

RESOLUTION NO. 2015-03-02

**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
FALCON HIGHLANDS METROPOLITAN DISTRICT**

**TEMPORARY WATER USE RESTRICTIONS
DURING SCHEDULED OR UNSCHEDULED EVENTS
IMPACTING DISTRICT WATER SUPPLY AND WATER SUPPLY SYSTEM**

WHEREAS, the Falcon Highlands Metropolitan District (the “**District**”) is a special district in El Paso County, Colorado, organized pursuant to Article 1 of Title 32, Colorado Revised Statutes, known as the Special District Act; and

WHEREAS, pursuant to the Special District Act and its Service Plan, the District provides water service to its customers and is empowered to adopt, amend and enforce regulations related to this service; and

WHEREAS, the District is entitled to impose fees, rates, tolls, charges and penalties related to its provision of water to its customers; and

WHEREAS, the water the District provides to its customers is obtained from Denver Basin groundwater wells and is delivered to its customers through a series of pumps, a storage tank, treatment facility, and a distribution system (the “**Water Supply System**”); and

WHEREAS, due to a scheduled or unscheduled outage of any portion of the Water Supply System, the District may need to reduce water demand to ensure sufficient water supply for essential water needs; and

WHEREAS, the District desires to impose water use restrictions to be in effect during scheduled maintenance or unscheduled events that impact the ability of the Water Supply System to provide sufficient water supply for essential water needs; and

NOW THEREFORE, the Board of Directors of Falcon Highlands Metropolitan District resolves as follows:

1. Occurrence of Scheduled / Unscheduled Events on District Water Supply System. Upon the occurrence of a scheduled or unscheduled event that impacts the ability of the Water Supply System to provide sufficient water supply for essential water needs, the District may immediately impose Temporary Water Use Restrictions.

2. Declaration of Temporary Water Use Restriction. A Temporary Water Use Restriction can be declared by the District’s Operator in Responsible Charge, District Manager, or the Board of Directors.

3. Levels of Restrictions. Levels of Temporary Water Use Restrictions include -
- a. LEVEL 1 – no irrigation of any commercial property. The District may physically shut-off the commercial irrigation water supply.
 - b. LEVEL 2 – Level 1 restrictions plus no irrigation of any residential property.

4. Notice of a Temporary Water Use Restriction. Notice shall be provided to the customers affected by the Temporary Water Use Restriction as soon as practicable after a declaration of the Temporary Water Use Restriction.

5. Violation of a Temporary Water Use Restriction.
- a. Any violation of a Temporary Water Use Restriction shall be subject to the following penalties:

First Offense	Written Warning
Second Offense	\$1,000 penalty
Third Offense	\$10,000 penalty and termination of service until payment of fine or lifting of Temporary Water Use Restriction

- b. All penalties imposed for violation of a Temporary Water Use Restriction may be collected by the District in any manner allowed by law and constitute a lien against the property served as allowed by § 32-1-1001(1)(j)(I), C.R.S. 2014.

6. Coordination with Water Conservation Measures. In the event of a declaration of a Temporary Water Use Restriction, any other water conservation measures or special allowances otherwise adopted or approved by the District shall continue to be implemented. In the event of a conflict of restrictions, the more restrictive measure shall control.

7. Lifting of Restriction. Once the events giving rise to the need for the Temporary Water Use Restriction have been resolved, the Temporary Water Use Restriction can be lifted by the District’s Operator in Responsible Charge, District Manager, or the Board of Directors.


Adopted this 9 day of 3, 2015.

FALCON HIGHLANDS METROPOLITAN
DISTRICT



President, Board of Directors of the Falcon
Highlands Metropolitan District

Attest:



Secretary or Assistant Secretary