

## Did You Know?

### The Retreat and Retreat Pool

The Board of Directors of Fossil Ridge Metropolitan District No. 1 has received several questions from the community regarding the operations of the Retreat and Retreat pool. In order to help clarify some of the common issues and to make sure that all members of the community receive the same information, the Board has prepared this Did You Know? regarding the Retreat and Retreat pool.

**1. Question: Are the Retreat and Retreat pool private facilities or public facilities?**

**Answer:** The Retreat and Retreat pool are public facilities. This is because the Retreat and Retreat pool are owned and operated by Fossil Ridge Metropolitan District No. 1, which is a local governmental entity of the State of Colorado. Federal and state court decisions provide that when a facility is owned or operated by a governmental entity, then it is considered to be a "public facility" and must be made available to all members of the public, and not only those in the geographical area of the facility. Accordingly, although the Retreat and Retreat pool are located within the Solterra community and are primarily used by Solterra residents, they are treated for access purposes more like a city center or pool than a privately-controlled HOA clubhouse or pool.

**2. Question: Are the Solterra residents' taxes paying for non-residents to use the Retreat and swim at the Retreat pool?**

**Answer:** No. Even though the law requires that non-residents be allowed to access the Retreat and Retreat pool, the District is allowed to charge non-residents a use fee even if residents are not charged a use fee, or to charge non-residents a higher use fee than is paid by residents. The fee (or higher fee) paid by non-residents is meant to make up for the fact that the non-residents have not paid taxes contributing to the operation and maintenance of the Retreat and Retreat pool.

Currently, the District does not charge Solterra residents an individual membership or drop-in fee to use the Retreat pool. However, non-residents who wish to use the Retreat pool are charged an annual membership fee, which is approximately equal to the annual tax payments and other annual fees paid by a typical property owner within the District. Additionally, non-residents are also charged a \$10 drop-in fee per use of the pool on top of paying the annual membership fee. Similarly, non-residents are charged a per-use rental fee for use of the Retreat which is approximately equal to the pro-rated annual tax payments and other annual fees paid by a typical property owner within the District.

**3. Question: Can drop-in use and rentals of the Retreat and Retreat pool be limited to Solterra residents only?**

**Answer:** No. As stated in Questions 1 and 2 above, the District must permit both residents and non-residents to access the Retreat and Retreat pool. However, the District can, and currently does, charge non-residents an annual membership fee plus drop-in fees for use of the Retreat pool, which are not charged to residents, and an approximately equivalent per-use rental fee for use of the Retreat.

**4. Question: Why can't the Retreat and Retreat pool have the same rules regarding use and activities as other clubhouses and pools in the area?**

**Answer:** The Retreat and Retreat pool are owned and operated by Fossil Ridge Metropolitan District No. 1, a local governmental entity of the State of Colorado. As a governmental entity, the District is subject to a number of state and federal laws and regulations related to how it operates the Retreat and the Retreat pool. Other neighboring clubhouses and pools may be owned by HOAs, nonprofit corporations, or other private entities and subject to other laws and regulations. As a result, the District cannot compare its clubhouse and pool rules to those of other clubhouses and pools in the area.