

**AMENDMENT  
TO THE RULES AND REGULATIONS  
OF THE  
HAVANA WATER AND SANITATION DISTRICT  
CONCERNING DEVELOPMENT REVIEW COSTS**

**WHEREAS**, Havana Water and Sanitation District (the “District”) is a special district organized and existing pursuant to section 32-1-101 *et seq.*, C.R.S.; and

**WHEREAS**, pursuant to § 32-1-1001(1)(m), C.R.S., the District is permitted to adopt, amend, and enforce rules and regulations; and

**WHEREAS**, the Board of Directors of the District (the “Board”) has adopted rules and regulations of the District (the “Rules and Regulations”); and

**WHEREAS**, pursuant to Article I, Section 1.6 of the Rules and Regulations, the Board may amend the Rules and Regulations from time to time, and any formal action of the Board to revise, amend or modify the Rules and Regulations shall be deemed incorporated therein notwithstanding whether such revision, amendment or modification is codified therein; and

**WHEREAS**, Section 8.6 of the Rules and Regulations provides, in part, that persons seeking do business with the District, obtain agreements with the District, obtain approval of plans from the District, or otherwise undertake activities which cause the District to incur costs or fees, shall be responsible for paying the District for all such costs; and

**WHEREAS**, the Board desires to amend the Section 8.6 of the Rules and Regulations to clarify its regulations regarding responsibility for costs pursuant to Section 8.6 and to provide for other details in connection therewith.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the District hereby approves the following:

Section 1. Responsibility for Costs. Section 8.6 of the Rules and Regulations is hereby deleted in its entirety and replaced with the following:

**8.6 RESPONSIBILITY FOR COSTS.** Any Person who seeks to do business with the District, obtain agreements with the District, obtain review or approval of plans from the District, or otherwise undertake activities which cause the District to incur costs or fees, shall be responsible for paying the District for all such costs. Any activities by Persons that may require additional costs to the District, such as but not limited to additional administrative, engineering or legal costs, shall pay the District for all such additional costs. Such payment shall be due at such time as the Person receives an invoice from the District or as the Board directs, but in no case later than the date when agreements are executed, approvals are delivered, or such Person receives benefit from the District for such activities.

Any Person seeking to obtain review or approval of plans from the District shall pay the District a non-refundable "Development Review Fee" in the amount set forth in the SCHEDULE OF FEES AND CHARGES, as the same may be amended from time to time, for the costs incurred by the District pursuant to such review or approval. If the District has incurred or will incur costs in excess of the Development Review Fee, the District will send notice to such Person requiring payment of an additional, non-refundable Development Review Fee. The Person shall pay the additional, non-refundable Development Review Fee to the District within five (5) business days of the date of the District's notice. Failure to pay the Development Review Fee shall result in the cessation of any further review by the District.

Until review or approval by the District is complete, the Person shall continue to pay additional, non-refundable Development Review Fee(s) as requested by the District within five (5) business days of the date of the District's notice. In no event shall any Person be reimbursed the balance of any unused Development Review Fee or any portion thereof.

Section 2. Definitions. A new definition is hereby added to Article III of the Rules and Regulations, as follows:

**SCHEDULE OF FEES AND CHARGES.** Shall have the meaning given to it in Section 8.3 hereof.

Section 3. Full Force and Effect. Except as expressly modified by this amendment, all other provisions of the Rules and Regulations shall remain in full force and effect. To the extent that any provision(s) of this amendment are inconsistent with any other provision(s) of the Rules and Regulations, the provision(s) of this amendment shall govern.

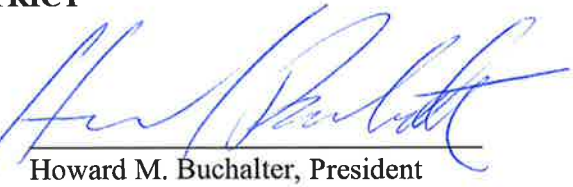
Section 4. Effective Date of Resolution. This amendment is effective as of the date of its adoption and approval.

**[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 17<sup>th</sup> DAY OF MAY, 2017.**

**HAVANA WATER AND SANITATION  
DISTRICT**

By:   
Howard M. Buchalter, President

ATTEST:

By:   
~~William J. Kirven, III, Secretary~~  
Bernard F. Gehris, asst Secretary