

RESOLUTION NO. 2018-2

WHEREAS, the Triview Metropolitan District (the "District"), in the County of El Paso (the "County") and State of Colorado, is a public corporation duly organized and existing under the Constitution and the laws of the State of Colorado; and

WHEREAS, the members of the Board of Directors of the District (the "Board") have been duly elected, chosen and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any new tax, the creation of any debt and for collecting, retaining and spending certain moneys above limits established by TABOR; and

WHEREAS, the Board hereby determines that the interest of the District and the public interest and necessity demand and require that the Board provide the voters with the opportunity to decide whether to utilize the mill levy designated for payment of the District's general obligation indebtedness for both the payment of debt and additionally, for the payment of general operations, maintenance and/or capital acquisition purposes of the District; and

WHEREAS, TABOR requires the District to submit ballot issues (as defined in TABOR) to the District's electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 6, 2018, 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 County Clerk and Recorder in El Paso County (the "County Clerk") will conduct the election on November 6, 2018 as a coordinated election (the "election"); and

WHEREAS, it is necessary to submit to the eligible electors of the District, at the election, the proposition of approving a change in allocation of existing tax revenue to provide additional funds for the payment of debt and for the payment of general operations, maintenance and/or capital acquisition purposes of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF TRIVIEW METROPOLITAN DISTRICT, IN THE COUNTY OF EL PASO AND STATE OF COLORADO:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the District and the officers thereof, directed towards the election and the objects and purposes herein stated and the questions set forth herein are, ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in Section 1-1-104, C.R.S.

Section 2. Pursuant to TABOR and the Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto, the District hereby determines to hold the election, and that there shall be submitted to the eligible electors of the District the question set forth herein. Because the election will be held as part of the coordinated election, the Board hereby determines that the County Clerk shall conduct the election on behalf of the District. The officers of the District are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 3. The Board hereby authorizes and directs the officers of the District to certify on or before September 7, 2018, the following question in substantially the form hereinafter set forth to the County Clerk. Such question shall be submitted to the eligible electors of the District at the election.

WITHOUT INCREASING THE CURRENT TAX RATE OF 35 MILLS, SHALL TRIVIEW METROPOLITAN DISTRICT COLLECT UP TO \$3,200,000 IN PROPERTY TAX REVENUE IN 2019, AND SUCH AMOUNT AS GENERATED ANNUALLY THEREAFTER BY LEVYING UP TO THE EXISTING 35 MILLS, AND USE THE REVENUES FROM THE LEVY FOR THE PAYMENT OF DEBT AND FOR THE PAYMENT OF GENERAL OPERATIONS, MAINTENANCE AND/OR CAPITAL ACQUISITION PURPOSES OF THE DISTRICT, WHICH MAY INCLUDE:

- JACKSON CREEK PARKWAY EXPANSION;
- STREET OVERLAYS AND IMPROVEMENTS;
- REPLACING DAMAGED CURBS, GUTTERS AND SIDEWALKS;

- IMPROVING PARKS AND OPEN SPACE INCLUDING MAINTENANCE AND CONSTRUCTION OF TRAILS, PARK FACILITIES SUCH AS GAZEBOS, PLAY GROUND EQUIPMENT AND IRRIGATION SYSTEMS;
- REPAIRING AND MAINTAINING DRAINAGE FACILITIES;
- ACQUIRING RENEWABLE WATER RIGHTS;
- ACQUIRING, PARTICIPATING IN, AND/OR CONSTRUCTING REGIONAL WATER PROJECTS;

PROVIDED THAT NOTHING HEREIN AFFECTS THE ABILITY OF THE DISTRICT TO INCREASE THE MILL LEVY IF NECESSARY TO PAY DEBT SERVICE ON ITS DEBT; PROVIDED FURTHER THAT AFTER THE DISTRICT'S DEBT IS NO LONGER OUTSTANDING, THE DISTRICT MAY CONTINUE TO IMPOSE 10 MILLS ANNUALLY FOR ONGOING OPERATIONS, MAINTENANCE AND/OR CAPITAL PURPOSES;

AND SHALL THE PROCEEDS OF SUCH REVENUE AND INVESTMENT EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION OR SPENDING OF ANY OTHER DISTRICT REVENUES OR FUNDS UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE ANNUAL 5.5% PROPERTY TAX REVENUE LIMITATION SET FORTH IN SECTION 29-1-301 OF COLORADO REVISED STATUTES, OR ANY OTHER LAW?

Section 4. Bradley T. Neiman, Esq., of White Bear Ankele Tanaka & Waldron is hereby appointed as the designated election official of the District for purposes of performing acts required or permitted by law in connection with the election and shall act as the primary contact with the County.

Section 5. If a majority of the votes cast on the question to authorize the District to collect, retain and expend tax revenues submitted at the election shall be in favor of the same, the District acting through the Board shall be authorized to proceed with the necessary action to collect, retain and expend such revenues in accordance with such question.

Section 6. The officers of the District are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 7. Pursuant to Section 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 days after the title of the ballot issue or ballot question is set.

Section 8. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

Section 9. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 10. The effective date of this resolution shall be immediately upon adoption.

ADOPTED AND APPROVED this August 14, 2018.



(SEAL)

\_\_\_\_\_  
President  
Triview Metropolitan District

ATTEST:

\_\_\_\_\_  
Secretary/Treasurer  
Triview Metropolitan District

STATE OF COLORADO )  
 )  
COUNTY OF EL PASO ) SS.  
 )  
TRIVIEW METROPOLITAN DISTRICT )

I, the Secretary/Treasurer of Triview Metropolitan District, El Paso County, Colorado (the "District"), do hereby certify:

The foregoing pages are a true, complete and correct copy of a resolution (the “Resolution”) passed and adopted by the Board of Directors (the “Board”) of the District at an open, regular meeting of the Board held at the District’s offices on August 14, 2018 by an affirmative vote of a majority of the members of the Board as follows:

<u>Director</u>	<u>Voting Aye</u>	<u>Voting Nay</u>	<u>Absent</u>	<u>Abstaining</u>
Mark Melville, President	X			
Marco Fiorito, Vice President			X	
James Barnhart, Secretary/Treasurer	X			
James Otis, Director	X			
Anthony Sexton, Director	X			

The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.

The Resolution was approved and authenticated by the signature of the President of the Board, sealed with the District seal, attested by the Secretary/Treasurer and recorded in the minutes of the Board.

There are no bylaws, rules or regulations of the Board which might prohibit the adoption of the Resolution.

Notice of the meeting of August 14, 2018, in the form attached hereto as Exhibit A was given to each member of the Board and was posted in at least three public places within the

limits of the District and, in addition, at the office of the El Paso County Clerk and Recorder at least three days prior to the meeting, in accordance with law.

WITNESS my hand and the seal of the District affixed this 14<sup>th</sup> day of August, 2018.

(SEAL)



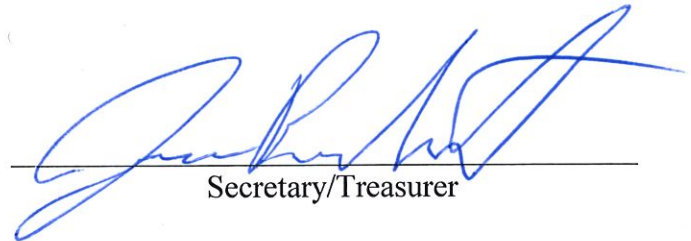
  
Secretary/Treasurer

EXHIBIT A  
(Notice of Meeting)