



BY-LAWS
OF
FOREST VIEW ACRES WATER DISTRICT
ARTICLE I
DIRECTORS, POWERS AND MEETINGS

Section I

The property and business of the District shall be managed by a five person Board of Directors who shall be elected and otherwise chosen pursuant to, and shall exercise the powers granted by law, particularly 32-1-1001 and 32-1-1006, January 12, 1993, Colorado Revised Statutes, as heretofore and hereafter amended. The officers of the District shall be the officers of the Board and shall be elected and otherwise chosen as hereinafter provided.

Section II

The Board shall meet regularly on the second Wednesday of each month, at 7:00 P.M. at 18852 Rockbrook Road Monument, Colorado, or at such other regular times as may be determined by the Board. No notice of the Board shall be required in connection with such regular meetings. Notice of the time and place designated for regular meetings shall be posted by the Secretary of the District in at least three (3) designated public places in Monument, which will be designated annually at the first regular meeting of the year, and at the El Paso County Board of County Commissioners in Colorado Springs, Colorado, such notices to remain posted and to be changed in the event that the time or place of such regular meeting is changed. Said notice shall comply with and be given in accordance with 32-1-903, C.R.S., 1993 as heretofore or hereafter amended.



Section III

Special meetings of the Board of Directors may be called at any time by any officer or member of the Board, in accordance with 32-1-903, Colorado Revised Statutes, 2003, as heretofore or hereafter amended, and notice of such meetings shall be given to the Directors by letter, postcard, telephone call, e-mail or personal notice and at such time prior to the meeting as under the circumstances may be practical. Notice of the time, place and purpose of such special meeting shall be posted in three (3) designated public places within the twenty five mile radius of the boundary of the District and at the El Paso Board of County Commissioners in Colorado Springs, Colorado, at least three (3) days previous to said meeting. In emergency situations, the time restraints are waived.

Section IV

The Board may go into an Executive Session at a Regular or Special meeting, upon an affirmative vote of two-thirds of the quorum of the BOD present, for the purpose of considering any of the following matters per CRS 24-6-402-4; no adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall occur at any Executive Session which is not open to the public:

a. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the Board has a personal interest in such purchase, acquisition, lease, transfer or sale;

b. Conferences with an attorney for the legal advice on specific legal questions.

Mere presence or participation of an attorney at an Executive Session of the Board is not sufficient to satisfy the requirements of this Section;



- c. Matters required to be kept confidential by federal or state law or rules and regulation, including privacy acts;
- d. Specialized details of security arrangements or investigations;
- e. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;
- f. Personnel matters except if the employee who is the subject of the session requested an open meeting, or if the personnel matter involves more than one employee, all the employees have requested an open meeting.
- g. Consideration of any documents protected by the mandatory nondisclosure provisions of part 2 of article 72 of Title 24 C.R.S. commonly known as the "Open Records Act".

Prior to convening an Executive Session the President of the Board will announce the general topic of the Executive Session enumerated above. These limitations as imposed do not apply to matters, which are covered by Section 14 of Article V of the State Constitution.

Section V

The Board may convene informal Workshop Sessions for the sole purpose of gathering facts and information to gain better understanding of issues or problems. A quorum is not required. No policies, positions, resolutions, rules, regulations, or any formal actions shall be made or taken by the Board when in a Workshop Session. Workshop Sessions are to be announced and open to the public like a Special meeting. Minutes of Workshop Sessions need only record the time, place, members present, and the general topics of discussion or presentation.



Section VI

Three (3) members of the Board shall constitute a quorum at any meeting.

Section VII

So far as practical, Roberts' Rules of Order shall be followed at the meetings of the Board. The Board, by a vote of a majority of those present, may suspend any rule for the transaction of business.

Accurate minutes will be recorded for all Regular and Special meetings of the Board. The minutes will record any proposed policies, positions, resolutions, rules, regulations, or formal actions; whether adopted or rejected by the Board. The minutes will cite the name of the person proposing, seconding, rebutting, all votes placed, and as well as, principal items of debate and discussion. Minutes of Executive Sessions per CRS 24-6-402-2-IIA and CRS 24-6-402-2-IIB will reflect the general topic of the discussions held and minutes shall be recorded in the same manner and media as used to record regular meeting minutes. All Regular and Special meeting minutes will be open to public inspection.

Section VIII

Each member of the Board may receive as compensation for his services a sum, to be determined in advance by resolution of the Board, that sum of money permitted to be paid by 32-1-902-3, C.R.S., 2003, as heretofore and hereafter amended, and shall be payable as provided by said statute. No member of the Board shall receive any compensation as an employee of the District or otherwise, other than that provided in this section, and no member of the Board shall be interested in any contract or transaction with the District except in his official representative capacity.



Section IX

Any vacancy on the Board shall be filled by appointment, by the remaining member or members of the Board, the appointee to act until the next biennial election when the vacancy shall be filled by election. If the Board fails, neglects or refuses to fill any vacancy within sixty (60) days after the same occurs, the board of county commissioners having jurisdiction shall fill such vacancy per CRS 32-1-905-2 and CRS 32-1-905-3.



Section X

Elections of Directors shall be held and conducted in accordance with the Special District Election Act, C.R.S., 1993, 32-1-801, et seq, as heretofore and hereafter amended, on the Tuesday succeeding the first Monday in May in every even numbered year. The basic term for a Director is four years, however, no more than three directors should be elected in any biennial year.

Section XI

Within thirty days after the election of Directors, each Director shall take an oath of office and said oath shall be filed with the El Paso County Clerk. At the time of filing said oath, there shall also be filed for each Director an individual schedule or blanket Surety Bond, at the expense of the District in an amount determined by the Board, of not less than \$1,000 each, except for the Treasurer, which shall be \$5,000 (CRS 32-1-901 and 902).



ARTICLE II

OFFICERS

Section I

The elective officers of the District shall include a President, Vice President, Secretary, and Treasurer. The Board shall elect one of its members as Chairman of the Board of Directors and President of the District and shall elect a Secretary and a Treasurer of the Board and of the District. The Secretary and Treasurer may be one person.

Section II

The regular election of such officers shall be held biennially at the first regular meeting of the Board following the election of Directors. A special election to fill any vacancies in such officers may be held by the Directors at any regular or special meeting. Any officer elected to fill a vacancy shall serve until the next regular election of officers.

Section III

In the event of absence or inability of any officer to act, the Board may delegate the powers or duties of such officer to any other officer or Director of the District.

Section IV

No officer shall receive any compensation for such office except as a Director of the District and except as may be permitted by Colorado Statute specifically allowing such compensation.



Section V

The General Assembly has recognized under CRS 24-10-102 that Directors of the District should be provided with protection from unlimited liability so that such public employees are not discouraged from providing services or functions required by the citizens or from exercising the powers authorized or required by law.



**ARTICLE III
SEAL, CLERICAL AND FINANCE**

Section I

The Board shall adopt a seal of the District to be used in all places and in such manner as public and private corporations generally use seals. The Secretary shall have custody of the seal and be responsible for its safekeeping and use.

Section II

The Secretary shall keep, in a well-bound book, a record of all the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts which shall be open to inspection of all owners of property in the District, as well as to all other interested parties (CRS-24-722-02). The District's Office Manager as a custodian on behalf of the Secretary will maintain the files corresponding to these records.

Section III

The moneys of the District shall be deposited in the name of the District in such bank or banks or trust company or trust companies as the Board of Directors shall designate and as shall be authorized by law, and may be drawn out only on checks signed in the name of the District by a member or members as the Board by appropriate resolution shall direct.



Section IV

Each fiscal year shall commence on January 1 and end on December 31 of the same year, or as otherwise permitted by Colorado Statute.

Section V

The Treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the District in permanent records. The Board shall cause an audit to be made of all financial affairs of the District in accordance with the Colorado Local Government Audit Law, and C.R.S., 1993, 29-1-6 as heretofore and hereafter amended. A financial statement shall be certified by the person making such audit, which shall be published in a newspaper of general circulation in the District, in one issue during the first thirty (30) days following receipt of the audit report. A registered accountant, who is not otherwise employed by the District, shall make such audit.

Section VI

The Board of Directors shall adopt an annual budget for the ensuing fiscal year as required by Colorado Statute and shall cause certified copy of such budget, after its adoption, to be filed in the office of the Division of Local Governments, all as required by the Local Budget Government Law 29-1-103, C.R.S., 1991, as heretofore and hereafter amended. Upon the adoption of a proposed budget and before the beginning of the fiscal year the Board shall enact a resolution making the appropriations for the ensuing year.



Section VII

The Board of Directors may appoint citizen workshops for the purpose of studying and making recommendations to the Board of Directors for action on specific problems or concerns. Examples of such problems and concerns are: administrative processes and procedures, financial budgeting, technical problem solving and long range planning (C.R.S. 32-1-1001)



ARTICLE IV

FOREST VIEW ACRES WATER ENTERPRISE

The Forest View Acres Water Activity Enterprise (“FVAWAE”), a wholly owned enterprise of the Forest View Acres Water District, is created for the purpose of operating, separately, or in combination, any and all aspects of water rights acquisition, water supply project development, diversion, storage, carriage and delivery for the benefit of the users of the District. The FVAWE shall have the power, authority, duties, and responsibilities as permitted by law and delegated by the Forest View Acres Water District, including entering into multi-year financial obligations, issuing revenue bonds, expending water service revenues, fees, and other user-based charges in the pursuit of a water activity. The revenue to fund and operate the FVAWE for the District shall come only from rates charged for water services and other fees assessed and charged to users, including tap fees and development fees. The FVAWE shall not receive tax revenues, in any form, nor shall the FVAWE have the right to levy or assess any tax, or the right to enter into any general obligation of the District without a vote of the constituents of the District. The FVAWE shall not have the right to accept or receive grants of 10% or more of its total annual revenue from all Colorado state and local governments combined. The District shall establish and create a separate enterprise fund within its banking and accounting system in order to account for revenues and expenditures. At no time shall the revenues of the District and the FVAWE be commingled, for accounting purposes, if the District has received a grant from any Colorado state or local government which will represent 10% or more of the total revenue of the FVAWE for the fiscal year in question.



The FVAWE shall have the right and authority to act as an enterprise as provided by S.B. 3-130 (37-45. 1-101, et. seq., C.R.S., 1983, as amended). The governing board for the FVAWE shall be the Board of Directors of Forest View Acres Water District, who shall be duly appointed by Board of Forest View Acres Water District for a term to run concurrent with the term that said board member serves on Forest View Acres Water District. The presiding officer shall have such power and authority, including the power of appointment, delegated to him by the Board of Forest View Acres Water District.



ARTICLE V
AMENDMENTS

These By-Laws 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. The provisions of C.R.S., 1993, 32-1-1001 and 32-1-1006 et. seq, and all other Colorado Statutes, pertaining or applying to the District, insofar as the same are applicable are adopted hereby and made a part hereof. Any future amendment, reenactment or replacement of an existing statute shall be an automatic amendment to these By-Laws so that the same, at all times, conforms to Colorado Law.

ADOPTED AND APPROVED on this eighth day of November 1994.

Chairman of the Board of Directors
Forest View Acres Water District

(SEAL)

ATTEST:

Secretary
Forest View Acres Water District