

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THOMPSON CROSSING METROPOLITAN DISTRICT NO. 3**

A RESOLUTION ADOPTING AMENDED RULES AND REGULATIONS

At a special meeting of the Board of Directors of the Thompson Crossing Metropolitan District No. 3, Larimer County, Colorado (the "District"), held at 7:30 A.M., on Tuesday, November 12, 2019 at the Abundant Life Tabernacle, 5450 River Ranch Parkway, Johnstown, Colorado at which a quorum was present, the following resolution was adopted:

WHEREAS, Section 32-1-1001(m), C.R.S., authorizes the Board of Directors of the District (the "Board") to adopt, amend, and enforce rules and regulations not in conflict with the constitution or Colorado laws for carrying on the business, objects, and affairs of the District; and

WHEREAS, pursuant to Section 32-1-1001(j), C.R.S., the Board has the power to fix and from time to time increase or decrease fees or charges for services or facilities furnished by the District; and

WHEREAS, on November 6, 2018, the Board adopted the Thompson River Ranch Pool Rules and Regulations (the "Pool Rules"); and

WHEREAS, the Board has determined it is necessary for the efficient operation, government and management of the Thompson River Ranch Swimming Pool and Facilities that it modify the Pool Rules and adopt and/or revise certain fees, rates or charges, as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE THOMPSON CROSSING METROPOLITAN DISTRICT NO. 3 THAT:

1. Adoption by the Board. The Board hereby adopts the Thompson River Ranch Swimming Pool and Facilities Rules and Regulations attached hereto as **Exhibit A**, which are incorporated herein by this reference.
2. Superseding Effect. The Thompson River Ranch Swimming Pool and Facilities Rules and Regulations supersede in full any policies and rules on the same subject matter.
3. Binding Effect. The policies and rules as amended herein shall hereinafter be binding upon users of the Thompson River Ranch Swimming Pool and Facilities.

[Remainder of page 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 12TH DAY OF NOVEMBER 2019.

**THOMPSON CROSSING
METROPOLITAN DISTRICT NO. 3**



Bruce Rau, President

ATTEST:



Brandon Wyszynski, Secretary

EXHIBIT A

Thompson River Ranch Swimming Pool and Facilities
Rules and Regulations



Thompson River Ranch Swimming Pool & Facilities

Rules and Regulations

Telephone: (970) 663-9687
Email: rhofer@msihoa.com
Facebook: www.facebook.com/thompsonrr2018
Web: <https://www.trrcommunity.com/>

TABLE OF CONTENTS

INTRODUCTION	3
1.1 Rules and Regulations Packet Purpose	3
2 GENERAL INFORMATION	3
2.1 TRR Pool Location.....	3
2.2 General Hours of TRR Pool Operation.....	3
2.3 Maintenance Policy	3
2.4 Contact Information	4
2.5 Access and Eligibility for Use	4
2.6 Disclaimer.....	4
2.7 Comments and Suggestions	5
2.8 Policy Enforcement	5
2.9 TRR Pool Access.....	5
2.10 Guest Policies	5
3 USAGE GUIDELINES.....	6
3.1 General TRR Facilities Guidelines	6
3.2 General TRR Pool Usage Guidelines	6
3.3 Lawn, Patio, Picnic Areas, and Outdoor Areas	7
4 EMERGENCY PROCEDURES AND EQUIPMENT	8
4.1 Emergency Procedures.....	8
5 HEARING AND APPEAL PROCEDURES.....	8
5.1 General	8
5.2 Appeal to District Manager	9
5.3 Hearing Before Board of Directors	9

2.4 Contact Information

TRR Facilities

Community Management Company:
MSI, LLC
Russ Hofer – Community Manager
8201 Spinnaker Bay Dr Suite D
Windsor, CO 80528
Phone: (970) 663-9687
Email: rhofer@msiho.com

Thompson Crossing Metropolitan District No. 3

District Management Company:
Timberline District Consulting, LLC
Jerry Jacobs – District Manager
Phone: 303-359-9330
Email: jacobs@tiberlinedc.com

2.5 Access and Eligibility for Use

All residents (resident owners, members of households living in our community, designated tenants, and guests (as described below)) are entitled to use the Facilities without additional facilities fee(s). Non-residents and non-guests will only be allowed access to the TRR Pool after signing and completing the registration process in place for the current season and paying any applicable facilities fee(s), which are currently \$50.00, and may be changed from time to time by the District. Fees may also be assessed for the use of other Facilities as authorized from time to time by the District. Please contact the Community Manager for the registration process and payment of the facilities fees.

Non-resident owners who have delegated the right to use the TRR Pool to their tenant must provide the Community Manager with written authorization and a listing of tenants. Tenants will be required to provide proof of residency (e.g., drivers' license, utility bill, bank statement) and sign rules and regulations packet before they receive access to the TRR Pool.

The District reserves the right to refuse, revoke, or suspend use of the Facilities for failure to follow these Rules and Regulations, any posted rules and regulations, directives of any staff, and for failure to pay any applicable facilities fee(s).

2.6 Disclaimer

Use of the Facilities is at your own risk. The safety of the users of the Facilities is a primary concern. As such, all person using the Facilities do so at their own risk and agree to abide by these Rules and Regulations. The District, Community Management Company, District Management Company, and Oakwood Homes (including

their respective successors and assigns), their respective boards, agents and employees assume no responsibility and shall not be liable for any accidents, personal injury, or damage to, or loss of property arising from the use of the Facilities or from the acts, omissions or negligence of other persons using the Facilities.

2.7 Comments and Suggestions

Residents can voice their concerns and suggestions by speaking to the Community Manager or attending meetings of the District.

2.8 Policy Enforcement

Please be aware that the District must protect the rights and privileges of rule-abiding users of the Facilities, and that inappropriate behavior will not be accepted. All users are responsible for compliance with these Rules and Regulations which have been established for the safe operations of the Facilities. Anyone continuing to violate these Rules and Regulations may be refused access to the Facilities in accordance with all guidelines. The District, Community Management Company and/or Lifeguards, as applicable, reserve the right to ask users to leave the Facilities and refuse, revoke, or suspend their privileges. The District, Community Management Company and Lifeguards may refer an individual to the District Manager for further action. The District Manager has the right to refuse, revoke, or suspend privileges of Facilities users and to ban such persons from the Facilities by providing written notice to the user. Any person banned from use of the Facilities or whose privileges have been refused, revoked, or suspended may appeal such action as provided herein.

2.9 TRR Pool Access

Complimentary use of the TRR Pool is restricted to residents of Thompson River Ranch and their guests, as set forth below. To gain access to the TRR Pool you must use your access key/fob/smart card. This access key allows you convenient access to the TRR Pool. Under no circumstance should a resident provide their access key to a non-resident to allow them to utilize the TRR Pool. This will be considered a violation of these Rules and Regulations and subject to refusal, suspension, or revocation of access and use to the TRR Pool.

Access keys will be provided by the homebuilder at closing on your property or, in the case of a resale of property, should be transferred at the closing from the previous owner. Any access outside of what is stated above, will be processed and managed by either the District, Community Management Company or Pool Contractor. Each household will be issued one (1) access key at no charge for the initial access. **Replacement access keys carry a fee of \$100.**

2.10 Guest Policies

Resident owners, members of households living in Thompson River Ranch, and designated tenants may bring up to 4 complimentary guests with them to the TRR Pool without additional facilities fee(s). Each additional 1-day guest pass will be available at a charge of \$5.00 and must not exceed more than 12 guests per household.

Guests must be accompanied by a resident owner, members of households living in our community, or designated tenant at all times. Each guest will only be allowed access after completing the registration process in place for the current season. Please contact the Community Manager for additional guest passes.

3 USAGE GUIDELINES

3.1 General TRR Facilities Guidelines

General TRR Facilities Rules (applicable to the TRR Pool and all other District owned facilities)

1. Users of the Facilities are encouraged to speak to their physician before engaging in physical exercise. All users utilize the Facilities at their own risk.
2. Failure to follow rules could result in loss of privilege to use the Facilities.
3. Excessive noise that will disturb other users is not permitted.
4. Users are responsible for cleaning up after themselves and helping to keep the Facilities clean at all times.
5. The District, Community Management Company, District Management Company, and Oakwood Homes (including their respective successors and assigns), their respective boards, agents and employees are not responsible for lost or stolen items, damage to personal pool toys (i.e. balls, noodles, water wings, etc.) or any other personal items. Users are responsible to keep track of their valuables.
6. Users are encouraged to assist the Community Manager in the enforcement of these usage guidelines. Users may notify the Community Manager or Lifeguards on duty, as applicable, if an individual is violating usage guidelines.
7. Rules are subject to change as deemed necessary by the District.

3.2 General TRR Pool Usage Guidelines

The following usage guidelines have been established to maintain the TRR Pool and ensure the safety and enjoyment of all.

General TRR Pool Rules

1. **Guests must be accompanied by a resident owner, member of a household living in our community, or designated tenant at all times.**
2. Non-residents and non-guests will only be allowed access after completing the current registration process in place for that season and paying facilities fee(s).
3. The TRR Pool hours are contained in these Rules and Regulations and will be posted at the TRR Pool.
4. Persons not capable of passing an adequate swim proficiency test should be accompanied by a guardian who is a proficient swimmer and who is within an arm's reach, in the water, at all times.
5. All registration requirements must be followed for all TRR Pool users.
6. All swimmers must shower before initially entering the TRR Pool.
7. Persons with open cuts, wounds, sores or blisters may not use the TRR Pool.
8. No person should use the TRR Pool with or suspected of having a communicable disease which could be transmitted through the use of the TRR Pool.

9. Appropriate swimming attire (swimsuits) must be worn at all times in the TRR Pool area.
10. Infants/children not toilet trained and incontinent adults must wear approved swim suit diapers under their swim suits. Diapers (cloth and disposable) are prohibited.
11. Sitting on or hanging from pool ladders is not allowed.
12. No diving is permitted.
13. Back dives, flips, back jumps, chicken fighting, rough housing, or other dangerous actions at the TRR Pool are prohibited.
14. Only authorized contractors are allowed in the filter rooms, chemical storage rooms.
15. Furniture on the deck area may not be reserved for persons not in attendance at the TRR Pool area by placing towels or personal belongings on them.
16. The TRR Pool may be closed by the District, the Community Management Company, Lifeguards or the Pool Contractor at any time due to inclement weather, biological contamination, chemical balancing, or general cleaning, maintenance and repairs.
17. The TRR Pool and TRR Pool area will be closed during electrical storms or when rain makes it difficult to see any part of the TRR Pool or TRR Pool bottom clearly. The TRR Pool will be closed at the first sound of thunder or sighting of lightning and will remain closed for thirty 30 minutes after the last sighting.
18. The Pool temperature will be maintained at a set temperature controlled by the Pool Contractor at all times.
19. Food and drink will be limited to designated areas only within the TRR Pool area.
20. Glass containers or breakable objects of any kind are not permitted in the TRR Pool or on the TRR Pool deck.
21. Consumption and possession of alcohol is prohibited.
22. Tobacco products are NOT permitted under any circumstance at the Pool or within the TRR Pool area.
23. Use of profane or inappropriate language is not permitted.
24. Anyone that appears to be under the influence of drugs or alcohol will be asked to leave the TRR Pool.
25. Users are encouraged to let the Community Manager know if any area of, or a piece of equipment in any of the TRR Pool is in need of cleaning or maintenance.
26. All equipment and supplies provided for use of the TRR Pool must be returned in good condition after use.
27. Animals and pets, with the exception of service animals, are not permitted in the TRR Pool, on the TRR Pool deck or in the picnic areas.
28. Bicycles, skateboards, rollerblades and other vehicle usage (e.g., scooters) are prohibited within the TRR Pool area.
29. Balls made of hard materials and other items that may cause increased risk of injury to TRR Pool patrons may NOT be used in the TRR Pool area.

3.3 Lawn, Patio, Picnic Areas, and Outdoor Areas

The lawn, patio, and other outdoor areas have been beautifully designed and maintained for maximal enjoyment and utilization.

Usage Guidelines

1. The lawn and patio areas (picnic table areas) are available on a first come, first serve basis, with priority given to a resident owner, member of a household living in our community, or designated tenant and their guests.
2. Bikes, rollerblades, skateboards and equipment with wheels are prohibited.
3. Pets are not allowed in the outside areas.
4. Profanity, fighting or disruptive behavior is prohibited.
5. Smoking is not permitted anywhere within the facility boundaries.
6. Users must clean up after themselves and dispose of trash in the appropriate receptacles.
7. Removal of tables and chairs from the picnic area and TRR Pool deck is prohibited.

4 EMERGENCY PROCEDURES AND EQUIPMENT

4.1 Emergency Procedures

In the event of an emergency, call 911. The use of the Facilities is at your own risk and the District, Community Management Company, District Management Company, and Oakwood Homes (including their respective successors and assigns), their respective boards, agents and employees assume no liability or responsibility and shall not be liable for any accidents or injuries.

5 HEARING AND APPEAL PROCEDURES

5.1 General

If a user of the Facilities wishes to dispute a fee, charge imposed by, or determination made by the Community Management Company, Lifeguard or District Manager, the user may appeal such fee, charge or determination by following the procedure set forth below (a member filing an appeal is referred to in the remainder of this section as the "Appellant"). Notwithstanding the filing of an appeal the Appellant is required to pay the fee or charge assessed by the District and such fee or charge shall be held by the District until such time as the appeal is final. The hearing and appeal procedures established below shall apply to all disputes concerning the interpretation, application or enforcement of the fees and charges of the District and application and enforcement of these Rules and Regulations and all other policies, rules and regulations adopted from time to time for the Facilities, as they now exist or may hereafter be amended. In the event a proper and timely request for an appeal is not made as provided herein, the right to an appeal shall be deemed forever waived.

5.2 Appeal to District Manager

If the Appellant wishes to dispute a fee or charge imposed by or a determination (including a refusal, suspension, or revocation of Facilities privileges) made by the Community Management Company or Lifeguard, the Appellant must first file a written request with the District Manager within ten (10) days of being notified by the Community Management Company or Lifeguard of such determination or of the due date specified for a fee or charge of the District. Within thirty (30) days of receiving the request from the Appellant, the District Manager, after a full and complete review of the record, shall issue a written determination regarding the application or enforcement of the fees and charges of the District and/or application and enforcement of these Rules and Regulations or other policies, rules and regulations adopted from time to time for the Facilities, as may be applicable.

5.3 Hearing Before Board of Directors

If the Appellant wishes to dispute a notice of fee, charge, or a determination (including a refusal, suspension, or revocation of Facilities privileges) made by the District Manager, or wishes to dispute the written determination of the District Manager made pursuant to Section 5.2 above, the Appellant must file a written request with the Board for a hearing within twenty (20) days of the date the written notice or written determination of the District Manager was mailed. The request for a hearing shall set forth with specificity the facts upon which the Appellant is relying and shall contain a brief statement of the Appellant's reasons for the complaint. The Board shall hold a formal hearing on the appeal at the next regularly scheduled meeting held no earlier than ten (10) days after the filing of the Appellant's request for a hearing.

5.3.1 A notice shall be served on the Appellant, specifying the time and place of the hearing to be held by the Board regarding the appeal, the application or enforcement of the fees and charges of the District and/or application and enforcement of the rules and regulations in question, as may be applicable, and directing the Appellant to present evidence of why the determination regarding the application or enforcement of the fees and charges of the District and/or application and enforcement of these Rules and Regulations or other policies, rules and regulations adopted from time to time for the **Facilities**, as may be applicable, is not correct. The notice of the hearing shall be served personally or be certified mail return receipt requested or by any mail delivery service that is the equivalent to or superior to certified mail return receipt requested with receipt to receipt verification delivery speed and reliability, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. When an Appellant is represented by an attorney, notice of any action, finding, determination, decision or order affecting the Appellant shall also be served upon the attorney.

5.3.2 At the hearing, the Community Management Company and/or District Manager and the Appellant shall be entitled to present all evidence that is relevant and material to the dispute, and to examine and cross-examine witnesses. The Board may establish rules and procedures governing the hearing. A record of the hearing shall be maintained.

5.3.3. Based on the record established, the Board shall issue a written decision concerning the disposition of the dispute presented to it and shall cause notice of the decision to be hand delivered or sent by certified mail to the Appellant within ten (10) days after the hearing. Such decision shall be final and

binding upon the District and the Appellant and shall constitute the final administrative action of the District. Any party to the hearing aggrieved or adversely affected by an order of the Board may appeal such order to the District Court in and for the County of Larimer, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.