

RESOLUTION 3-2023
RESOLUTION OF COLORADO CITY METROPOLITAN DISTRICT
CONCERNING MAY 9, 2023 ELECTION
INCLUDING APPOINTMENT OF DESIGNATED ELECTION OFFICIAL AND
AUTHORIZATION OF THE DESIGNATED ELECTION OFFICIAL TO CANCEL THE
ELECTION

WHEREAS, a regular election is to be held on Tuesday, May 9, 2023, for the purpose of electing members to the Board of Directors of the Colorado City Metropolitan District (“District”); and

WHEREAS, two three-year terms for Director shall be open at the regular election to be held on May 9, 2023, by the District; and

WHEREAS, the Board of Directors wishes to hereby appoint a Designated Election Official to be responsible for conducting the election and to set forth certain details regarding the election.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Colorado City Metropolitan District of Pueblo County, Colorado, that:

1. A regular election of the eligible electors of the District shall be held on Tuesday, May 2, 2022, between the hours of 7:00 A.M. and 7:00 P.M., at which election the electors shall vote for two Directors to serve three-year terms.

2. The current term of office for Terry Kraus, Harry Hochstetler, and Neil Elliot will expire following the regular election to be held on May 2, 2023.

3. The election shall be held and conducted in accordance with the Colorado Local Government Election Code, applicable portions of the Uniform Election Code of 1992, and Title 32, Article 1, Part 8, Colorado Revised Statutes, and other relevant Colorado and federal law (collectively, the “Applicable Law”).

1. The Board of Directors hereby designates James Naron, whose address is:
4483 Decker Place
Colorado City Colorado 81019

as the Designated Election Official (“DEO”) for the regular special district election to be held on May 2, 2023 and following the election to serve until replaced by the Board, and authorizes the DEO to undertake all reasonable actions that are necessary or convenient for the conduct of the election. Among other matters, the DEO shall publish the call for nominations, appoint election judges as necessary, appoint the Canvass Board, arrange for the required notices of election and printing and mailing of ballots, and direct that all other appropriate actions be accomplished. Except as otherwise provided by Applicable Law, the DEO shall render all interpretations and shall make all initial decisions as to controversies or other matters arising in the operation of the election.

- o The Board hereby names Cristy Adams as the Deputy DEOs for the regular special district election scheduled for May 2, 2023.

2. The election shall be conducted as a mail ballot election in accordance with the applicable provisions of the Applicable Law. The DEO shall develop a plan for conducting the mail ballot Election, which will be made available to the public. There shall be no election precinct or polling place. All mail ballots shall be returned to the Designated Election Official’s office listed above.

3. Mail ballots may be either returned by United States mail or returned to the depository located at the Designated Election Official’s address listed above.

4. Applications for absentee ballots may be filed with the DEO, at the address listed in paragraph 4 above, no later than the close of business on the seventh day prior to the election (Tuesday, April 25, 2023).

5. Self-Nomination and Acceptance forms are available at the DEO's office located at the above address. All candidates must file a Self-Nomination and Acceptance form with the DEO no earlier than January 1, 2023 and no later than the close of business (5:00 p.m.) 67 days prior to the date of the election (Friday, February 24, 2023).

6. An affidavit of intent to be a write-in candidate for Director to serve for any designated vacancy shall be filed with the DEO no later than the close of business (5:00 p.m.) on Monday, February 27, 2023.

7. If the only matter before the eligible electors is the election of persons to office and if, at the close of business on March 1, 2023, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent no later than the close of business on Monday, February 27, 2023, the Board authorizes and directs the DEO to cancel the election and declare the candidates elected.

8. If the election is so canceled, the Board authorizes and directs the DEO to publish a Notice of Cancellation of Election and post it at each polling place and in the offices of the DEO and the County Clerk and Recorder of each county in which the District is located, and to file such Notice with the Division of Local Government. The DEO shall also notify the candidates that the election was canceled and that they are elected by acclamation.

9. Pursuant to §1-11-103(3), and §1-13.5-513(1), C.R.S., if the DEO has cancelled the election, the DEO or District will file this Resolution, together with the Notice of Cancellation, with the Division of Local Government.

10. Should any part or provision of this Resolution be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the intention that the various provisions hereof are severable.

11. All acts, orders, resolutions, or parts thereof, of the District that are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

12. All past actions taken by the District, or its DEO, Board members individually and collectively, officers, agents, attorneys, and consultants, directed toward the lawful conduct of the election were done in the best interests of the District and said actions are hereby ratified and confirmed as if originally taken with full authority.

13. In the event of a conflict between this Resolution and Applicable Law, the Applicable Law shall control.

14. The provisions of this Resolution shall take effect immediately.

Adopted and approved this 10 day of JANUARY 2023, by the Board of Directors of Colorado City Metropolitan District, Pueblo County, Colorado.

COLORADO CITY METROPOLITAN DISTRICT

By: 
Neil Elliott, President and Chairman of the Board

ATTEST:


Harry Hochstetler, Treasure