

RESOLUTION 10-2021

**RESOLUTION OF THE BOARD OF DIRECTORS OF
COLORADO CITY METROPOLITAN DISTRICT
REFERRING TO THE ELIGIBLE ELECTORS OF THE DISTRICT A BALLOT ISSUE
REGARDING THE DISTRICT'S AUTHORITY TO COLLECT, RETAIN AND SPEND
ALL REVENUES NOTWITHSTANDING CONSTITUTIONAL OR STATUTORY
LIMITATIONS FOR THE NOVEMBER 2021 ELECTION**

WHEREAS, the Colorado City Metropolitan District ("District") is a special district and political subdivision of the State of Colorado, acting pursuant to certain powers set forth in the Colorado Special District Act, §§ 32-1-101, *et seq.*, C.R.S. (the "Act"); and

WHEREAS, the members of the District's Board of Directors (the "Board") have been duly elected or appointed and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") limits annual increases in a local government's total fiscal year revenue and spending, but expressly allows local voters to approve the collection, retention and expenditure of revenue in excess of those limits; and

WHEREAS, Title 29, Article 1, Part 3, C.R.S., limits annual increases in the amount of property tax revenue a local government may collect and retain, but expressly allows local voters to approve the collection, retention and expenditure of revenue in excess of the limit; and

WHEREAS, November 2, 2021 is one of the election dates at which ballot issues may be submitted to the eligible electors of the District pursuant to TABOR; and

WHEREAS, the Board has determined to refer a ballot issue to the eligible electors of the District, which would authorize the District to collect, retain and spend for any lawful purpose all revenues from all sources, including property taxes, generated during fiscal year 2020 and each subsequent year thereafter, notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution, § 29-1-301, C.R.S., or any other law; and

WHEREAS, the Board hereby determines to hold a special election of the District's electors on November 2, 2021 (the "Election") to be held as part of the coordinated election being conducted by the County Clerk and Recorder (the "Clerk") of Pueblo County (the "County") pursuant to the Uniform Election Code of 1992, Title 1, Articles 1 through 13, Colorado Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board that:

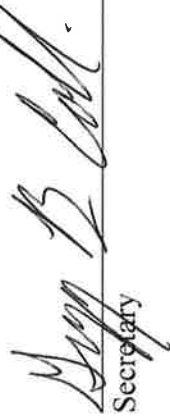
1. In accordance with the Uniform Election Code of 1992, the Board hereby determines that an election of the eligible electors of the District shall be held on November 2, 2021, which is the date of the state coordinated election. At that time, there will be submitted to the eligible electors of the District a ballot issue which would authorize the District to collect, retain and spend for any lawful purpose all revenues from all sources, including property taxes, generated during fiscal year 2020 and each subsequent year thereafter, notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution, § 29-1-301, C.R.S., or any other law. The ballot issue shall be in substantially the form shown on **Exhibit A** attached hereto and incorporated herein by this reference, and the Board hereby sets the ballot title as set forth in **Exhibit A**.
2. The election shall be conducted as a coordinated election in accordance with all relevant provisions of the Uniform Election Code of 1992.
3. On August 18, 2021, the Board of Directors of the District approved an Intergovernmental Agreement with Pueblo County, on behalf of the Clerk and Recorder of Pueblo County, to set forth the tasks to be completed by the County Clerk and the District in the conduct and finance of a coordinated November 2, 2021 election (the "IGA").


4. The Board hereby designates James Eecher as the Designated Election Official (“DEO”) and Contact Officer of the District for all actions that must be performed by the District pursuant to the IGA or pursuant to law. The DEO is hereby authorized and directed to proceed with any action necessary or appropriate, including contracting with the Clerk to conduct the Election, to effectuate the provisions of this Resolution, the Act, the Uniform Election Code of 1992, TABOR or other applicable laws.
5. After ballot certification and through canvass, the District designates the County Clerk of Pueblo County to act as the Coordinated Election Official for the conduct of the election for the District for all matters which require action by the Designated Election Official, except to the extent such action must be performed by the District pursuant to the IGA.
6. If a majority of the votes cast on the ballot issue are in favor of authorizing the District to collect, retain and spend all revenues from all sources, as provided in such ballot issue, the District, acting through the Board, is authorized to proceed with the necessary action to collect, retain and spend all revenues from all sources, in accordance with such ballot issue. Said authority, if conferred by the results of the election, is deemed and considered a continuing authority to collect, retain and spend all revenues from all sources at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, may be considered as exhausting or limiting the full authority so conferred.
7. Pursuant to § 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five (5) days after the title of the ballot issue or ballot question is set.
8. The Board intends that the provisions hereof are severable. Therefore, if any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not impair or invalidate the remaining provisions of this Resolution.
9. Any and all actions previously taken by the DEO or the Chairperson or Secretary of the Board or any other persons acting on their behalf concerning the subject matter of this Resolution, pursuant to the Act, Uniform Election Code of 1992, or other applicable laws, are hereby ratified and confirmed.
10. All acts, orders, and resolutions or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed only to the extent of such inconsistency or conflict.
11. The provisions of this Resolution shall take effect immediately.

A motion was made and seconded, and, upon a majority vote, this Resolution was **ADOPTED AND APPROVED** by the Board this 31st day of August, 2021.

COLORADO CITY METROPOLITAN DISTRICT

ATTEST:


Secretary


President / Chairperson

[SEAL]

COLORADO CITY METROPOLITAN DISTRICT BALLOT ISSUE _____

WITHOUT CREATING ANY NEW TAX OR INCREASING ANY PROPERTY TAX RATES, UNLESS SEPARATELY APPROVED BY THE VOTERS, SHALL COLORADO CITY METROPOLITAN DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES IT RECEIVES FROM ALL SOURCES IN FISCAL YEAR 2020 AND THEREAFTER AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS THAT WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE 5.5 PERCENT PROPERTY TAX REVENUE LIMITATION SET FORTH IN SECTION 29-1-301 OF THE COLORADO REVISED STATUTES, OR ANY OTHER LAW?

YES _____
NO _____

STATE OF COLORADO)
COUNTY OF PUEBLO) ss.
COLORADO CITY METROPOLITAN)
DISTRICT)


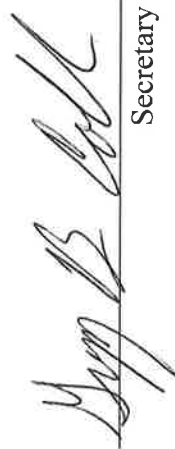
I, Gregory B. Collins, Secretary of Colorado City Metropolitan District, Pueblo County, Colorado (the "District"), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of Directors (the "Board") of the District at a regular meeting held on August 31, 2021.
2. The Resolution was duly moved and seconded, and the Resolution was adopted at the regular meeting of August 31, 2021, by an affirmative vote of a majority of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Neil W. Elliot, Chairperson	X			
Gregory B. Collins, Secretary	X			
Harry A. Hochstetler, Treasurer	X			
Terry E. Kraus, Director	X			
Robert Cook, Director		X		

3. The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.
4. The Resolution was approved and authenticated by the signature of the President of the District, sealed with the District's seal, attested by the Secretary and recorded in the minutes of the Board.
5. There are no bylaws, rules or regulations of the Board that might prohibit the adoption of said Resolution.
6. Notice of the regular meeting of August 31, 2021, in the form attached hereto as **Exhibit A** was posted on the public website of the District, not less than 24 hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of said District affixed this 31st day of August, 2021.


[SEAL]
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Secretary