per pool season.

4. Conflicting Policies Superseded. These Pool Rules and Regulations shall supersede in full any conflicting policies and rules and regulations relating to the subject matter hereof, including, but not limited to the Prior Pool Rules and Regulations, which are hereby repealed and shall be of no further force or effect.

5. Effective Date. The Pool Rules and Regulations shall take effect upon the Board’s adoption of this Resolution.

**[The remainder of this page is intentionally left blank.]**

Whereupon, a motion was made and seconded, and upon a majority vote this Resolution was approved by the Board.

ADOPTED AND APPROVED THIS 9<sup>TH</sup> DAY OF MARCH 2022.

HERITAGE HILLS METROPOLITAN DISTRICT

  
\_\_\_\_\_  
Joyce Lew, President

ATTEST:

  
\_\_\_\_\_  
Ann Hargett, Secretary/Treasurer

## EXHIBIT A

### **Heritage Hills Metropolitan District Swimming Pool**

#### **RULES AND REGULATIONS**

**A.) Pool Hours.** The pool hours (including season opening and closing dates) will be posted on the District's website and at the pools once set by the District Board for the upcoming pool season.

In order to be considerate of the neighbors bordering the pools and for safety reasons, individuals may not swim or otherwise be in the pool areas outside of pool hours. Any resident who observes people in the pool before or after the allowed times should not confront them directly, but should call the Lone Tree Police Department non-emergency number (303) 339-8150. Pool hours are subject to change in the discretion of the Board of Directors at any time and without prior notice. The District's pool manager may close the pools during inclement weather at the discretion of the lifeguards on duty. Conditions warranting closure may include, but are not limited to, lightning, thunder, extreme wind, rain, threatening clouds, tornado warning, and temperatures dropping below 55 degrees. The pools will reopen if and when the lifeguards on duty deem it safe to return to the water.

**B.) Pool Access.** The gates to the pool areas are to be locked at all times. A key fob system is in place and it opens the gate when swiped. The key fobs cannot be duplicated; there is a \$25.00 replacement charge for lost or stolen key fobs. The key fob will also open the restrooms. Contact the District Manager for key fobs.

Residents. Up to two (2) key fobs are issued to each residence. Children and guests may not be admitted to the pools without a key fob. Guests must be accompanied by a Heritage Hills resident. Residents may be asked to show a photo ID to verify they are residents and may be asked to sign in with the lifeguards upon entering the pool facilities.

Non-Resident Membership. Non-residents may only use the pools after becoming a non-resident member by paying the Pool Usage Fee for that pool season. Non-resident members must present evidence of membership to the lifeguards upon entering the pool facilities.

**C.) Pool Parties/Gatherings.** The swimming pools are for the use and pleasure of Heritage Hills residents and members, and they may not be reserved for exclusive use. Pool parties may be allowed on a case-by-case basis, and subject to all applicable public health orders, regulations, and directives currently in effect, where the number of guests is equal to or less than 25 people. Pool parties of less than ten (10) people do not require approval from the District. Requests for parties/gatherings of ten (10) or more must be submitted to the District Manager at least two (2) weeks in advance. For parties of ten (10) or more, additional lifeguards **MUST** be hired through pool management at least

seven (7) days in advance by the resident/member planning the pool party/gathering, and parking must be addressed. No tents, music or catered food are allowed. All pool parties and gatherings must comply with all applicable public health orders, regulations and directives in effect at that time as well any COVID-19 Supplement (defined below).

**D.) Lifesaving Equipment.** Lifesaving equipment is available in the pool area to be used in case of an emergency and should NEVER be used for recreation. There are also defibrillators at each pool for the lifeguards to use in an emergency.

**E.) Children Safety.** Children under fifteen (15) years of age must be accompanied by an adult eighteen (18) years of age or older. The wading pool is for the use of children five (5) years of age and under who must be supervised by an adult at all times. Following Red Cross water safety recommendations, the lifeguards will conduct a “child safety” procedure every hour during which children must remain out of the pools.

**F.) Restricted Activities.** The following activities in and around the pool are prohibited:

1. Diving,
2. Pushing,
3. Dunking/rough play,
4. Running,
5. Dangerous behavior, or
6. Offensive language.

**G.) Bicycles, Skateboards, and Other Restricted Items.** No bicycles, skateboards, glass containers or breakables are permitted inside the pool enclosure. No animals other than domesticated service animals are allowed in the pool enclosure or on the lawn area surrounding the pools. No barbecue grills are allowed at the pools or Clubhouse areas. No oversized pool floats are permitted.

**H.) Swim Attire.** Proper swim attire is required.

**I.) Swimming Instruction.** Swimming instruction will be taught exclusively by pool management.

**J.) Smoking.** SMOKING or the use of e-cigarettes IS NOT PERMITTED IN THE POOL AREAS.

**K.) Liability for Damage and Loss.** Pool users assume all liability for losses or damages arising out of or related to the use of the pool, including cleaning costs or repair or replacement of pool equipment and materials or other District real or personal property. The District is not responsible for lost or stolen items.

**L.) COVID-19 Regulations.** Due to the exigent circumstances caused by the COVID-19

pandemic and the District's desire to serve the public, the District Board of Directors delegates authority to the District President to supplement these Swimming Pool Rules and Regulations as necessary to conform with all applicable binding public health orders as now in effect or as later enacted ("COVID-19 Supplement"). Any COVID-19 Supplement shall be immediately effective as a part of these Swimming Pool Rules and Regulations and will be posted on the District's website and at the pools.

**M.) Enforcement.** Failure to follow the Swimming Pool Rules and Regulations will subject the individual to immediate expulsion from the pools. In addition to other District remedies, if an individual has continued violations of the Swimming Pool Rules and Regulations, his or her rights to continued use of the pools may be forfeited, and he or she may no longer use the pools.

If a violator or owner of the home where the violator resides (the "Appellant") wishes to dispute a determination made by the District pursuant to these Swimming Pool Rules and Regulations, the Appellant must file a written request for a hearing with the District within ten (10) days of the date of the disputed determination. The request for a hearing shall set forth with specificity the facts upon which the Appellant is relying and shall contain a brief statement of the Appellant's reasons for the request. In the event a proper and timely request for a hearing is not made as provided herein, the right to a hearing shall be deemed forever waived. If a timely request for a hearing is made, the hearing shall be held in accordance with the Heritage Hills Metropolitan District Hearing Procedures Related to Enforcement of Rules and Regulations (as the same may be amended from time to time).

#### **ADDITIONAL NOTES:**

**POOL CAMERAS.** Vandalism has caused the community's pools to be closed for extended periods of time in prior years; the District has installed cameras at both pool facilities. These cameras will help deter vandalism as well as help identify any individual who vandalizes these facilities. The pools will be monitored when the pools are closed and recording will occur at both pool facilities.

**AFTER-HOURS USE.** Individuals in the pool areas after hours will be asked to leave. The Lone Tree Police Department will be dispatched if any crime is being committed or if individuals are present when the pools are closed.

**CLUBHOUSE RENTALS.** The Clubhouse may be reserved for social events in accordance with the Clubhouse Private Event Regulations and Rental Agreement. Any event where the pool is planned for use in conjunction with a Clubhouse rental must be coordinated with the District's Manager in accordance therewith.

## **EXHIBIT B**

### **HERITAGE HILLS METROPOLITAN DISTRICT POOL RULES**

Parents and guardians are responsible for their children's safety  
Dial 911 in case of emergency

For everyone's safety and well-being, the following are prohibited in and around the pool area:

- Swimming or pool use outside of pool hours.
- Diving, running, pushing, dunking/rough play, dangerous behavior, or offensive language.
- Pets, glass, sharp objects, or wheel-vehicles.
- Non-aquatic gear or street clothes in the pool.
- Tents, music, or catered food.
- Oversized pool floats.
- Playing with life-saving equipment.
- Smoking, including the use of e-cigarettes.

In all situations, obey lifeguard instructions.

Children:

- Children under 15 MUST be accompanied by an adult 18 years of age or older.
- Only children 5 and under are allowed in the wading pool, and parental supervision is required.

Evacuate the pool during rainstorms or other inclement weather, especially if you see or hear lightning.

Swim lessons must be coordinated through the District's pool manager.

Any damage to the facilities caused by a member or guest is the financial responsibility of that member.

You are responsible for knowing and abiding by all Swimming Pool Rules and Regulations, including the COVID-19 supplemental rules, which are available on the Heritage Hills Metropolitan District website: <https://heritagehillsmetro.org/>.