

**RESOLUTION OF
THE BOARDS OF DIRECTORS OF
PODTBURG METROPOLITAN DISTRICT NOS. 1 – 6
2023 REGULAR SPECIAL DISTRICT ELECTION RESOLUTION**

WHEREAS, Podtburg Metropolitan District Nos. 1 – 6 (individually, a “District;” and collectively, the “Districts”) were organized pursuant to the Special District Act (the “Act”), Sections 32-1-101 *et seq.*, C.R.S.; and

WHEREAS, after organization, District elections to elect members to the Boards of Directors (individually, the “Board,” collectively, the “Boards”) of the Districts and/or to present certain ballot questions to the eligible electors of the Districts are governed by the Act; the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S. (the “Uniform Code”); and the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S. (the “Local Government Election Code”) (the Act, Uniform Code, and Local Government Election Code are collectively referred to herein as the “Election Laws”); and

WHEREAS, the Board of each District consists of five (5) director offices, and of those five directors offices, two (2) directors were elected to each serve a term until their successors are elected at the regular special district election scheduled for May 2025, and three (3) directors were elected to serve a term until their successors are elected at the next regular special district election scheduled for May 2023; and

WHEREAS, the next regular special district election to elect members to each Board is scheduled to be held on the Tuesday succeeding the first Monday of May, which is May 2, 2023 (the “Election”) pursuant to Section 1-13.5-111(1), C.R.S.; and

WHEREAS, in accordance with Election Laws, the Boards desire to call the Election for the purposes of electing three (3) directors to each Board to each serve a four (4) year term pursuant to Section 32-1-305.5(3)(a), C.R.S.; and

WHEREAS, pursuant to Section 32-1-804(1), C.R.S., the Boards shall govern the conduct of the Election and render all interpretations and make all decisions as to controversies or other matters arising in conducting the Election; and

WHEREAS, pursuant to Section 32-1-804(2), C.R.S., all powers granted by the Boards by Part 8, Article 1 of Title 32, for the conduct of regular or special elections may be exercised in the absence of the Boards by the secretary or by an assistant secretary appointed by the Boards, and the person named by the Boards who is responsible for the conducting of the election shall be the designated election official; and

WHEREAS, pursuant to Section 1-13.5-108(1), C.R.S., the designated election official named by the Boards shall render all interpretations and shall make all initial decisions as to controversies or other matters arising in operation of the Uniform Code; and

WHEREAS, for purposes of the Election, the Boards desire to appoint an assistant secretary, who shall be the designated election official for the Election and exercise all powers granted by the Boards for the conduct of the Election; and

WHEREAS, Sections 1-13.5-501(1) & -(1.7), C.R.S. require that, between seventy-five (75) and one hundred (100) days before a regular election, the Designated Election Official shall provide public notice of a call for nominations for the election by two methods: (1) by emailing the notice to each active registered elector of the Districts as of the date that is one hundred fifty (150) days prior to the election or, if no email address is on file, by mail as provided in Section 1-13.5-501(1.7), C.R.S., and (2) by any one of the following means: publication, as defined in Section 1-13.5-501(2), C.R.S.; including the notice as a prominent part of an informational mailing sent by the Districts to the eligible electors of the Districts; posting the information of the official website of the Districts; or, if permitted under Section 1-13.5-501(1.7)(b)(IV), C.R.S., posting the notice in at least three public places within the boundaries of the metropolitan district and in the office of the Clerk and Recorder of Weld County; and

WHEREAS, Section 1-13.5-1104(2), C.R.S. requires the Designated Election Official to supervise the distributing, handling, and counting of ballots and the survey of returns, and to take the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election; and

WHEREAS, Sections 1-11-103(3) & 32-1-104(1), C.R.S. require the Districts to certify to the Division the results of any elections held by the Districts and include the Districts' business address, telephone number, and contact person; and

WHEREAS, Section 1-13.5-513(1), C.R.S. provides that if the only matter before the electors in an election is the election of persons to office and if, at the close of business day on the sixty-third (63rd) day before the election or at any time thereafter, there are not more candidates than offices to be filled at the election, the Designated Election Official shall cancel the election and declare the candidates elected if so instructed by resolution of the governing body; and

WHEREAS, Section 1-11-103(3), C.R.S. provides that if an election is cancelled pursuant to Section 1-13.5-513(1), C.R.S., the Districts shall file notice and a copy of the resolution of such cancellation with the Colorado Division of Local Government (the "Division"); and

WHEREAS, the Boards desire to call an election and set forth herein the procedures for conducting the Election as authorized by the Election Laws.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARDS OF DIRECTORS OF THE PODTBURG METROPOLITAN DISTRICT NOS. 1 – 6 THAT:

1. The Boards hereby call a regular election of the eligible electors of the Districts to be held on May 2, 2023 between the hours of 7:00 A.M. and 7:00 P.M. pursuant to and in accordance with the Election Laws, for the purpose of electing three (3) directors to each serve a four-year term on each Board. Such numbers may change due to one or more vacancies arising on the Boards after the adoption of this Resolution and prior to the Election. The Election shall be

conducted as an independent mail ballot election pursuant to Part 11 of the Local Government Election Code and all other relevant provisions of the Code.

2. Pursuant to Section 32-1-804(2), C.R.S., the Boards name Stacie Pacheco of Icenogle Seaver Pogue, P.C. as Assistant Secretary to the Districts for purposes of the Election, who shall be the Designated Election Official for the Election. The Designated Election Official shall act as the primary contact with the Weld County Clerk and Recorder's office and shall be primarily responsible for ensuring the proper conduct of the Election including, but not limited to, appointing election judges as necessary, appointing the Boards of Canvassers, arranging for the required notices of the election and printing of ballots, and directing that all other appropriate actions be accomplished. The Boards hereby direct the Districts' General Counsel to oversee the general conduct of the Election.

3. The Boards direct the Designated Election Official to provide public notice of a call for nominations for the Election in accordance with the requirements of Section 1-13.5-501, C.R.S., which shall include information regarding the director offices to be voted upon at the Election, where a self-nomination and acceptance form or letter may be obtained, the deadline for submitting the self-nomination and acceptance form or letter to the Designated Election Official, and information on obtaining an absentee ballot. The notice shall be emailed to each active registered elector of the Districts as specified in the registration list provided by the Weld County Clerk and Recorder as of the date that is one hundred fifty (150) days prior to the date of the Election or, if no email address is on file, by mail as provided in Section 1-13.5-501(1.7), C.R.S. In addition, public notice shall be provided by posting to the Districts' website as defined in Section 1-13.5-501(2), C.R.S.

4. Pursuant to Section 1-13.5-1002(1)(b), C.R.S., applications for absentee voter's ballots may be filed at the Designated Election Official's office (at such address noted in Paragraph 5 below), between the hours of 8:00 a.m. and 5:00 p.m., until the close of business on the Tuesday immediately preceding the Election (April 25, 2023).

5. Pursuant to Section 1-13.5-303, C.R.S., any person who desires to be a candidate for the office of director of a District must file a self-nomination and acceptance form or letter, signed by the candidate and by an eligible elector of the State as a witness to the signature of the candidate, with the Designated Election Official no later than 5:00 P.M. on the day that is sixty-seven (67) days prior to the Election (February 24, 2023). On the date of signing the self-nomination and acceptance form or letter a candidate for director shall be an eligible elector of the Districts. Pursuant to Section 32-1-103(5), C.R.S., an "eligible elector" means a person who, at the designated time or event, is registered to vote in the State of Colorado and (i) who is a resident of the special district; or (ii) who, or whose spouse or civil union partner, owns taxable real or personal property situated within the boundaries of the special district, whether said person resides within the special district or not. A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the special district is considered an "owner" for purposes of this definition. Self-nomination and acceptance forms are available at the Designated Election Official's office located at 4725 S. Monaco St., Suite 360, Denver, Colorado 80237.

6. Pursuant to Sections 1-13.5-513(1)&(6), C.R.S., the Boards hereby authorize and direct the Designated Election Official to cancel the Election and declare the candidates elected if, at the close of business on the sixty-third (63rd) day before the Election (February 28, 2023), there are not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, and so long as the only ballot questions are for the election of candidates. The Boards further authorize and direct the Designated Election Official to file cancellation notices with the Weld County Clerk and Recorder's Office and with the Colorado Division of Local Government, to post notice of the cancellation in the office of the Designated Election Official, and to provide notice by publication of the cancellation of the election. The Designated Election Official also shall notify the candidates that the Election was cancelled and that they were elected by acclamation.

7. In accordance with Sections 1-11-103(3) & 32-1-104(1), C.R.S., the Districts direct the Designated Election Official to notify the Division of the results of any elections held by the Districts, including the Districts' business address, telephone number, and contact person within thirty (30) days after the Election (June 1, 2023).

8. The Designated Election Official and the officers, agents, consultants, and employees, if any, of the Districts are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

9. All actions consistent with the provisions of this Resolution heretofore taken by the members of the Boards, the Designated Election Official, and the officers, agents, consultants, and employees, if any, of the Districts, and directed toward holding the Election for the purposes stated herein are hereby ratified, approved, and confirmed.

10. All prior acts, orders, or resolutions, or parts thereof, by the Districts in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order, or resolution, or part thereof, heretofore repealed.

11. If any section, paragraph, clause, or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

12. The Districts shall be responsible for the payment of any and all costs associated with the conduct of the Election, including its cancellation, if necessary, and those costs incurred pursuant to the terms and conditions of an election agreement with the County, if any.

13. This Resolution shall take effect on the date and at the time of its adoption.

(Signatures appear on following page.)

ADOPTED AND APPROVED THIS 9th DAY OF NOVEMBER, 2022.

PODTBURG METROPOLITAN DISTRICT NOS. 1 – 6


Greg Podtburg (Dec 8, 2022 17:47 MST)

By: Greg Podtburg, President

Signature Page to Election Resolution for Podtburg Metropolitan District Nos. 1-6