

**RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
CONIFER METROPOLITAN DISTRICT**

**ADOPTING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED
WATER, WASTERWATER & PRETREATMENT REGULATIONS
(Sections 4.2.4B and 4.2.7)**

WHEREAS, the Conifer Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WIIEREAS, pursuant to § 24-6-402(1)(a), C.R.S., the District is a local public body and subject to the provisions of §§ 24-6-401, *et seq.*, C.R.S.; and

WHEREAS, on January 5, 2016, the District Court in and for Jefferson County, Colorado, entered an order for case 2015CV32176 (the “**Receiver Order**”) appointing Edward B. Cordes as the operating receiver for the District; and

WHEREAS, on August 22, 2019, the District Court in and for Jefferson County, Colorado granted the Motion for Substitution of Receiver and Custodian for the District (the “**Amended Receiver Order**”) appointing Michael L. Staheli as the Receiver (the “**Receiver**”) for the District and removing and releasing Edward B. Cordes from his duties; and

WHEREAS, pursuant to the Receiver Order, the Receiver is responsible for the management, operation and protection of the District and its assets during the pendency of the receivership action; and

WHEREAS, the Receiver Order grants to the Receiver, *inter alia*, the right to exercise all of the powers of the District, through or in place of its Board, to the extent necessary to manage the affairs of the receivership estate; and

WHEREAS, the Receiver Order remains in effect as of the date hereof; and

WHEREAS, the District adopted the Amended and Restated Water, Wastewater & Pretreatment Regulations on November 28, 2018 (the “**Regulations**”); and

WHEREAS, the Field Services Section of the Colorado Department of Public Health & Environment’s Water Quality Control Division performed a sanitary survey on the District’s system on or around May 31, 2022 and subsequently issued a notice of the results to the District on June 30, 2022 (the “**Notice**”); and

WHEREAS, the Notice identified that not all of the requirements of Section 11.39(2)(a) of the Water Quality Control Commission’s Code of Colorado Regulations were included in the Regulations; and

WHEREAS, in order to bring the District's backflow prevention and cross-connection control program into compliance with Section 11.39(2)(a) of the Water Quality Control Commission's Code of Colorado Regulations, the District wishes to amend the Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE RECEIVER AS FOLLOWS:

1. *Section 4.2.4B Testing* of the Regulations is hereby repealed in its entirety and replaced with the following *Section 4.2.4B Inspections, Testing and Repair*:

Section 4.2.4B Inspections, Testing and Repair

1. *Any Person testing Backflow devices in the District shall be a Certified Cross-Connection Control Technician.*
2. *All new Air Gaps or Backflow devices installed in the District shall be inspected and tested in the presence of a District representative. The results shall be sent to the District within 10 days.*
3. *All existing Air Gaps or Backflow prevention devices on shall be tested and maintained annually by a Certified Cross-Connection Control Technician at the expense of the customer. Any backflow prevention devices that are non-testable, shall be inspected at lease once annually by a Certified Cross-Connection Control Technician at the expense of the customer. The results of such tests or inspections shall be sent to the District within 10 days. The information on test reports shall include, but may not be limited to the following:*
 - a. *Assembly or method type and location;*
 - b. *Assembly make, model, size and serial number;*
 - c. *Test date;*
 - d. *Test results including all results that would justify a pass or fail outcome;*
 - e. *The following information about the Certified Cross-Connection Control Technician:*
 - i. *Certification agency;*
 - ii. *Certification number; and,*
 - iii. *Certification expiration date.*
 - f. *Test kit manufacturer, model and serial number; and test kit calibration date.*
4. *All test results shall be kept by the District, the owner of any Licensed Premises, and the Certified Cross-Connection Control Technician for a period of three years and must be available for inspection by the CDPHE upon request.*

5. *As necessary, Air Gaps or Backflow prevention devices shall be repaired and retested or replaced and tested at the expense of the customer whenever the devices are found to be defective. If a device has failed the testing and certification, the District requires that the device be repaired or replaced, tested and certified within 30 days of the initial failure. If a customer cannot meet this deadline, the customer must request an extension with the District.*
 6. *The District shall suspend service to a customer who fails to comply with the District's testing and inspection requirements in accordance with Section 4.2.7.*
2. *Section 4.2.7 Back Flow Prevision and Cross-Connection Violations and Penalties of the Regulations is hereby repealed in its entirety and replaced with the following Section 4.2.7 Back Flow Prevision and Cross-Connection Violations and Penalties*

Section 4.2.7 Back Flow Prevention and Cross-Connection Violations and Penalties

- A. *Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of Air Gap or Backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the District shall complete one of the following actions within 90 days of its discovery:*
 1. *Control the cross-connection;*
 2. *Remove the cross connection; or*
 3. *Suspend service to the cross connection.*
 - B. *The District shall give written notice to the customer and owner or authorized agent of the owner of any Licensed Premises in which there is discovered a violation of any Backflow or Cross-connection regulation. If the Manager determines that an imminent Health Hazard exists, the District may immediately terminate water service to the Licensed Premises until the violation is eliminated or corrected to the satisfaction of the District. In those instances where water service is not terminated, the owner shall eliminate or correct the violation within the time specified. If the owner fails to do so, the District may terminate water service at the expiration of the compliance period. Additional fees or penalties may also be invoked following termination of service.*
3. *Except as expressly set forth in this Resolution, all of the terms and conditions set forth in the Regulations are otherwise ratified and reaffirmed.*
 4. *This Resolution shall become effective as of November 15, 2022.*

ADOPTED this 15th day of November, 2022.

CONIFER METROPOLITAN DISTRICT



Receiver

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District