

**RESOLUTION FOR CANCELLATION OF ELECTION,  
DECLARATION DEEMING CANDIDATES ELECTED, AND  
CERTIFICATE OF ELECTION RESULTS**

§§ 1-11-103(3), 1-13.5-513(1) and 32-1-104(1), C.R.S.

**BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2  
EAGLE COUNTY, COLORADO**

**WHEREAS**, Donette B. Hunter, the Designated Election Official (“DEO”) for the Buckhorn Valley Metropolitan District No. 2 (“District”) has been duly authorized by a resolution of the Board of Directors of the District, a copy of which is attached hereto as **Exhibit A**, to cancel and declare candidates elected at the close of business on the sixty-third day before the election to be conducted on May 5, 2020 (“Election”) if there are not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates; and

**WHEREAS**, there were not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, at the close of business on the sixty-third day before the Election.

**NOW THEREFORE**, the DEO hereby certifies that at the close of business on the sixty-third day before the Election there were not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates. Therefore, the DEO hereby cancels the Election pursuant to Section 1-13.5-513(1), C.R.S. and declares the following candidates elected by acclamation for the following terms of office:

Name:	Address:	Term:
Samantha Gale	25 Maverick Court P.O. Box 1402 Gypsum, CO 81637	Three (3) year
David Garton	59 Indian Heights Way P.O. Box 480 Gypsum, CO 81637	Three (3) year
Scott Green	0600 Cottonwood Pass Road P.O. Box 1237 Gypsum, CO 81637	Three (3) year

/s/ DB Hunter

Donette B. Hunter  
Designated Election Official  
Buckhorn Valley Metropolitan District No. 2

District Business Address: Jennifer L. Ivey  
Icenogle Seaver Pogue, P.C.  
4275 South Monaco Street, Suite 360  
Denver, Colorado 80237

District Telephone No.: (303) 867-3003

Contact Person for the District: Jennifer L. Ivey  
Icenogle Seaver Pogue, P.C.  
4275 South Monaco Street, Suite 360  
Denver, Colorado 80237

Electronic Mail: [JIvey@ISP-Law.com](mailto:JIvey@ISP-Law.com)

File With: Division of Local Government  
Provide To: Candidates

**EXHIBIT A**

**ELECTION RESOLUTION**

**RESOLUTION OF  
THE BOARD OF DIRECTORS OF  
BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2  
2020 REGULAR SPECIAL DISTRICT ELECTION RESOLUTION**

At a regular meeting of the Board of Directors of the Buckhorn Valley Metropolitan District No. 2, Eagle County, Colorado, held at 7:30 A.M., on Tuesday, November 19, 2019 at 11 Bridger Drive, Gypsum, Colorado at which a quorum was present, the following resolution was adopted:

**WHEREAS**, the Buckhorn Valley Metropolitan District No. 2 (the “District”) was organized pursuant to the Special District Act, Article 1 of Title 32, C.R.S. (the “Act”), after approval of the eligible electors of the District, by order of the District Court in and for Eagle County, Colorado, dated May 15, 2000; and

**WHEREAS**, elections may be held pursuant to 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 Code”) (the Act, Uniform Code, and Local Government Code are collectively referred to herein as the “Election Laws”) for the purpose of 1) electing members of the Board and 2) presenting certain ballot questions to the eligible electors of the District; and

**WHEREAS**, pursuant to Section 32-1-305.5(3)(b), the terms of office of members of the Board of Directors for the District (the “Board”) elected in regular special district elections held in 2020 and 2022 are for three (3) years; and

**WHEREAS**, the Board of the District currently includes five (5) members elected to serve on the Board, zero (0) members appointed to fill vacancies on the Board and zero (0) vacancies; and

**WHEREAS**, the term of office for three (3) members of the Board for the District shall expire after their successors are elected at the next regular election for the District scheduled to be held on the Tuesday succeeding the first Monday of May in accordance with § 1-13.5-111(1), C.R.S. or May 5, 2020; and

**WHEREAS**, in accordance with the provisions of the Election Laws, the election must be conducted to elect to the Board of the District three (3) Directors to serve for a term of three years and zero (0) Directors to serve a term of two years; and

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

**WHEREAS**, §§ 1-1-111(2), 1-13.5-108 and 32-1-804(2), C.R.S. provide that all powers and authority granted to the Board may be exercised by a “Designated Election Official” designated by the Board; and

**WHEREAS**, § 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**, § 1-7.5-107(4)(b)(II), C.R.S. specifies that the Designated Election Official shall designate a secure drop-off location that is under his or her supervision, and § 1-5-102(1), C.R.S. requires that the Designated Election Official divide the jurisdiction into as many election precincts as he or she deems expedient for the convenience of eligible electors of the jurisdiction and designate the polling place for each precinct; and

**WHEREAS**, § 1-13.5-1004(1), C.R.S. provides that the Designated Election Official shall keep a list of names of eligible electors who have applied for absentee voters' ballots and those voters who have applied to have a permanent absentee voter status, which list must contain certain other information as set out by statute; and

**WHEREAS**, § 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 (63<sup>rd</sup>) 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 board; and

**WHEREAS**, §§ 1-11-103(3) & 32-1-104(1), C.R.S. require the District to certify to the Colorado Division of Local Government (the "Division") the results of any elections held by the District and include the District's business address, telephone number and contact person; and

**WHEREAS**, the Board desires to call the election and set forth herein the procedures for conducting the election as authorized by the Election Laws.

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2 THAT:

1. The Board hereby calls a regular election of the eligible electors of the District to be held between the hours of 7:00 A.M. and 7:00 P.M. on the Tuesday succeeding the first Monday of May pursuant to and in accordance with § § 1-13.5-111(1), C.R.S., the Election Laws, and other applicable laws (May 5, 2020), for the purpose of electing three (3) Directors to serve a three-year term and zero (0) Directors to serve a two-year term on the Board. Such election shall be conducted as an independent mail ballot election, pursuant to Part 11 of the Local Government Election Code.

2. Pursuant to § 32-1-804(2), C.R.S., the Board hereby names Donette B. Hunter, of Icenogle Seaver Pogue, P.C., as the Designated Election Official for the election. The Board hereby directs the District's general counsel to oversee the general conduct of the election and authorizes the Designated Election Official to take all other action necessary for the proper conduct thereof. The Designated Election Official shall act as the primary contact with the Clerk and Recorder of Eagle County, Colorado (the "County") and shall be primarily responsible for ensuring the proper conduct of the election, including, but not limited to, distributing, handling, and counting of ballots

and the survey of returns, taking the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election, appointing election judges as necessary, appointing the board of canvassers, arranging for the required notices of the election and printing of ballots, maintaining a permanent absentee voter list and directing that all other appropriate actions be accomplished.

3. The Board deems it expedient for the convenience of the electors that it shall establish a polling place & drop-off location for all regular and special elections of the District. There shall be one (1) polling place & drop-off location for the elections. This polling place & drop-off location shall be used for any regular or special elections to be held in 2020 and in each year thereafter until such polling place & drop-off location is changed by duly adopted resolution of the Board. Such polling place & drop-off location shall be located at 4725 South Monaco Street, Suite 360, Denver, Colorado 80237. All voters for the District, including handicapped and nonresident voters, shall return their ballots to the designated polling place & drop-off location by mail or delivery. All eligible electors may also obtain a replacement ballot from the polling place & drop-off location until 7:00 P.M. on election day in accordance with § 1-13.5-1105(4), C.R.S. A map showing the District's boundaries is on file at the offices of Icenogle Seaver Pogue, P.C., 4725 South Monaco Street, Suite 360, Denver, Colorado 80237, and is available for examination by all interested persons.

4. Applications for an absentee voter's ballot or for permanent absentee voter status may be filed with the Designated Election Official, 4725 South Monaco Street, Suite 360, Denver, Colorado 80237, 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 28, 2020).

5. Pursuant to § 1-13.5-303, C.R.S., all candidates must file a self-nomination and acceptance form or letter signed by the candidate and by an eligible elector of the special district 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 28, 2020). Self-nomination and acceptance forms are available at the Designated Election Official's office located at the above address.

6. Pursuant to § 1-13.5-513, C.R.S., the Board hereby authorizes and directs the Designated Election Official to cancel the election and declare the candidates elected if, at or after the close of business on the sixty-third (63<sup>rd</sup>) day before the election (March 3, 2020), 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 matter before the electors is the election of persons to office. Under these circumstances, the Board further authorizes and directs the Designated Election Official to provide notice of the cancellation by publication in accordance with § 1-13.5-501, C.R.S. and to post notice of the cancellation at each polling location, the office of the Designated Election Official, the Eagle County Clerk and Recorder's Office and with the Division. The Designated Election Official shall also file a copy of this Resolution authorizing the cancellation of the election with the Division pursuant to § 1-11-103(3), C.R.S. The Designated Election Official shall also notify the candidates that the election was canceled and they were elected by acclamation.

7. In accordance with §§ 1-11-103(3) & 32-1-104(1), the District directs the Designated Election Official to notify the Division of the results of any elections held by the District, including the District's business address, telephone number and contact person, within thirty (30) days after the election (June 4, 2020).

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

9. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board, the Designated Election Official and the officers, agents and employees of the District 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 District 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 District 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.

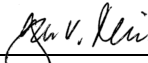
13. This Resolution shall take effect on the date and at the time of its adoption.

**[Remainder of page intentionally left blank.]**


Whereupon, a motion was made and seconded, and upon a majority vote, this Resolution was approved by the Board.

**ADOPTED AND APPROVED THIS 19<sup>TH</sup> DAY OF NOVEMBER 2019.**

**BUCKHORN VALLEY METROPOLITAN  
DISTRICT NO. 2**

  
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John V. Hill, President

ATTEST:

  
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Anna Maria Ray, Assistant Secretary