

BUCKHORN VALLEY METROPOLITAN DISTRICT NO 2

RESOLUTION CALLING FOR THE 2023 REGULAR DISTRICT ELECTION, ESTABLISHING NOTICE PROCEDURES AND APPOINTING A DESIGNATED ELECTION OFFICIAL

WHEREAS, the Buckhorn Valley Metropolitan District No 2 (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, the terms of office of **Director Fiore and Director Heuman shall expire** after their successors are elected at the regular special district election to be held on May 2, 2023 (“Election”) and have taken office; and

WHEREAS, in accordance with the provisions of the Special District Act (“Act”) and the Colorado Local Government Election Code (“Code”) (the Act and the Code being referred to jointly as the “Election Laws”), the Election must be conducted to elect **two directors to serve for a term of four years.**

NOW, THEREFORE, be it resolved by the Board of Directors of the Buckhorn Valley Metropolitan District No 2 in the County of Eagle, State of Colorado that:

1. The regular election of the eligible electors of the District shall be held on **May 02, 2023**, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Election Laws, and other applicable laws. **At that time, two directors will be elected to serve four-year terms.**
2. That the election shall be held and conducted in accordance with the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S., as supplemented by Const. Colo. Art. X, Sec. 20, the Uniform Election Code of 1992 as amended, the applicable Current Rules and Regulations Governing Election Procedures of the Secretary of State of the state of Colorado, and Title 32, Article 1, Part 8, Colorado Revised Statutes, C.R.S. 32-1-305.5, and other relevant Colorado and federal law (collectively, hereafter all such law and rules shall be referred to as the “Relevant Law”);
3. The Board of Directors hereby designates Charles Wolfersberger as the Designated Election Official for the conduct of the Election on behalf of the District, and he is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Election Laws or other applicable laws. Among other matters, the Designated Election Official shall publish the call for nominations, appoint election judges as necessary, appoint the Canvass Board, arrange for the required notices of election, printing of ballots, and direct that all other appropriate actions be accomplished.
4. Self-Nomination and Acceptance forms are available at the Designated Election Official’s office located at the above address. **All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no earlier than January 1, 2023, nor later than the close of business on Friday February 24, 2023.**

5. **Call for Nominations – Notice Content:** The Call for Nominations notice will include the following information: (1) the Director offices to be voted upon at the election, (2) where a self-nomination and acceptance form may be obtained, (3) the deadline for filing such form, and (4) information on obtaining an absentee ballot.
6. **Call for Nominations – Published Notice:** A Call for Nominations notice shall be posted on the homepage of the District’s website ([www.buckhornvalleymetro.org](http://www.buckhornvalleymetro.org)) from **January 24, 2023** through **February 27, 2023**.
7. **Call for Nominations – Emailed Notice:** The Call for Nominations Notice shall be emailed to each registered elector of the District using the email address on file with the County Clerk & Recorder’s Office for each registered elector record.
8. **Call for Nominations – Mailed Notice:** The Call for Nominations Notice shall be mailed to the household of each registered elector of the District (as identified on the voter registration records maintained by the County Clerk & Recorder’s Office) who has not otherwise received such notice via email from the District.
9. **Notice Delivery/Publication Timing:** The Call for Nominations Notice must be published and emailed/mailed to each registered elector of the District not fewer than 75 days (**February 16, 2023**) nor more than 100 days (**January 22, 2023**) prior to the **May 02, 2023** election date.
10. **Registered Elector List:** The list of registered electors maintained by the County Clerk & Recorder’s Office and used by the District to email and mail the Call for Nomination Notice must reflect all registered voters in the District as of any one point in time on or after **December 05, 2022** (150 days prior to the election date).
11. If the only matter before the electors is the election of Directors of the District and if, at the close of business on February 27, 2023, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent no later than **February 27, 2023**, the Designated Election Official shall cancel the Election and declare the candidates elected. If the election is canceled, the Board of Directors by delegation to the Designated Election Official herein shall: (a) provide notice by publication of the cancellation of the election; (b) post a copy of the published notice at each polling location within the District, at the office of the Designated Election Official, and at the office of the clerk and recorder for each county in which the District is located; and (c) file a copy of the published notice with the Division of Local Government. The Board of Directors shall notify the candidates that the election was canceled and that they were elected by acclamation. If the election is canceled, the canvass board will not meet, and the Designated Election Official shall note the cancellation on the Certificate of Election and shall indicate which candidates were elected by acclamation;
12. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.
13. Any and all actions previously taken by the Designated Election Official, the Secretary of the Board of Directors, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws, are hereby ratified and confirmed.

- 14. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.
- 15. The provisions of this Resolution shall take effect immediately. ADOPTED this 28<sup>th</sup> day of November 2022.

BUCKHORN VALLEY METROPOLITAN DISTRICT NO 2

DocuSigned by:  
*Nick Viau*  
By: 68444168BB1048E...  
Nickolas Viau, President

ATTEST:  
DocuSigned by:  
*Eliana Walker*  
By: 24B7825AEF8E419  
Eliana Walker, Secretary