

Resolution No. 2020-12

**RESOLUTION OF BOARD OF
DIRECTORS CALLING ELECTION**

TRIVIEW METROPOLITAN DISTRICT

§§ 32-1-804, 1-1-111(2), 1-13.5-1103(1), and 1-13.5-513(1), C.R.S.

At a meeting of the Board of Directors (the "Board") of the Triview Metropolitan District (the "District"), it was moved to adopt the following Resolution:

WHEREAS, the District was organized as a special district pursuant to §§ 32-1-101, *et seq.*, C.R.S. (the "Special District Act"); and

WHEREAS, the District is located entirely within El Paso County, Colorado (the "County"); and

WHEREAS, pursuant to § 32-1-804, C.R.S., the Board governs the conduct of regular and special elections for the District; and

WHEREAS, the Board anticipates holding an election on November 3, 2020, for the purpose of submitting ballot issues and/or questions to eligible electors of the District, and desires to take all actions necessary and proper for the conduct thereof (the "Election"); and

WHEREAS, the Election shall be conducted pursuant to the Special District Act, the Colorado Local Government Election Code and the Uniform Election Code of 1992, to the extent not in conflict with the Colorado Local Government Election Code, including any amendments thereto; and

WHEREAS, pursuant to § 1-1-111(2), C.R.S., the Board is authorized to designate an election official (the "Designated Election Official") to exercise authority of the Board in conducting the Election; and

WHEREAS, pursuant to § 1-13.5-513(1), C.R.S., the Board can authorize the Designated Election Official to cancel the Election upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby calls the Election for the purpose of submitting ballot issues and/or questions to eligible electors of the District. The Election shall be conducted as a coordinated mail ballot election with the County.

2. That, in accordance with § 32-1-1101(2), C.R.S., the Board hereby determines that the interests of the District and the public interest or necessity in carrying out the District's objects and purposes call for the Election and for there to be submitted to the District's eligible electors a

question necessary to implement Article X, § 20 of the Colorado Constitution as applied to the District.

3. The Board names Ashley B. Frisbie of the law firm of White Bear Ankele Tanaka & Waldron ("Counsel") as the Designated Election Official for the Election. The Designated Election Official shall be the primary contact with the County with respect to the Election and is hereby authorized to execute the intergovernmental agreement with the County, regarding the election.

4. Without limiting the foregoing, the following specific determinations also are made:

- a. The Board hereby directs Counsel to the District to approve the final form of the ballot to be submitted to the eligible electors of the District and authorizes the Designated Election Official to certify those questions and take any required action therewith.
- b. The Board hereby directs Counsel to the District to oversee the general conduct of the Election and authorizes the Designated Election Official to take all action necessary for the proper conduct thereof and to exercise the authority of the Board in conducting the Election, including, but not limited to, causing the call for nominations; appointment, training and setting compensation of election judges and a board of canvassers, as necessary; all required notices of election, printing of ballots; supervision of the counting of ballots and certification of election results; and all other appropriate actions.

5. The District shall be responsible for the payment of any and all costs associated with the conduct of the Election, including its cancellation, if permitted.

6. The Board hereby ratifies any and all actions taken to date by the Counsel to the District and the Designated Election Official in connection with the Election.

7. This Resolution shall remain in full force and effect until repealed or superseded by subsequent official action of the Board.

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ADOPTED THIS 24th DAY OF AUGUST, 2020

TRIVIEW METROPOLITAN DISTRICT



Officer of the District

ATTEST:



APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

Counsel for the District

[Signature Page to Resolution Calling Election]

TRIVIEW METROPOLITAN DISTRICT BOARD OF DIRECTORS

Special Board Meeting

Monday, August 24, 2020

Triview Metropolitan District Office
16055 Old Forest Point Suite 300
Monument, CO 80132
8:30 a.m. – 9:00 a.m.

Conference Call in Number:

(866) 212-0875

Access Code

8214608#

AGENDA

1. Call to Order
2. Declaration of a Quorum, Notice of Posting
3. Approval of Agenda
4. Action Items:
 - a. Review and Consider approval of Resolution 2020-12, a Resolution of the Board of Directors, Triview metropolitan District, Calling Election. (enclosure)
 - b. Review and Consider approval of an intergovernmental agreement between Colorado Springs Utilities, Triview Metropolitan District, and Donala Water and Sanitation District, to allow Colorado Springs Utilities to Utilize excess treatment capacity in the Upper Monument Plant owned by Triview Metropolitan District and Excess Capacity in Donala Water and Sanitation District's Northgate Lift Station so the Air Force Academy Visitors' Center construction can proceed in a timely manner. (enclosure)
5. Adjournment