



Aristocrat Ranchette
Water Project, Inc.

ARWP, INC. BYLAWS

Adopted and Approved August 10, 2022

Hurshell Malone President

Brian Filkowski Administrator/Secretary

CERTIFICATION

I Brian Filkowski, Secretary of the
ARISTOCRAT RANCHETTE WATER PROJECT, INC., does
hereby certify that the above and foregoing is a true and correct
copy of the By-Laws adopted by the ARISTOCRAT RANCHETTE
WATER PROJECT, INC., WATER BOARD at a meeting duly held
on August 10th, 2022.

(Seal)



Brian Filkowski

Secretary

ARISTOCRAT RANCHETTE WATER PROJECT, INC.

TABLE OF CONTENTS July 2021

ARTICLE I - POLICY, PURPOSES & DEFINITIONS

Section 1.01. Declaration of Policy.. 3
Section 1.02. Equal Opportunity Policy. 3
Section 1.03. Purpose of the Aristocrat Ranchette Water Project.. 4
Section 1.04. Definitions.. 4

ARTICLE II - BY-LAWS

Section 2.01. Board of Directors.. 6
Section 2.02. Office.....7
Section 2.03. Meetings.. 7
Section 2.04. Conduct of Business7-8
Section 2.05. Board Officers and Personnel8
Section 2.06. Business Administration..11
Section 2.07. Corporate Seal..... 12
Section 2.08. Conflict of Interest.12
Section 2.09. Indemnification of Directors. 12-13
Section 2.10. Powers of the Board of Directors.13
Section 2.11. Modification of Rules and Regulations. 13-14
Section 2.12. Membership..... 13
Section 2.13. Recall Procedures.....14

ARTICLE III - GENERAL PROVISIONS

Section 3.01. Requisites (Membership).... 15
Section 3.02. Independent Connections.... 15
Section 3.03. Disconnection..15
Section 3.04. Service Line Maintenance.....15
Section 3.05. Denial of Application.....15
Section 3.06. Service Limitations.....16
Section 3.07. Easements.....16

ARTICLE IV - INCLUSION OF PROPERTY

Section 4.01. Inclusion...16
Section 4.02. Inclusion Procedure.....16-17

ARTICLE V - FEES, CHARGES, RATES & TOLLS

Section 5.01. Fees and Service Charges for Water..18
Section 5.02. Maintenance Fee.....18
Section 5.03. Connection Fee.....18
Section 5.04. Inclusion Fee..18
Section 5.05. Application of Membership Fees.....18
Section 5.06. System Development Fee...19
Section 5.07. Property Transfer Fee.....19

| | |
|--|-------|
| Section 5.08. Water Service Charges-Rate..... | 19 |
| Section 5.09. Right to Lien and Lien Fee and Costs of Collection..... | 20 |
| Section 5.10. Disconnection of Service..... | 20 |
| Section 5.11. Title to Lines and public water system..... | 20 |
| Section 5.12. Turn-Offs for Nonpayment of Services Charges..... | 20-21 |
| Section 5.13. Assessments..... | 21-22 |
| | |
| ARTICLE VI - PROVISIONS RELATING TO CLAIMS AND RESPONSIBILITIES | |
| Section 6.01. Claims Against ARWP | 23 |
| Section 6.02. Policy..... | 23 |
| Section 6.03. Liability..... | 23 |
| Section 6.04. Responsibilities of the Member..... | 23 |
| Section 6.05. Protection From Damage..... | 24 |
| Section 6.06. Violations of Rules and Regulations..... | 24 |
| | |
| ARTICLE VII - CONSTRUCTION OF RULES & REGULATIONS | |
| Section 7.01. Interpretation..... | 25 |
| Section 7.02. Headings..... | 25 |
| Section 7.03. Severability..... | 25 |
| | |
| ARTICLE VIII - PROMULGATION OF RULES & REGULATIONS..... | |
| Section 8.01. Reservation of Right to Change Regulations..... | 26 |
| Section 8.02. Limitation..... | 26 |
| | |
| APPENDIX A..... | |
| ARWP Fee Schedule..... | 27 |
| Board Member Oath of Office..... | 28-29 |
| Board Member Procedures..... | 30 |

ARISTOCRAT RANCHETTE WATER PROJECT, INC.

July 2021

The corporate name, the objects, and purposes and the principal place of business of this Corporation shall be as stated in the Articles of Incorporation heretofore filed in the Office of the Secretary of State or as may be amended.

ARTICLE I - POLICY, PURPOSES & DEFINITIONS.....

Section 1.01. Declaration of Policy.....

Section 1.02. Equal Opportunity Policy.....

Section 1.03. Purpose of the Aristocrat Ranchette Water Project.....

Section 1.04. Definitions.....

Section 1.01. Declaration of Policy.

The Aristocrat Ranchette Water Project, hereinafter referred to as the “ARWP” is a governmental subdivision of the State of Colorado and a Colorado Non-profit Corporation. ARWP has also qualified with the IRS as a 501(c)(12) tax exempt entity. ARWP hold those powers specifically granted, reasonably employed and necessary or proper to carry out the objectives and purposes of the ARWP. The authority of the ARWP to adopt rules, regulations and by-laws is expressly conferred by the Colorado Revised Statutes. The Board of Directors of the ARWP expressly finds and determines that the adoption of the following rules, regulations and by-laws is necessary for the health and welfare of the inhabitants of the ARWP and to ensure an orderly and uniform administration of the affairs of the ARWP. It is intended that these rules, regulations and by-laws shall be liberally construed to affect the general purposes set forth therein and that each and every part thereof is separate, distinct and severable from all other parts. No omission nor additional material set forth in these rules, regulations and by-laws shall be construed as an alteration, waiver or deviation from any grant of power, duty or responsibility or limitation or restriction imposed or conferred upon the Board of Directors by virtue of the statutes as now existing or as may hereafter be amended. Nothing contained herein shall be so construed as to prejudice, limit or affect the right of this ARWP to secure the full benefit and protection of any laws which are now or hereafter may be enacted by the Colorado State Legislature pertaining to local improvement and service districts.

Section 1.02. Equal Opportunity Policy.

The ARWP is an equal opportunity Employer. These guidelines are to be applied without regard to any otherwise qualified person’s race, creed, color, sexual orientation, sex, age, national origin, ancestry, religion, disability, or genetic information, subject to such reasonable requirements of the ARWP as may be permitted by law.

Section 1.03. Purpose of the Aristocrat Ranchette Water Project.

The purpose of Aristocrat Ranchette Water Project is to provide our members safe, reliable water for domestic and fire protection purposes at a reasonable and fair price.

Section 1.04. Definitions.

A. Member. Any owner of property included within the boundaries of the **ARWP** served by the **ARWP** public water system. A **member of good standing** is the status assigned to a member of the ARWP organization when that member has remained current on all ARWP water and tap fees payments, staying current with and maintaining eligibility under all criteria for a member under the provisions of Section 2.12 of the ARWP bylaws. The definition must be construed under ordinary rules with reference to the bylaws, and a member in good standing must also act in good faith with regard to the ARWP at all times. Any unlawful criminal activity and any other action which is to the BoD's sole discretion, harmful to ARWP, shall be a violation of good standing status.

B. Board. The word "Board" and phrase "Board of Directors" as used herein shall mean the elected Board of Directors of the Aristocrat Ranchette Water Project.

C. Board of Directors. A board of directors is the group of people responsible for the strategic management of a for-profit or nonprofit corporation. The board operates by following the **ARWP** bylaws and current state and federal statutes, a set of rules that governs how the organization must pursue its mission and activities. ARWP, Inc. Bylaws will include record keeping, daily reconciliation, depositing procedures, and conduct for procurement. Board members will at least annually review these important functions to be sure that information is available to the organization as a basis for monitoring the organizations progress, preparing historical financial statements identifying sources of income and keeping a track of deductible expenses. This is a collective responsibility of the of the board of directors. No director of ARWP shall be a paid position.

D. Engineer. The engineer of the **ARWP** is that person who qualifies as an engineer under the statutes of the State of Colorado and has been selected to act in such capacity by the Board of Directors. He/she shall have no authority to commit the **ARWP** to any policy or course of action without the express approval of the Board.

E. Water Operator. The water operator of the **ARWP** is that person who qualifies as a water operator under the statutes of the State of Colorado and has been selected to act in such capacity by the Board of Directors. He/She shall have no authority to commit the **ARWP** to any policy or course of action without the express approval of the Board.

F. Administrator. That person designated by the Board of Directors as the head employee and supervisor of all day to day operations of Aristocrat Ranchette Water Project, hereinafter referred to as ARWP including but not limited to supervising all employees and directing the conduct of ARWP business pursuant to the Bylaws of the **ARWP**. The direction of the ARWP Board Of Directors, and all other regulations stipulated but not limited to OSHA, CDPHE and Regulation 11. The Administrator has expenditure limitations capped at \$20,000 dollars. Expenditures exceeding this amount must be approved by the Board.

G. Licensed Contractor. A "licensed contractor" is that person licensed by the ARWP to perform services within the ARWP which physically affect the public water system of the ARWP.

H. Single Family Dwelling. An individual unit designed to be occupied as a single housekeeping unit.

I. Multiple Dwelling. A building or group of buildings arranged, intended or designed for occupancy, or which is occupied, by more than one family living independently of each other in separate housekeeping units or apartments. The term "multiple dwelling" shall include, but is not limited to, such dwellings known as apartment homes, condominiums, duplexes, bungalows, hotels and motor inns or motels.

J. Separate Building. A structure enclosed under a single roof system with a system of water pipes, fittings, and fixtures. Could be a lean to, home office, studio, barn, workshop or other outbuilding.

K. Right-of-Way. This phrase encompasses a street, alley, or easement in which the public water system of the ARWP may be laid, or in which it is intended to be laid.

L. Tap. "Tap" is any connection of a water service line to the public water system of the ARWP.

M. PUBLIC WATER SYATEM. "Public Water System" shall mean any waterline, appurtenances, accessories or portion thereof owned by the ARWP.

N. Water Service Line. As used herein, "water service line" shall mean that part of any waterline connecting to the public waterline commencing at the shutoff value on the inside building wall of any single family dwelling, multiple dwelling, or separate building to which water is furnished and terminating at the meter pit.

O. Curb Stop. "Curb stop" means a water shutoff value located in the public street or private property along service line and which shall have a valve box extending to the finished ground surface.

P. Meter Pit. "Meter Pit" means a water shutoff value and water meter located in the Right-of-Way adjacent to the property the public water system supplies water to. The meter pit and its contents are the property of ARWP. Access is restricted to ARWP employees only.

Q. Recovery Back Contract. "Recovery back contract" is a contract between the owner or owners of real estate and this ARWP, whereby the public water system is extended and enlarged (the funds therefor being provided by said owner) beyond 400 feet from the owner's nearest

property line, and the owners of adjoining properties, within a ten year period, shall repay their proportionate share of the cost of such enlargement or extension without interest.

R. Shall. "Shall" shall mean that the regulation in which the word is used is mandatory; "should" indicates the recommendation of the **ARWP**; and "may" denotes it is permissible.

S. Application of Membership. Application requesting a domestic water service connection to the **ARWP** public water system. Once the application has been approved by the Administrator, signed off by the Directors and fees have been made by the property owner, they then become a Member of the **ARWP** and a connection to the public water system shall be made.

T. Duly Qualified. Current owner of property included within the boundaries of the **ARWP** served by the **ARWP** public water system.

U. Good Standing. Current on water bill.

V. Membership/Tap Fees. Fees for the connection to the **ARWP** public water system.

W. Voting Rights. Each member shall be entitled to one vote irrespective of the number of domestic water connection to the **ARWP** public water system held. Cumulative voting shall be prohibited.

ARTICLE II - BY-LAWS

Section 2.01. Board of Directors.....

Section 2.02. Office.....

Section 2.03. Meetings.....

Section 2.04. Conduct of Business.....

Section 2.05. Officers and Personnel.....

Section 2.06. Business Administration.....

Section 2.07. Corporate Seal.....

Section 2.08. Conflict of Interest.....

Section 2.09. Indemnification of Directors.....

Section 2.10. Powers of the Board of Directors.....

Section 2.11. Modification of Rules and Regulations

Section 2.12. Membership

Section 2.13. Recall Procedures.....

ARTICLE II - BY-LAWS

Section 2.01. Board of Directors.

All powers, privileges and duties vested in or imposed upon this **ARWP** by law shall be exercised and performed by and through the Board, whether set forth specifically or impliedly in

these by-laws. The Board may delegate to officers and employees of the ARWP any or all executive and administrative powers.

Section 2.02. Office.

A. Business Office. The principal business office of the ARWP shall be in Fort Lupton, Colorado, unless otherwise designated.

B. Establishing Other Offices and Relocation. The Board, by resolution from time to time, may designate and locate and relocate its executive and business office and such other offices as, in its judgment, are needed to conduct the business of the ARWP.

Section 2.03. Meetings.

A. Regular Meetings. Regular meetings of the Board shall be held once each month on the second Wednesday at such place and at such time, with notice as required by law, designated by the Board within the

Aristocrat Ranchette Water Project area. Meetings will follow guidelines set forth in this document, Colorado State Statutes, and use Roberts Rules as a reference. Notice requirements will follow Colorado's Open Meeting Law (C.R.S. 24-6-401, et seq), also referred to as the "Sunshine law" C.R.S 24-6-101 to 24-6-402

B. Special Meetings. Special meetings shall be conducted after proper notice is given pursuant to statute. Under Colorado's Open Meetings Law, local public bodies are required to post notices (agendas) of public meetings at least 24 hours in advance of the meetings.

C. Annual Meeting. Annual meeting of the members for election of Directors and for other business which may properly come before the meeting shall be held at the office of the registered agent, or such other place as the Board may designate in the County of Weld, State of Colorado, on a Wednesday sometime within 30 days of the end of the fiscal year. If the day fixed for the annual meeting shall be a legal holiday in the State of Colorado, such meeting shall be held on the next succeeding business day. If the election of Directors is not held on the day designated for any annual meeting for the Members or at any adjournment thereof, the Board of Directors shall cause the election to be held at a special meeting of the Members as soon thereafter as is convenient. For election of Board Members, there will be a quorum of 12% of the membership in person or by proxy.

D. Open Meetings. All meetings of the Board shall be open to the Members, except for executive sessions which are duly enacted pursuant to law. Members are required to contact the ARWP office no later than 3:00pm MST, the Monday prior to the monthly meeting, and inform the office of their intent to attend the monthly meeting. No messages will be accepted.

Section 2.04. Conduct of Business.

A. Quorum. No business of the Board of Directors shall be transacted, except at a regular or special meeting at which a quorum consisting of not less than three members of the Board of Directors shall be present if the Board of Directors consists of five members, not less than four if the Board of Directors consists of seven members. Electronic attendance is acceptable.

B. Vote Requirements. Any action of the Board shall require the affirmative vote of the majority of the Directors present and voting.

C. Order of Business. The business of all regular meetings of the Board shall be transacted as far as practicable in the following order:

- (a) Call to order.
- (b) Roll call.
- (c) Proof of due notice and determination of quorum.
- (d) Approval of presented agenda.
- (e) Reading and disposal of any unapproved minutes.
- (f) Financial Report/Presentation of bills.
- (g) Administrator/System Report
- (h) Old business: Report of prior motions/action items results.
- (i) New business: Agenda presentations, discussions and motions.
- (j) Member comments. (Limited to 5 minutes)
- (k) Adjournment.

The secretary for the **ARWP** shall prepare an agenda for each Board meeting. The agenda shall be posted no less than 24 hours prior to meeting. A physical notice Agenda shall be posted on the ARWP website (arwpc.com) and office bulletin board.

Section 2.05. Board Officers and Personnel.

A. Qualifications and Terms. The Board of Directors shall be duly qualified members of the ARWP and in good standing. The terms of Directors shall be staggered such that if a five (5) member board or a seven (7) member board, terms are spread over 3 years so that a majority of directors are not up for election in any one year. Directors elected as officers are limited to 2 consecutive 2 year terms.

B. Election of Board Members. Members of the **ARWP**, shall, prior to the *December* meeting, fill vacancies for the Board of Directors from its membership, also appointing a president, a vice president, a treasurer, by BoD ballot. Announcements of the election of **ARWP** Board Members will go out on the back page of the October billing, identifying those current **ARWP** Board Members up for re-election and names and a short bio of new Members that have indicated their interest in becoming a Board Member. The ballot will be on the back page of the November bill. Ballots received will be counted at the annual meeting by a third party and the Secretary of ARWP.

The business and affairs of the ARWP shall be managed by a Board of seven (7) Directors as follows,

- a. **President:** The top position of a board is the chairman, chairperson or sometimes simply chair, who often serves as the president of the organization. In his/her chairman's role, the president shall preside at all meetings and shall be the chief executive officer of the ARWP. Except as otherwise authorized by resolution, the president shall sign all contracts, deeds, notes, debentures, warrants and other instruments on behalf of the ARWP, appoints committees and performs other duties as directed by the bylaws.
- b. **Vice President:** Serving directly under the president is the vice chair or vice president. This person is often next in line to become the chair and serves as the board's leader when the chair is not present, such as during official board meetings.
- c. **Treasurer:** The treasurer of a board keeps the organization's financial records, unless the organization has a professional accountant or business manager. In that case, the treasurer keeps copies of the main financial records, approves payments the administrator or accountant issues, approves purchases and invoices and otherwise oversees and keeps an eye on the organization's finances. The treasurer also prepares and delivers a treasurer's report at each of the board's official meetings.
- d. **Board Members:** Board members who do not have one of the previously discussed roles. These board members (Directors) attend meetings, receive updates and vote on board matters. They have the right to make motions, discuss them and vote on them. After serving as a board member, these individuals might ascend to the treasurer, vice chair and eventually chairman of the board positions.
- e. **Secretary:** The secretary of the board, whose position, unless otherwise appointed, shall be the Administrator. The secretary takes notes, prepares minutes and then submits those minutes for amendment or approval by the board. The secretary keeps its records and its non-financial legal documents, including its bylaws, articles of incorporation and minutes of historical meetings.

C. Code of Conduct Oath of Office. This Code of Conduct (this "Code") is designed to promote honest, ethical and lawful conduct by all Officers and Directors of ARWP. This Code is intended to help you understand the ARWP's standards of ethical business practices and to stimulate awareness of ethical and legal issues that you may encounter in carrying out your responsibilities to the ARWP. In addition, employees, independent contractors, consultants and agents who represent the ARWP are expected to apply the same high standards while working on ARWP business. This includes any member attending any ARWP meeting.

The actions of every Officer and Director affect the reputation and integrity of the ARWP. Therefore, it is essential that you take the time to review this Code and develop a working knowledge of its provisions. BoD members are required to complete an Oath of Office certificate attesting to compliance with the Code upon becoming an Officer or Director. Attendees of monthly meetings/committee members will also be required to complete this agreement.

At all times, you are expected to:

- Avoid conflicts between personal and professional interests where possible.
- Comply with the ARWP's Conflict of Interest policy by disclosing any conflict to the Board and otherwise pursue the ethical handling of conflicts (whether actual or apparent) when conflicts or the appearance of conflicts are unavoidable.
- Provide accurate and complete information in a timely manner in the course of fulfilling your obligations.
- Provide full, fair, accurate, timely and understandable disclosure in reports required to be filed by the ARWP with regulators and in other public communications made by the ARWP.
- Comply with all applicable laws, regulations and ARWP policies.
- Seek guidance where necessary.
- Promptly report any violations of this Code to the Board in accordance with the ARWP's Policies; and
- Be personally accountable for adherence to this Code.

D. Board Member Training. All members of the board shall be required to attend Board Member training as provided by ARWP annually.

E. Director Vacancies. Any vacancy occurring in any office shall be filled for the unexpired term in the same manner as is provided for the election of full-term officers.

A Director position is deemed vacant if any of the following occurs:

- (1) Failure to meet the qualifications of Director.
- (2) Failure to satisfy the Oath of Office and Code of Conduct requirements.
- (3) Written resignation.
- (4) Failure to remain qualified for the office.
- (5) Conviction of a felony.
- (6) Removal from office by recall by 25% of its membership or voidance of election results by a court of competent jurisdiction. (Subject to appeal). Censure by the Board of Directors a second time and voted to be removed by the Board of Directors.
- (7) Failure to attend three consecutive regular Board meetings, unless approval of the absence is entered in the minutes, or the absence is excused by mental or physical disability or illness; or
- (8) Death.

The remaining Directors are required to appoint a qualified individual to fill the vacancy within 60 days.

F. Additional Duties. The officers of the Board shall perform such other duties and functions as may from time to time be required by the Board, by the by-laws, or rules and regulations of the ARWP or by special exigencies, which shall later be ratified by the Board.

G. Additional Personnel. The Board may appoint an administrator, who shall serve for such term and upon such conditions, including salary, as the Board may establish. Such personnel

shall have such powers and duties as may be from time to time specifically assigned by the Board.

H. Censure. The Board of Directors may censure a member of the Board of Directors for conduct contrary to these bylaws and the ARWP Board of Directors Oath of Office and make recommendations to be in the best interest of ARWP. If the Board of Directors censures a Board Member two times, the Board may vote to remove the censured Board Member.

Section 2.06. Business Administration.

A. Calendar Year. The calendar year of the ARWP shall commence on the first day of January and end the last day of December of every year. The fiscal year shall be the same.

B. Budget Committee. There shall be a budget committee consisting of the Treasurer, Administrator, and Bookkeeper, reporting to the President, known as the Budget Committee, which shall be responsible for submitting a preliminary budget to the Board of Directors of the ARWP in accordance with state statute 60 days prior to the starting of the next fiscal year. Disbanding upon the completion of the budget.

C. Budget. Starting at the October meeting in any year, the Budget Committee shall work, prepare and submit to the Board of Directors a proposed budget for the ensuing year. Such proposed budget shall be accompanied by a statement which shall describe the important features of the budget plan and by a general summary wherein shall be set forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income or other means of financing the proposed budget for the ensuing calendar year, as contrasted with the corresponding figures for the last completed calendar year and the current calendar year. It may be supported by explanatory schedules or statements classifying the expenditures contained therein by services, subjects and funds. The anticipated income of the ARWP shall be classified according to the nature of receipts. The Budget Committee shall at its discretion call a special meeting of the Board prior to the December meeting to review the proposed budget and note any additions or changes that may need to be made prior to adoption of the budget.

D. Notice of Budget. Upon receipt of such proposed budget, the secretary shall post the proposed budget for inspection by the Members on the www.arwpco.com website. Comments should be made in person at the December ARWP meeting.

E. Adoption of Budget. The budget shall be considered at the January meeting of the Board of Directors following the receipt of the proposed budget from the Budget Committee. The Board of Directors shall review the proposed budget and revise, alter, increase or decrease the items as it shall deem necessary in view of the needs of the various offices and the probable income of the ARWP. The BoD's shall then adopt the budget, setting forth the expenditures to be made in the ensuing calendar year. Adopted budget to be posted on the website.

The Board of Directors shall provide for sufficient income to finance the budget.

F. Annual Audit.

ARWP will adopt a monthly audit process.

At each meeting all BoD members will sign off on the Statement of Activity, Statement of Financial Position and or any other explanations part of the financial presentation. The treasurer will motion that the two monthly financial reports be entered into the record. ARWP external audit requirements are to follow state statutes and any USDA requirements. Currently no external audit is required. All financial documents to be prepared by third party partners. Reviewed by bookkeeping and accounting firms that represent ARWP,Inc.

(2) Any copies of the financial reports shall be maintained in the ARWP office as a public record for public inspection at all reasonable times in addition to being posted on the ARWP website (arwpc.com).

G. Personnel Selection and Tenure. The selection of agents, engineers, accountants, special consultants, attorneys and Administrator of the ARWP by the Board shall be based upon the relative qualifications and capabilities of the applicants and shall not be based on political services or affiliations. Agents and the Administrator shall hold their offices during the pleasure of the Board. Contracts for professional services of engineers, accountants, special consultants and attorneys may be entered into on such terms and conditions as may seem reasonable and proper to the Administrator and approved by the Board of Directors.

Section 2.07. Corporate Seal.

The seal of the ARWP shall be a circle containing the name of the ARWP and shall be used in all places and in such manner as seals generally are used by public and private corporations. The secretary shall have custody of the seal and shall be responsible for its safe keeping and care.

Section 2.08. Conflict of Interest.

A. Refrain from Participation. Any member of the Board who is present at a meeting at which is discussed any matter in which he/she has, directly or indirectly, a private pecuniary or property interest shall disclose his /her interest, shall refrain from advocating for or against the matter, and shall not vote in respect to such matter. Such interested director shall not be counted for purposes of constituting a quorum. The fact that all board members are members owning property and paying water bills shall not constitute a conflict of interest.

B. Official Interest Only. No member of the Board shall be interested in any contract or transaction with the ARWP, directly or indirectly, except in his/her official representative capacity.

Section 2.09. Indemnification of Directors.

Any Member who at any time shall serve, or shall have served, as director or officer of the **ARWP**, and the heirs, executors, and administrators of such Member, shall be indemnified by the **ARWP** against all costs and expenses, including, but not limited to, counsel fees, amounts of judgments paid and amounts paid in settlement, reasonably incurred in connection with the defense of any claim, action, suit or proceeding, whether civil, criminal, administrative or other, in which he/she or they may be involved by virtue of such person's being or having been such director or officer; provided, however, that such indemnity shall not be operative with respect to (a) any matter as to which such Member shall have been finally adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of his/her duties as such director or officer, or (b) any matter settled or compromised, unless, in the opinion of Directors, there is not reasonable ground for such Member being adjudged liable for negligence or misconduct in the performance of his/her duties as such director or officer, or (c) any amount paid or payable to the **ARWP** by other enterprise. The foregoing indemnification shall be deemed exclusive of any other rights to which those indemnified may be entitled under any law, agreement or otherwise

Section 2.10. Powers of the Board of Directors.

Without prejudice to the general powers conferred by law and by Section 1.01 herein, it is hereby expressly declared that the Directors shall have the following powers and duties:

- A.** From time to time to make and change these rules and regulations, not inconsistent with law, for the management of business and affairs of the **ARWP**.
- B.** To confer by resolution upon any appointed officer of the **ARWP** the power to choose, remove or suspend employees or agents, upon such terms and conditions as may seem fair and just and in the best interests of the **ARWP**.
- C.** To determine and designate, except as otherwise provided by law or these by-laws, who shall be authorized to make purchases, negotiate leases for office space, sign receipts, endorsements, checks, releases and other documents.
- D.** To create standing or special committees and delegate such power and authority thereto as the Board deems necessary and proper to the performance of its functions and obligations.
- E.** To approve and post the monthly Statement of Activity and Statement of Financial Position, prepared by the bookkeeping/accounting firm.
- F.** The Board may submit a proxy to members stating that failure to sign and return the proxy shall be a vote to support the Board's position on all issues.

Section 2.11. Modification of By Laws, Rules and Regulations.

These By Laws, Rules and Regulations may be altered, amended or repealed at any regular meeting of the Board of Directors or at any special meeting of the Board called for that purpose by the ARWP Board of Directors provided notice of such changes was incorporated in the notice of that meeting.

Section 2.12. Membership

Persons who own property within the limits of the area to be served by the Aristocrat Ranchette Water Project, Inc., hereinafter ARWP, may become a member of ARWP by applying for a domestic water service connection to the ARWP public water system. The application and tap fee shall be presented to the Administrator. The Board of Directors shall determine in its sole discretion whether memberships shall be offered based on the best interest of the ARWP and its current members. If the ARWP Board accepts that applications are being accepted, the property owner will then schedule the connection through the ARWP Administrator.

- a. Each Membership shall be entitled to one (1) water service connection and no more than one (1) such connection shall be allowed upon anyone (1) acre lot within the system.
- b. Any Cross connections created by a member must have backflow prevention protection installed, to be inspected by ARWP staff. All guidelines from Weld County Department of Public Health must be followed.
- c. The ARWP will be responsible for all maintenance of the system up to the point of connection at the lot property lines, including the meter pit and its contents. Maintenance beyond that point is the responsibility of the Member.

If the application is denied, the property owner will be notified by mail that the application was denied with a brief explanation and all fees will be returned to the applicant.

Section 2.13. Recall Procedures.

Any Director sitting on the Board of Directors shall be required to stand for a recall election if a petition naming said Director is circulated and at least 12% of the members affix their names and addresses to it.

ARTICLE III - GENERAL PROVISIONS.

- Section 3.01. Requisites... ..
- Section 3.02. Independent Connections... ..
- Section 3.03. Disconnection.
- Section 3.04. Service Line Maintenance.
- Section 3.05. Denial of Application.
- Section 3.06. Service Limitations.
- Section 3.07. Easements... ..

ARTICLE III- GENERAL PROVISIONS

Section 3.01. Requisites.

Before any connection is made to the public water system, an application for membership shall be made to the ARWP and the required fees, costs and charges therefor shall be paid as established by the Board. No application to tap onto the ARWP public water system shall be issued until the customer has provided the ARWP with full payment unless other terms have been agreed to.

Section 3.02. Independent Connections.

A. Each parcel of land in separate ownership shall have an independent connection to the public water system of the ARWP and shall not be interconnected with any other water system or water source, unless specifically authorized by the Board. Rain water collection systems are approved pursuant to Colorado law, and are under the same backflow requirements previously mentioned.

B. Where a parcel of land has more than one separate building thereon, a service line from the main dwelling unit may be extended to any other building following the backflow prevention regulations as mentioned in Article II 2.12 c.

C. Where a parcel of land has more than one separate building thereon, under conditions of a unified development and under one ownership, application may be made to the Board of Directors for a single service line to such development. The Board will determine initially whether single service will be permitted and upon what conditions and may then enter into an agreement setting forth such conditions. Such an agreement shall run with the land and shall be recorded in the records of the Aristocrat Ranchette Water Project.

Section 3.03. Disconnection.

No service line connected to the public water system shall be disconnected therefrom without the prior approval of the ARWP which shall specify how the disconnection shall be properly sealed to prevent foreign water from entering the public water system. All disconnections must be made at that point where the service line actually physically connects to the public water system of ARWP.

Section 3.04. Service Line Maintenance.

It shall always be the responsibility of the property owner to maintain his/her water service line in good repair and to preserve the proper connection of the service line to the water system of the ARWP. A member's water service line is not the property or responsibility of the ARWP.

Section 3.05. Denial of Member Application.

The ARWP reserves the right to deny application for service on the following grounds:

- (1) That connection of the system to applicant's existing plumbing would constitute a cross-connection to an unsafe water supply; or
- (2) That the service applied for would create an excessive seasonal or other demand upon the public water system; or
- (3) That the **ARWP** does not have adequate water to serve additional structures.
- (4) Any other reason determined by the Board to create possible harm to the system.

Section 3.06. Service Limitations.

Prohibitions and limitations, which may be contained within any contractual agreement of the **ARWP** with any other governmental body, shall also constitute prohibitions and limitations on any customer of the public water system of the **ARWP**, except as may be provided by special permit.

Section 3.07. Easements.

Where any water main is not installed in a public right-of-way or deeded street, the property owner or petitioner requesting such extension or inclusion shall provide the **ARWP**, by formal written conveyance, with a thirty (30) foot exclusive easement or a fifty (50) foot non-exclusive easement on the forms and in the manner prescribed by the **ARWP**.

ARTICLE IV - INCLUSION AND EXCLUSION OF PROPERTY.....

 Section 4.01. Inclusion.....

 Section 4.02. Inclusion Procedure.....

ARTICLE IV - INCLUSION OF PROPERTY

Section 4.01. Inclusion.

Where it is desirable and technically feasible to provide water service to property outside the **ARWP**, it shall be necessary prior to providing such service to formally extend the boundaries of the **ARWP** pursuant to statutory requirements to include said property. The costs of any inclusion shall be paid by the person petitioning for such inclusion as hereinafter provided. The petitioner shall deposit the amount listed in Appendix A with such petition and the **ARWP** may impose additional charge or obligation for any inclusion. The property must be a member of Northern Colorado Water Conservancy District.

Section 4.02. Inclusion Procedure.

The procedure for inclusion is provided under Title 32 of the Colorado statutes. That procedure is abstracted here in order that the person petitioning inclusion may be advised of the principal requirements.

A. A person desiring to include lands outside of ARWP boundaries should first contact the Administrator in order to determine whether the ARWP public water system is physically capable of serving such property.

B. Once it is decided that the ARWP 's public water system has the ability to serve such property, the person making such petition for inclusion shall furnish a complete and accurate legal description of such property to the ARWP on such petition forms as are prescribed by the Board. The petition shall be submitted by the fee owner or owners and acknowledged in the same manner as required for the conveyance of land. The petition shall be submitted with the amount listed in Appendix A.

C. The ARWP 's attorney will then review the petition to be certain it meets all legal requirements. The petition will be presented to the Board at a regular meeting and the petitioner may attend such meeting to formally present the petition. Once presented to the Board, the Secretary will cause the petition to be published in a newspaper of general circulation in the ARWP boundaries setting forth the time and place for a formal hearing on the petition. The newspaper publication requires about thirty (30) days to complete. No person submitting such petition shall be permitted to withdraw the petition after consideration by the Board without covering the expenses to ARWP.

D. Upon completion of publication and payment of the requisite fees, the Board may formally approve the petition, such decision being final and conclusive, and, if approved, shall request the ARWP 's attorney to obtain a court decree ordering the inclusion of the petitioned property into the ARWP. A certified copy of the court order will then be recorded in the County Clerk and Recorder's Office, at which time the property becomes included within the ARWP 's boundaries. The County Assessor, County Treasurer, and Division of Local Government will also be provided with a copy of such order as requested. ARWP tap holders are also members of Northern Water, including tap holders in the 1st, 2nd, and 3rd filings of Aristocrat Ranchettes. Any exceptions must be approved by the ARWP, Inc. Board of Directors.

ARTICLE V - FEES, CHARGES, RATES & TOLLS.

Section 5.01. Fees and Service Charges for Water.

Section 5.02. Maintenance Fee.

Section 5.03. Connection Fee.

Section 5.04. Inclusion Fee.

Section 5.05. Application of Membership Fees.

Section 5.06. System Development Fee... ..

Section 5.07. Property Transfer Fee.

Section 5.08. Water Service Charges-Rate.

Section 5.09. Right to Lien and Lien Fee and Costs of Collection.

Section 5.10. Disconnection of Service.

Section 5.11. Title to Lines and public water system.
Section 5.12. Turn-Offs for Nonpayment of Services Charges.
Section 5.13. Assessments.

ARTICLE V - FEES, CHARGES, RATES & TOLLS

Section 5.01. Fees and Service Charges for Water.

From and after adoption of these rules and regulations, all fees, charges, rates and tolls to be established within the ARWP may be hereafter established from time to time by formal resolution of the Board at a regularly constituted meeting or meetings of the members of ARWP. If adopted by the Board such fees, charges, rates and tolls shall be ratified at the next annual members meeting.

Section 5.02. Maintenance Fee.

For each call to any premises to turn water on or off, other than the original turn on, a fee in the amount listed in Appendix A shall be charged. The ARWP reserves the right to impose additional hourly charges in the event more than one hour is required for any inspection or service by the ARWP at any premise.

Section 5.03. Tap/Connection Fee.

A connection fee currently in effect at time of application shall be charged by the ARWP for each connection to the public water system of the ARWP for a single-family dwelling. A connection fee for a multiple dwelling, hotel, motel, commercial building, or industrial use shall be determined from time to time by the Board of Directors upon individual application for such tap, depending upon the nature, size and use to be made by reason of such connection, but in no event shall the fee be less than the connection fee currently in effect or the equivalent provided in Appendix A, whichever sum is higher. In the event an applicant desires a tap for a structure other than a single family dwelling for a property on which a connection fee has previously been paid, the applicant for such tap shall be entitled to a credit for the amount previously paid for such connection or tap to such property toward the cost of the tap for such structure. Connection fees must be paid-in-full at least 7 calendar days prior to the beginning of excavation. Connection fees and permits are not transferable or refundable and may be used only on the property to which assigned or to any adjoining property, if such two properties are under common ownership. Current tap fees are described in approved Exhibit A and are subject to change (see page 27).

Section 5.04. Inclusion Fee.

In cases of inclusion of property, the Board will determine the amount of the fee and the conditions for inclusion to be imposed upon the lands sought to be included, which fees shall include the estimated cost of legal and engineering services to the ARWP, payable in advance to the ARWP.

Section 5.05. Application of Membership Fees.

If a membership application is made it shall be accompanied by the proper fees and assessments which will be returned if membership is denied. Fees shall include the estimated cost of legal and engineering services to the ARWP, payable in advance to the ARWP. Membership fees can be referred to as Tap fees.

Section 5.06. System Development Fee.

In the event that any activities or developments within the ARWP result or may result in significant changes in population density, demands upon the water system beyond the requirements of normal single residential units situated on individual building sites, or require development of services and public water system of the ARWP to provide water in excess of two (2) units within a single structure, then the Board of Directors may, at its sole discretion, require the owner or developer of such property requiring such water demands to compensate the ARWP by means of a system development charge.

Section 5.07. Property Transfer Fee.

In the event of a transfer of property ownership due to the sale of a property within the ARWP, the ARWP shall charge a Property Transfer Fee to cover its costs in updating its customer records. Property transfer fee is \$25.00 dollars. Once transferred, the new owner is considered a member of the ARWP.

Section 5.08. Water Service Charges-Rate.

A. Meters. All taps for multiple dwellings, hotels, motels, commercial and industrial uses of ARWP water, regardless of zoning classification, shall be metered. The ARWP shall purchase and install meters for all such taps existing prior to December 12, 1995. Meters for all such taps made after December 12, 1995 shall be purchased by the applicant. Water service rates for metered applications shall be uniformly charged by the volume of water provided. Authorized ARWP personnel shall be granted free access to read or service the meters at all reasonable hours. The ARWP reserves the right to require the installation of water meters on other water uses. When utilized by the ARWP, meters shall be installed at a location designated by the ARWP engineer or his designee and shall be at or above ground level. Meters shall be of a make, style and model designated by the ARWP for the application. Upon installation, the ARWP shall own all water meters

B. Returned Check Charge. A charge in the amount listed in Appendix A shall be made on all customers' checks returned by the bank for nonpayment.

C. Termination of Service for Nonpayment. Payments for water service shall be due on the due date printed on the bill. Service shall be terminated, and water turned off if account is ninety (90) days in arrears. Notice of pending turn off shall be left at the property when account is forty five (45) days in arrears. Late fees can accrue after the 16th of the month. Not receiving a bill is no excuse for non payment. Payments are due monthly

D. Repeatedly Past Due Accounts. If the account of any customer receiving water services from the ARWP is unpaid more than 45 days after the date when payment is due in any two-quarters, continued water service shall be available only upon payment of all past due charges and the deposit of water service fees in advance for each subsequent quarter. If advance deposit for water service fees is not received, the ARWP reserves all remedies available to it under the law, including, but not limited to, filing a lien as described in Section 8.12 for unpaid fees against such property and/or terminating water service to such property.

Section 5.09. Right to Lien and Lien Fee and Costs of Collection.

A. Until paid, all rates, tolls, fees or charges of the ARWP shall constitute a first and continuing perpetual lien on and against the property served and any such lien may be foreclosed in the manner provided by the laws of the State of Colorado.

B. In the event that the ARWP decides to formally file a lien against a property for non-payment of fees owed to the ARWP, all costs and a \$100.00 dollar collection fee shall be charged against the property together with reasonable attorneys' fees associated with the filing and release of the lien, inclusive of any costs involved in recording and releasing of any lien.

C. In the event that the ARWP is required to initiate measures or court proceedings for the collection of sums due it, there shall be added to the original sum due, all costs of such measures or proceedings to collect such sums, including reasonable attorneys' fees. Not to exclude the possibility of tap forfeiture.

Section 5.10. Disconnection of Service.

Except under emergency conditions, the ARWP will deliver to the property, where service is to be terminated, a shut off notice; said shut off notice will require the bill be paid within forty-eight (48) hours of the time of service of the notice. If neither the water customer nor the occupant can be located for personal service, it shall be lawful to attach the said notice as deemed safe and appropriate.

Section 5.11. Title to Lines and public water system.

All lines of this ARWP, whether laid in a public street, right-of-way or easement, other than those lines commonly denoted as service lines, shall upon completion and acceptance by the ARWP become and are the property of the ARWP whether such lines were laid by private individuals, firms or corporations or by the ARWP, and no person, firm, or corporation shall have any right, title or interest in such lines. Any recovery back contract, if granted by the ARWP, shall only bestow a contractual right in the contracting parties to receive money in accordance with the terms thereof, and never indirectly or by inference be deemed or interpreted by the parties to convey any right, title or interest in said lines to any person other than the ARWP.

Section 5.12. Turn-Offs for Nonpayment of Services Charges.

A. The Board may authorize a turn-off of water service to any customer where the occupant or owners have failed to make timely payment of assessed service charges or special assessments. Accounts which are 30 days or more delinquent shall be subject to a turn-off instruction from the Board. Fees for turn-offs shall be as set forth in **Appendix "A"** attached.

B. The effective date of this amendment shall be when customer's property must be installed, inspected and approved before main line tapping can be performed and permitted.

- (1) Galvanized pipe is prohibited underground in any section of the **ARWP**.
- (2) No taps shall be permitted within three (3) feet of any fitting or connection of the main waterline.
- (3) All lines must be tested and proven watertight under pressure not less than one hundred fifty (150) pounds or the working pressure under which it is to be used.
- (4) No waterline shall be backfilled or covered until all work is approved by the **ARWP**'s engineer or his designee.
- (5) The rules and regulations for backfilling are as follows: (a) the first two (2) feet of backfill must be a fine material with particles of not over one (1) inch in size.
(b) no backfilling will be done until all work is inspected, approved and tested by the **ARWP**.
(c) all main line trenches are to be tamped with a compaction machine, including the line to the property stop box from the main line.
- (6) Any problems arising that are not covered by these specifications and the rules and regulations of the **ARWP** will be settled by the **ARWP**'s engineer and his decision shall be final.

Section 5.13. Assessments.

- A. **Water Charges:** The Board of Directors shall establish a rate of charge for water flowing through the meters which are to be installed on each service line connected with the ARWP system. Such charges shall be in accordance with the amount registered by such meter. The rate shall provide for a minimum monthly charge and a water usage charge. The Board of Directors shall be guided in establishing the rate of water charges by the estimated amount necessary to pay the costs of operation, maintenance, repair, rehabilitation and construction of the system and payments of principal and interest of any indebtedness of the ARWP which may have been contracted in connection with the ARWP operation.
- B. **Membership Assessments:** If, for any reason, the total amount collected by the ARWP from water charges in any year, or in the judgment of the Board of Directors is estimated to be insufficient to pay when currently due all cost and expenses in connection with the ARWP operations and debt retirement payments, then at the next annual meeting of the members, the Board of Directors shall recommend to the members the amount of membership assessments necessary to be levied to make up such deficit. The assessment will not become effective unless approved by a majority of the members present in person or by proxy at the meeting.

However, should the members fail to make or authorize such assessments by the first of January in any year, then the Board of Directors shall have the power to make the assessment at any regular or special meeting. A proportionate amount of the total assessment shall be levied against each outstanding membership application in an amount equal to that portion which one membership application bears to the total number of outstanding Membership Applications.

- C. Special Assessment: In the event the revenues of the ARWP are insufficient at any time to pay current costs of operation and maintenance and debt retirement payments and which result in a deficit so as to jeopardize debt retirement payments, or in cases of financial emergency requiring the levying of a special assessment, it shall be the duty of the Board of Directors to call a special meeting of the members to consider the question of levying such special assessments as may be required to make up the deficit or to meet the emergency. In the event there are insufficient members present to constitute a quorum, or the members fail to levy an adequate assessment to take care of such deficit or emergency, then it shall be the duty of the Board of Directors to proceed to make such levy and collect the same for the purposes required.
- D. Enforcement of Payments of Water Assessments Charges: Assessments shall become delinquent thirty (30) days after the vote of approval thereof by the members or in the event of an assessment levied by the Board of Directors, sixty (60) days after notice is given by the Board of Directors of the members of such assessment. The Board of Directors is authorized and directed to refuse to deliver water for any member who is delinquent in the payment of any monthly water charge or any assessment levied, after ten (10) days' notice of such delinquency by mail properly addressed to the Post Office address of such member. In addition, the Board is authorized to sell the membership of any member who remains delinquent in the payment of water charges or assessments for a period of sixty (60) days after notice of such delinquency is given, as hereinabove provided. The Board may also pursue a legal action for collection of debt against a delinquent member or may file a lien and foreclose the same against the property of the delinquent member. In the event of payment of water charges or assessments after service of water has been discontinued, the resumption of services may be made only upon the additional payment of such charge or penalty as the Board of Directors may have determined.
- E. Surplus Funds: If in any calendar year, the funds in the treasury of ARWP exceed that necessary for operation, maintenance of the system, and prudent reserve funds, it shall be the duty of the Board of directors to distribute said excess funds as follows: Accelerating debt repayment and in the event of no long term debt, distribution of excess funds to the members if allowed under state statutes.

ARTICLE VI - PROVISIONS RELATING TO CLAIMS AND RESPONSIBILITIES

- Section 6.01. Claims Against ARWP
- Section 6.02. Policy
- Section 6.03. Liability

Section 6.04. Responsibilities of the Members.
Section 6.05. Protection from Damage.
Section 6.06. Violations of Rules and Regulations.

ARTICLE VI - PROVISIONS RELATING TO CLAIMS AND RESPONSIBILITIES

Section 6.01. Claims against ARWP.

In the event any person shall have a claim of any kind against the ARWP whatsoever, such person shall, within sixty (60) days after the event which gave rise to such claim, advise the secretary of the ARWP, by written notice, of any intent to make a claim. In the notice, such person shall accurately describe the date and location of the event, the name of the person or persons entitled to relief, a general statement of the nature of the claim, and the amount of damages suffered and relief requested. Unless expressly asserted as herein provided and within the sixty (60) day period, no claim will be recognized by the ARWP and any claim, unless so timely made, shall be deemed waived by such person entitled to assert the same and shall thereafter be barred.

Section 6.02. Policy.

The ARWP is responsible for the distribution of water for domestic use to residents within the ARWP and the maintenance, repair and replacement of all mains, hydrants, valves, and service public water system owned by the ARWP, but shall not be liable or responsible for inadequate pressure or interruption of service brought about by circumstances beyond its control.

Section 6.03. Liability.

No claim for damage shall be made against the ARWP by reason of the following:

- (a) Breaking of any service or supply pipe or cock or meter by any employee of the ARWP.
- (b) Failure of the water supply.
- (c) Shutting off or turning on water in the water mains.
- (d) The making of connections or extensions.
- (e) Damage to personal property by reason of water being turned on or off in the service pipe by the ARWP 's employees.
- (f) Damage caused by water running or escaping from open or defective faucets.
- (g) Burst service pipes or other public water system components now owned by the ARWP.
- (h) Damage to water heaters, boilers or other appliances resulting from shutting water off or turning it on, or from inadequate or sporadic pressures.
- (i) For doing anything to the water system of the ARWP deemed necessary by the Board of Directors or its agents.

Section 6.04. Responsibilities of the Member.

A. Each Member shall be responsible for installing and maintaining the entire length of

his/her water service line. Leaks or breaks in the service lines shall be repaired by a licensed contractor employed by the property owner within 72 hours after the said owner has been given notification of such condition by the ARWP; provided, however, that in the event the ARWP 's agent has reason to believe that leaks or breaks in the water service line may cause damage to the ARWP 's fundamental distribution system, the ARWP shall have the power and authority to immediately shut off service until the leak or break has been repaired.

B. It shall be the duty of all property owners connected to the water system of the ARWP to keep advised of varying temperatures, pressures and conditions of service so as to properly protect their persons and property from injury by water furnished through the ARWP 's public water system. Neither the stop box nor the corporation cock at the main are equipped with waste valves, so that if water service is turned off at either location, water then in the service line and internal plumbing will remain unless drained. Draining of the service line and internal plumbing shall be the sole responsibility of the property owner. Every service line connected to the ARWP 's system shall be equipped with a stop box and Pressure Relief Valve (PRV) valve, and the ARWP assumes no liability for any failure by a property owner to properly install and maintain such equipment. All persons having boilers or other appliances on their premises depending on water pressure or water in pipes or on a continued supply of water shall provide, at their own expense, suitable safety appliances to protect themselves and their property against an interruption of water service or loss of pressure.

C. The property owner is specifically liable for charges of the ARWP. The ARWP hereby assumes no responsibility for any agreements between landlords and tenants, regardless of how made, and regardless of whether the ARWP has been notified of such agreements.

D. All conveyances and transfers of real property lying within the ARWP shall be reported in writing to the secretary of the ARWP showing the name and mailing address of the seller, the name and mailing address of the purchaser, and a description of the land conveyed. The duty to make such a report shall be the joint and separate responsibility of the seller, the purchaser, and the Title Company involved with the transaction.

Section 6.05. Protection from Damage.

A. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the ARWP's waterworks, including fire hydrants.

B. No person or persons shall, without explicit permission from the ARWP's Operator or the Board of Directors of the ARWP, engage in any activity inclusive of operation, construction, modification, or excavation affecting the ARWP's water system, including any water lines, valves and fire hydrants. Any person or persons violating this provision shall be subject to immediate legal action seeking injunction and damages, including costs and reasonable attorney's fees.

Section 6.06. Violations of Rules and Regulations.

A. Any person found to be violating any of the provisions of these rules and regulations shall be served with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof.

B. Any person who shall continue any violation beyond the time limit established shall be subject to disconnection of service without warning or notice and shall be subject to all fees and charges as provided herein.

C. Any person violating any of the provisions of these rules and regulations shall become liable to the ARWP for any cost, expense, loss, or damage occasioned by reason of such violation, including reasonable attorney's fees.

ARTICLE VII - CONSTRUCTION OF RULES & REGULATIONS
Section 7.01. Interpretation.
Section 7.02. Headings.
Section 7.03. Severability.

ARTICLE VII - CONSTRUCTION OF RULES & REGULATIONS

Section 7.01. Interpretation.

Any dispute as to the interpretation of these rules and regulations, or as to their application in any given case, shall be submitted to the Board of Directors and the Board's decision thereon shall be final and conclusive.

Section 7.02. Headings.

The headings which appear in the by-laws and rules and regulations are for the purpose of identification and do not constitute any part of the by-laws or rules and regulations.

Section 7.03. Severability.

If any provisions of these by-laws or rules and regulations are held invalid, for whatever reason, by a court of competent jurisdiction, as part of a judgment, judicial decree or court order, or otherwise, such adjudication shall not affect in any manner or particularity any of the other provisions contained in these by-laws or in these rules and regulations, and the remaining by-laws or rules and regulations shall remain in full force and effect.

ARTICLE VII - PROMULGATION OF RULES & REGULATIONS
Section 8.01. Reservation of Right to Change Regulations.....
Section 8.02. Limitation.....

ARTICLE VII - PROMULGATION OF RULES & REGULATIONS

Section 8.01. Reservation of Right to Change Regulations.

The Board and the ARWP reserve the right and authority to change these rules and regulations at any time in the manner now or hereafter provided by law. Notice of such changes or amendments to the ARWP Bylaws will be given through verbiage included on the next bill sent out and posting on the website/office bulletin board. The Board of Directors will be required to review the Bylaws every three years, however failure to do so, shall not invalidate properly adopted Bylaws.

Section 8.02. Limitation.

These By-Laws or Rules and Regulations are an implementation on the part of the Board of some of the powers conferred upon the Board by statute. These by-laws or rules and regulations are in no way to be construed as a limitation upon the powers of the Board, nor as an expression of the Board on only so much of its powers as it intends to use.

Aristocrat Ranchette Water Project Inc.

APPENDIX A

The following are fees of **ARWP**

\$63 Meter Fee
.0076 per gallon (= \$7.60 per 1000 gallons)

Tap Connection Fee \$20,000 -\$25,000*

Northern Water Inclusion Fee \$300.00*

System Development Fee TBD

Property Transfer Fee \$25.00

Lien Fee and Costs of Collection. Costs plus \$100.00

Turn-Offs for Nonpayment of Services Charges.

\$25.00 Return Check Charges (5.08 B)

Resumption of Service Charge (5.13D)

All charges subject to change by the Board

**Installation under driveway aprons will be assessed
on an individual basis.**

*** Tap connection fees are subject to change when
affected by under ground gas lines etc.**

**Northern Water Membership Fee is subject to
change.**

Aristocrat Ranchette Water Project Inc.

Oath of Office

All Officers and Directors will sign this document at the beginning of their term of office. This document will be kept on file, and maintained for at least three (3) years following the completion of the appointed or elected term of office or the termination of the term of office by resignation or action under the by-laws. Any violation of this Oath of Office shall be reported to the Board in writing.

By signing this document I _____ accept the office/position to which I have been appointed and/or elected and agree to the following:

As an Officer and/or Director of the Aristocrat Ranchette Water Project, I swear to uphold the following Oath of Office:

- Exercise the powers of my office and fulfill my responsibilities in good faith and in the best interests of the organization.
- Exercise these responsibilities, always, with due diligence, care and skill in a reasonable and prudent manner.
- Respect and support the organization's by-laws, policies, Code of Conduct, and decisions of the Board and membership.
- Keep confidential all information that I learn about clients, personnel, donors, members and any other matters specifically determined by the board to be matters of confidence.
- Conduct myself in a spirit of collegiality and respect for the collective decisions of the Board and subordinate my personal interests to the best interests of the organization.
- Immediately declare any personal conflict of interest that may come to my attention; and
- Avoid conflicts between personal and professional interests where possible.
- Comply with the ARWP's Conflict of Interest policy by disclosing any conflict to the Board and otherwise pursue the ethical handling of conflicts (whether actual or apparent) when conflicts or the appearance of conflicts are unavoidable.

As an Officer and/or Director of Aristocrat Ranchette Water Project, I commit to conducting myself in a manner that models the high standards of accountability incumbent upon the leaders of a Colorado Non-Profit Corporation by:

- Supporting the objectives of the organization.
- Serving the overall best interests of the organization rather than any constituency.
- Bringing credibility and goodwill to the organization.
- Respecting the principles of fair play and due process.
- Demonstrating respect for individuals in all areas related to cultural, diversity, linguistic and life circumstances.
- Giving respect and fair consideration to opposing views.
- Demonstrating due diligence and dedication in preparation and attendance at meetings, special events and in all activities on behalf of the organization.

- Ensuring that the financial affairs of the organization are conducted in a responsible and transparent manner with due regard for my fiduciary responsibilities and public trusteeship.
- Avoiding real and perceived conflict of interest.
- Conforming with the bylaws and policies approved by the Board.
- Publicly demonstrates acceptance, respect and support for decisions legitimately taken in transaction of the organization's business.

Print First and Last Name: _____ Term of Office: _____

Signature: _____ Position: _____

Date: _____

Date of Last Service: _____ Term Expiration Date: _____

BOARD MEMBER PROCEDURES AND TRAINING GUIDELINES

- 1. Read, understand, and acknowledge the Oath of Office.**
- 2. Attend all meetings as possible and be on time.**
- 3. Allow the President and Secretary to conduct the meeting.**
- 4. Do not speak out of turn, and not until recognized by the President.**
- 5. Present any agenda items no later than the Friday (2:00 pm) prior to the meeting. To be approved by the President and Secretary, utilizing the Vice President to mediate if needed.**
- 6. All individual Board related communication to the Administrator goes through the President and or Treasurer.**
- 7. It is the responsibility of Board Members to review and understand the agenda and related materials prior to each meeting. Agenda, reports and related materials will be emailed to each Board Member no later than 5:00 pm the Monday prior to the next meeting.**
- 8. All CDPHE, OSHA and any other State or Federal mandates will be observed and followed.**
- 9. Meeting etiquette: Agenda items are discussed as allowed by the President and the Board as a whole group. After discussion, a motion may be made by a Board Member. The motion must be seconded to move forward to a vote by the Board Members. At which time, the motion either passes or fails.**