

**RESOLUTION OF
THE BOARD OF DIRECTORS OF THE
HERITAGE HILLS METROPOLITAN DISTRICT
ADOPTING HEARING PROCEDURES
RELATED TO ENFORCEMENT OF RULES AND REGULATIONS**

At a special meeting of the Board of Directors of the Heritage Hills Metropolitan District, Douglas County, Colorado, held at 12:30 P.M. on March 31, 2021, via video and telephone conference in order to preserve the health, safety, and welfare of the public in light of the imminent threat caused by the COVID-19 pandemic and due to the state of emergency declared by Governor Polis, as amended and extended, corresponding executive orders and public health orders, as amended and extended, and CDC recommendations against gathering in large groups in order to mitigate the spread of the COVID-19 virus, 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 of Directors (the “Board”) and of the District; and

WHEREAS, from time to time the Board has previously and will in the future adopt rules and regulations with respect to the operation of District facilities as the same may be amended from time to time, including but not limited to the Heritage Hills Metropolitan District Swimming Pool Rules and Regulations; the Heritage Hills Metropolitan District Rules and Regulations Related to Street, Sidewalk, and Open Space Use; and the Heritage Hills Metropolitan District Court Rules and Regulations (collectively, the “Rules and Regulations”); and

WHEREAS, the Board has determined it is necessary for efficient operations and governance to adopt policies and procedures regarding hearing procedures related to the enforcement of its Rules and Regulations.

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

1. Hearing Procedures. The Board hereby adopts the Heritage Hills Metropolitan District Hearing Procedures Related to Enforcement of Rules and Regulations attached hereto as **Exhibit A** and incorporated herein (the “Hearing Procedures”).
2. Conflicting Procedures Superseded. The Hearing Procedures shall supersede in full any conflicting policies and procedures relating to the subject matter hereof, which are hereby repealed and shall be of no further force or effect.
3. Effective Date. The Hearing Procedures 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 31ST DAY OF MARCH 2021.

HERITAGE HILLS METROPOLITAN DISTRICT

DocuSigned by:
Joyce Lew
FD8521AB6E7C406...

Joyce Lew, President

ATTEST:

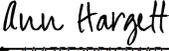
DocuSigned by:
Ann Hargett
1AA75E2D54CB4AB...

Ann Hargett, Treasurer

CERTIFICATION

I, Ann Hargett, Treasurer of the Board of the Heritage Hills Metropolitan District, do hereby certify that the annexed and foregoing Resolution is a true copy from the records of the proceedings of the Board of said District, on file with Icenogle Seaver Pogue, P.C., general counsel to the District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District, at the County of Douglas, Colorado, this 31st day of March 2021.

DocuSigned by:

Ann Hargett 1AA75E2D51CB4B...
_____, Treasurer

[SEAL]

EXHIBIT A

**Heritage Hills Metropolitan District
Hearing Procedures Related to Enforcement of Rules and Regulations**

**HERITAGE HILLS METROPOLITAN DISTRICT
HEARING PROCEDURES
RELATED TO ENFORCEMENT OF RULES AND REGULATIONS**

I. Pre-Hearing Procedures:

1. If applicable, a request for hearing must be made in accordance with the applicable Heritage Hills Metropolitan District (“District”) rules and regulations.
2. The District will provide notice to the respondent of the time, date, and location of the hearing (the “Notice”). The Notice will be provided via the delivery method required by the applicable rules and regulations. If no method is specified, the Notice may be provided by U.S. First Class Mail, overnight carrier, or hand delivery.
 - a. The date of the hearing will be set as required by the applicable rules and regulations, and if no timeframe is specified, within a reasonable time not to exceed six (6) weeks.
3. If not provided with the Notice, no later than seven (7) days prior to the date of the hearing and upon written request to the District, the respondent is entitled to copies of any physical and documentary evidence (1) to be presented at the hearing by the complainant, or by the District if the District Board has requested the hearing without independent complaint, and (2) which the complainant has submitted to the District for consideration after the date of the Notice, including complaints and investigative reports, if any, relative to the case contained in the District’s records.
4. No later than five (5) days prior to the hearing, the respondent shall provide copies to the District of any physical and documentary evidence to be presented by the respondent at the hearing or such evidence shall not be eligible to be considered during the hearing.
5. Subject to Section I.6 below, unless exigent circumstances exist, the full District Board of Directors (the “Board”) shall hear the case. The District Board President will act as the “Presiding Officer” at the hearing unless the Board elects another Board officer to serve as the Presiding Officer in his or her place. The District Board President may elect to have the District’s legal counsel direct the proceedings.
6. Any Board member incapable of objective and disinterested consideration of the matters to be addressed at the hearing shall disclose the same to the Presiding Officer prior to the hearing if possible, otherwise at the time of the hearing, and such Board member will be disqualified from the proceedings. If the District Board President is the Board member incapable of objective and disinterested consideration of the matter to be addressed at the hearing, the District Board

President shall disclose the same to the full Board, and the Board shall designate another Board officer to act as the Presiding Officer.

7. A respondent may obtain a hearing continuance on a single occasion in the event of an unanticipated personal emergency. A request for continuance must be filed no later than 48 hours prior to the hearing.

II. Hearing Procedures:

1. Hearings shall be held at open meetings of the Board unless otherwise determined by the Board and permitted by the Colorado Open Meetings Law, Sections 24-6-401 *et seq.*, C.R.S.
2. The Presiding Officer, or legal counsel if designated pursuant to Section I.5, will explain the rules, procedures, and guidelines for conducting the hearing and introduce the case by reading salient allegations in the Notice.
3. Opening Statements
 - a. Complainant:
 - i. If the complainant is present, the complainant(s) may present an opening statement not to exceed 10 minutes in duration; or
 - ii. If no complainant is present, or if the District Board has requested the hearing without independent complaint for violations of the District's rules and regulation, then the District Manager or legal counsel will present salient provisions from any written complaint submitted or other opening comments on the nature of the violation of the rules and regulations (as relevant), not to exceed 10 minutes in duration.
 - b. Respondent: The respondent may then present opening statements which opening statements shall not exceed 10 minutes in duration.
4. Presentation of Testimony and Evidence
 - a. Each party (starting with the complainant) may present testimony and evidence, and each party may cross-examine witnesses.
 - a. If no complainant is present, the District Manager or legal counsel will present any additional evidence of the alleged violation of the rules and regulations.
 - b. The Board may question witnesses, review evidence, and take such other reasonable action during the course of the hearing which it may deem appropriate or desirable to permit the Board to reach a just decision in the case.

- c. The Presiding Officer may exclude evidence which is irrelevant, immaterial, or repetitious and may admit evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs.

5. Closing Statements (each party)

- a. The complainant may present closing statements (up to 3 minutes).
- b. In the absence of a complainant, or if the District Board has initiated the hearings, the District Manager/legal counsel may present closing statements (up to 3 minutes).
- c. The respondent may present closing statements (up to 3 minutes).

6. The District will maintain a written record of the hearing.

7. Board Decision

- a. The decision for or against the respondent must be by a majority.
- b. The decision shall be based on matters set forth in the Notice, complaint (if any), and such evidence as may be presented at the hearing.
- c. The decision will be based on a preponderance of the evidence.
- d. The Board will issue written findings of fact, conclusions, and, if applicable, enforcement action as permitted by the applicable rules and regulations (the "Determination").
- e. A copy of the Determination will be provided to the respondent via the delivery method required by the applicable rules and regulations. If no delivery method is specified, the Determination may be provided by U.S. First Class Mail, overnight carrier, or hand delivery.
- f. Unless otherwise another timeframe is specified in the applicable rules and regulations, the Determination shall be delivered to the respondent within 15 days after the hearing.
- g. The Determination issued by the Board shall be final and binding upon the District and the respondent and shall constitute the final administrative action of the District.

Certificate Of Completion

Envelope Id: 8DC5DB4F8C224131BA043784FA2A8386	Status: Completed
Subject: Please DocuSign: HHMD - Resolution Adopting Hearing Procedures.pdf	
Client Name: Heritage Hills Metro District	
Client Number: 011-030357	
Source Envelope:	
Document Pages: 8	Signatures: 3
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Natalie Herschberg
Time Zone: (UTC-06:00) Central Time (US & Canada)	220 South 6th Street
	Suite 300
	Minneapolis, MN 55402
	Natalie.Herschberg@claconnect.com
	IP Address: 73.153.120.72

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Signer Events

Joyce Lew
 lew_j@msn.com
 President
 Security Level: Email, Account Authentication (None)

Signature

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 Signature Adoption: Pre-selected Style
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Timestamp

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 Signed: 4/20/2021 4:04:49 PM

Electronic Record and Signature Disclosure:

Accepted: 7/31/2020 3:49:33 PM
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Ann Hargett
 annhargett@gmail.com
 Treasurer
 Security Level: Email, Account Authentication (None)

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 Signature Adoption: Pre-selected Style
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Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	4/20/2021 4:13:58 PM
Completed	Security Checked	4/20/2021 4:13:58 PM

Payment Events	Status	Timestamps
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