

**RESOLUTION # 2015-05-28  
OF THE BOARD OF DIRECTORS OF  
WOODMEN HILLS METROPOLITAN DISTRICT  
ADOPTING A VISITOR CODE OF CONDUCT**

WHEREAS, **WOODMEN HILLS METROPOLITAN DISTRICT** (the "**District**") is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized pursuant to C.R.S. §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, pursuant to C.R.S. § 32-1-1001(1)(h), the Board of Directors of the District (the "**Board**") is empowered with management, control, and supervision of all business and affairs of the District; and

WHEREAS, pursuant to C.R.S. § 32-1-1001(1)(m), the Board is authorized to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of Colorado for carrying on the business, objects, and affairs of the Board and the District; and

WHEREAS, pursuant to C.R.S. § 32-1-1001(1)(j)(I), the Board is authorized to fix and from time to time increase or decrease, fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the District; and

WHEREAS, the District supports an environment that is conducive to personal safety and security, and that is free from intimidation, threats or violent acts by anyone who conducts business with the District or visits District facilities or property; and

WHEREAS, several behavioral incidents have occurred in the past year with a small number of users of District facilities that have infringed upon the intended use of District facilities and property by other users and District employees; and

WHEREAS, at its regular meeting on February 26, 2015, the Board adopted a Behavior Policy for the Recreation Center West and Recreation Center East District facilities (the "**Recreation Centers**") intended to promote the rights and safety of Recreation Centers users in response to these issues; and

WHEREAS, the Board finds that a substantively similar policy should be adopted applicable to all facilities and property owned and managed by the District in order to protect the health and public safety of all residents and employees of the District; and

WHEREAS, the Board recognizes that everyone is free to use District facilities and property for their intended purposes, and the intended purposes of District facilities and property are broad, the Board also finds that if a user's behavior is such that it impacts the use and enjoyment of the District facilities and property by others, that this person should be subject to certain penalties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT AS FOLLOWS:

1. Repeal. The Woodmen Hills Recreation Center West and Recreation Center East Behavior Policy is hereby repealed in its entirety.

2. Adoption. The Woodmen Hills Metropolitan District Visitor Code of Conduct (the "Code"), attached hereto as EXHIBIT A is hereby adopted. Enforcement measures will be administered by the District and its authorized representatives without the necessity of any action of the Board for any person found violating the provisions of the Code.

3. Effective Date. The provisions of this resolution shall take effect as of the date of this resolution.

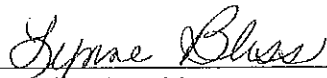
4. Amendment. The District expressly reserves the right to amend, revise, redact, and/or repeal the rules and regulations adopted hereby in whole or in part, from time to time in order to further the purpose of carrying on the business, objects, and affairs of the District. The foregoing shall specifically include, but not be limited to, the right to adopt new rules and regulations and/or policies and procedures as may be necessary, in the Board's discretion.

5. Severability. If any term or provision of this resolution or if any rule or regulation is found to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable term or provision shall not affect the validity of the remainder of the resolution or rules and regulations, as a whole, but shall be severed, leaving the remaining terms or provisions in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

[Signature page follows.]

RESOLVED, APPROVED AND ADOPTED THIS 28<sup>TH</sup> DAY OF MAY, 2015.

WOODMEN HILLS METROPOLITAN DISTRICT

  
\_\_\_\_\_  
Lynne Bliss, President

ATTEST:

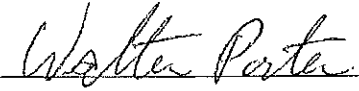
  
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EXHIBIT A

WOODMEN HILLS METROPOLITAN DISTRICT  
VISITOR CODE OF CONDUCT

## WOODMEN HILLS METROPOLITAN DISTRICT VISITOR CODE OF CONDUCT

### 1. PURPOSE AND AUTHORITY

- (a) The Woodmen Hills Metropolitan District (the "**District**") supports an environment that is conducive to personal safety and security, and that is free from intimidation, threats or violent acts by anyone who conducts business with the District or visits District facilities or property (a "**District Visitor**"), including:
- (i) The District's Office, located at 8046 Eastonville Road, Falcon, CO 80831;
  - (ii) Community Center West, located at 720 Woodmen Hills Drive, Falcon, CO 80831;
  - (iii) Recreation Center East, located at 9205 Meridian Ranch Boulevard Falcon, CO 80831; and
  - (iv) any other property owned and maintained by the District, including District parks, parking lots, roads and sidewalks (together, the "**District Premises**").
- (b) Under the express authority granted to it by Colorado Revised Statutes §§ 32-1-1001(1)(h), 32-1-1001(1)(m) and 32-1-1001(1)(j), the District requires that District Visitors follow the rules listed in this Code of Conduct ("**Code**").
- (c) The District will not tolerate "**Disruptive Behavior**", as further defined below. Disruptive Behavior may result in any or all of the following enforcement actions: suspension, assessment of civil fines and/or contacting the El Paso County Sheriff's Office.
- (d) The District's Director of Administration ("**Director**") or authorized on-duty staff member will have the responsibility for enforcing the Code. However, District staff members are authorized, and encouraged, to contact the El Paso County Sheriff's Office when appropriate.
- (e) The District understands that it may not be safe, practicable or efficient to empower only the Director or authorized on-duty staff member with the authority to enforce this Code. Therefore, the El Paso County Sheriff's Office is hereby authorized to enforce this Code, subject to the same rules and restrictions as set forth herein that apply to the Director or authorized on-duty staff member.

## 2. OVERVIEW AND DEFINITIONS

- (a) The following types of behavior will be considered Disruptive Behavior and will not be tolerated on District Premises:
- (i) Carrying or using any dangerous weapon as that term is defined in Colorado Revised Statute § 18-12-201, or using or threatening the use of any other object in such a manner that it may be considered a weapon.
  - (ii) Fighting, engaging in any physically intimidating or assaultive behavior, or making any threats of violence or other unlawful activities. The District has a policy of zero tolerance for threats and acts of violence on District Premises. Any District Visitor engaging in such behaviors will be immediately ejected.
  - (iii) Engaging in behavior that is disruptive or threatening in nature to District Visitors or staff members, including loitering, stalking, unwanted physical contact, or verbal abuse. Verbal abuse may include the use of profanity, name-calling and inappropriate sexual comments.
  - (iv) Interfering with the safe and free passage of other District Visitors or staff members to or from District Premises.
  - (v) Trespassing by entering or remaining on District Premises after having been notified by an authorized individual not to do so.
  - (vi) Entering non-public areas of the District Premises without permission.
  - (vii) Theft or intentional damaging District equipment or facilities.
  - (viii) Engaging in behavior which unreasonably interferes with, or has the strong likelihood of interfering with, use of the District Premises by District staff or another District Visitor.
  - (ix) Engaging in repeated violations of this Code.

## 3. STAFF RESPONSE TO VIOLATIONS

- (a) General Guidelines.
- (i) In enforcing the provisions of this Code, the Director or authorized on-duty staff member will follow the established procedures below.
  - (ii) For severe or illegal behavior or when an individual refuses to leave when told to do so, the Director or authorized on-duty staff member will call the El Paso County Sheriff's Office.

- (iii) In determining the length and scope of any ban under Sections 3, the Director or authorized on-duty staff member will consider the person's underlying behavior, the person's history of behavioral violations at the District Premises, and the impact of the person's behavior upon others' use of the District Premises.
  - (iv) A District Visitor will only be banned from the portion of the District Premises where the violation occurred, i.e. the District Office (the "**Ban Area**"), except that Repeated Major Violations, defined below, will result in a permanent ban from the District Premises, provided that the District will take no actions to prevent the banned District Visitor from accessing his/her home or traveling throughout and outside of the boundaries of the District.
- (b) Minor Violations.
- (i) Minor violations of the Code, as determined by the Director or authorized on-duty staff member, will first result in a verbal warning.
- (c) Repeated Minor Violations.
- (i) If an individual continues to engage in minor violations of the Code, the Director or authorized on-duty staff member may order the individual to leave the Ban Area for twenty-four (24) hours (a "**Repeated Minor Violation**").
    - (1) If the banned District Visitor refuses to leave, or returns to the Ban Area during the 24-hour ban period, the Director or authorized on-duty staff member will issue a mandatory thirty-day (30) ban.
  - (ii) A civil penalty of one hundred dollars (\$100.00) is hereby imposed upon each occurrence of an Repeated Minor Violation, and actual costs and attorneys' fees incurred by the District. The District may collect such penalties, charges, costs and fees by any means authorized by law.
- (d) Major Violation.
- (i) Any conduct that threatens the life or safety of any person or unreasonably interferes with use of the District Premises by District staff or other District Visitors or that is damaging to District property may result in immediate expulsion from the District Premises (a "**Major Violation**").
  - (ii) Three (3) Repeated Minor Violations incurred by a District Visitor within a twelve-month (12) period will constitute a Major Violation.

- (iii) A civil penalty of two hundred fifty dollars (\$250.00) is hereby imposed upon each occurrence of a Major Violation, and actual costs and attorneys' fees incurred by the District. The District may collect such penalties, charges, costs and fees by any means authorized by law.
- (iv) A Major Violation will result in a ban from the Ban Area for a minimum of six (6) months to a maximum two (2) years.
- (e) Repeated Major Violations.
  - (i) Upon the occurrence of a second Major Violation, a District Visitor will be permanently banned from District Premises ("**Permanent Ban**"), subject to the limitations described above in Section 3(a)(iv).
  - (ii) A civil penalty of five hundred dollars (\$500.00) is hereby imposed upon a District Visitor upon the occurrence of a Permanent Ban, and actual costs and attorneys' fees incurred by the District. The District may collect such penalties, charges, costs and fees by any means authorized by law.

#### 4. **BAN PROCEDURES**

- (a) 24-Hour Bans.
  - (i) A 24-hour ban is not reviewable, but the banned District Visitor must receive written notice of the basis for the ban within seven (7) days of the 24-hour ban. The written notice of the basis for the ban must specify the Ban Area.
  - (ii) A District Visitor banned for 24-hours may, within seven (7) days of receiving the written ban notice, appeal the determination that they violated the Code to the District Board of Directors (the "**Board**"), who, after considering the evidence, will determine whether there was a reasonable basis to support the Director or authorized on-duty staff member's determination that the person committed a violation of the Code.
  - (iii) Any review so requested must be heard by the Board at the next scheduled meeting, unless the appeal is filed within five (5) business days of the next meeting, in which case it will be heard at the following meeting.
- (b) Bans for Longer than 24-Hours.
  - (i) An District Visitor banned for longer than 24-hours must receive written notice of the basis for the ban within seven (7) days of the ban. The written notice of the basis for the ban must specify the Ban Area.



- (ii) Upon a written request filed by the banned District Visitor with the Board prior to the expiration of the ban period, the Board will review the decision to ban an individual District Visitor and the terms of the ban. A person may only file one (1) appeal of a ban.
  - (iii) Any appeal so requested will be heard by the Board at the next scheduled meeting, unless the appeal is filed within five (5) business days of the next meeting, in which case it will be heard at the following meeting.
  - (iv) At the hearing, the banned District Visitor and District staff members may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The Chair of the Board will conduct the hearing and administer oaths to witnesses. District staff members will receive and mark all exhibits, and the staff members will record all of the proceedings. If either of the parties requests a stenographic recording, the District staff members will make the necessary arrangements but the expense will be borne by the requesting party.
  - (v) After considering the evidence presented, the Board will either uphold, rescind or modify the terms and conditions of the ban. A person's failure to appear at the Board hearing will constitute a withdrawal of the appeal.
  - (vi) The Board must notify the banned individual in writing about the decision to uphold, rescind or modify the ban and specify the reasons for this decision.
  - (vii) Until such time as a ban has been rescinded or modified by the Board, the person is subject to the terms and conditions of the ban.
- (c) District Court Review.
- (i) All final decisions of the Board are reviewable in El Paso County District Court by certiorari within thirty (30) days of receipt of the final determination from the Board.

## 5. EXERCISE OF STATUTORY RIGHTS

- (a) Enforcement of this Code will not prevent the exercise of any statutory rights by a Taxpaying Elector of the District, as that term is defined in Colorado Revised Statute § 32-1-103(23)(a), including the right to vote in District elections (§§ 31-1-801 *et seq.*), petition the board for the inclusion (§§ 31-1-401 *et seq.*) or exclusion (§§ 31-1-501 *et seq.*) of territory, request public records from the District (§§ 24-72-101 *et seq.*), or any other right under Colorado law, except that such banned District Visitor may not enter the Ban Area for the duration of the applicable ban.

**NOTICE OF BAN  
WOODMEN HILLS METROPOLITAN DISTRICT ("District")**

TO: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

On \_\_\_\_\_ at approximately \_\_\_\_\_ you were observed at the  
\_\_\_\_\_, with an address of \_\_\_\_\_  
\_\_\_\_\_ (the "**District Premises**"), violating the District's Code of Conduct  
("**Code**"). Specifically, you were observed: \_\_\_\_\_

Because of the behavior listed above, and/or other history of Code violations at the District  
Premises, you are hereby banned from \_\_\_\_\_

\_\_\_\_\_ ("**Ban Area**"), for the period of time specified below. As a result of this ban, you are further  
informed that, on behalf of the District, during the period of the ban you do not have  
permission to be at the Ban Area, and that if you fail to leave or return to the Ban Area  
during the period of the ban that you will be trespassing and subject to statutory  
enforcement action.

If the ban is for 24-hours or less, this decision is not reviewable, but you may, within seven  
(7) days of receiving this notice, appeal the determination that you violated the Code to the  
Board of Directors of the District (the "**Board**"), who, after considering the evidence, may  
determine whether there was a basis to support the staff's determination that a violation of  
the Code occurred. Any review so requested will be considered by the Board at the next  
scheduled meeting, unless the request for review is filed within five (5) business days of the  
next meeting, in which case it will be heard at the following meeting.

For bans longer than 24-hours, you may file a written request with the Board prior to the  
expiration of the ban period to review and reconsider the ban. Any review so requested will  
be considered by the Board at the next scheduled meeting, unless the appeal is filed within  
five (5) business days of the next meeting, in which case it will be heard at the following  
meeting. The Board will hold a hearing on your appeal during which you may be  
represented by counsel, may present evidence, and may call and examine witnesses and  
cross-examine witnesses of the District. The failure to appear at the Board hearing will  
constitute a withdrawal of the appeal. After considering the evidence, the Board may uphold,  
rescind or modify the terms and conditions of the ban. All final decisions of the Board is

reviewable in El Paso County District Court by certiorari within thirty (30) days of receipt of the final determination from the Board.

Until such time as a ban has been rescinded or modified by the Board, you are subject to the terms and conditions of the ban.

(circle one)    Repeated Minor Violation    Major Violation    Repeated Major Violation

BAN AREA: \_\_\_\_\_

PERIOD OF BAN: \_\_\_\_\_

Staff Imposing Ban: \_\_\_\_\_

How notice given: \_\_\_\_\_