

Resolution 2025-03

**AMENDED AND RESTATED RESOLUTION OF BOARD OF DIRECTORS
AMENDING RESOLUTION 2024 -14 CALLING ELECTION**

TRIVIEW METROPOLITAN DISTRICT

§§ 32-1-804, 1-1-111(2), 1-13.5-1101, 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**”), held on November 21, 2024 the Board adopted Resolution 2024-14 calling a director election; and

WHEREAS, the Board has determined that it is in the best interests of the District to also submit to the electors a ballot issue authorizing the District to incur debt in order to fund needed improvements to Higby Road, including widening to address safety concerns from increased traffic; and

WHEREAS, there will be no tax increase necessary to issue the debt, and developers to the South of Higby Road will reimburse the District for approximately half of the costs under an existing agreement, helping to pay off the debt and requiring growth to pay its own way; and

WHEREAS, the benefits to the residents of the District, Lewis Palmer High School students and staff and the surrounding community include, safety improvements, such as:

- roundabouts, which reduce the number of conflict points at an intersections to reduce fatal and injury crashes by approximately 80 percent,
- enhanced emergency ingress and egress to surrounding homes and subdivisions east of Jackson Creek Parkway,
- a wildfire evacuation route,
- a 5-foot sidewalk on the north side of Higby Road and an 8-foot multiuse path providing safe travel to bicyclists and pedestrians,
- pedestrian crossings for students and residents to improve safety and walkability,
- center islands to prevent dangerous left turns,
- improvement to the existing traffic signal at Higby Road and Jackson Creek Pkwy,
- reduced traffic congestion as development continues; and

WHEREAS, construction phasing will be scheduled to limit disruptions to Lewis-Palmer High School; and

WHEREAS, constructions costs have tripled since 2021 and are likely to keep rising if the project is delayed, so completing this project will save residents money in the long run; and

WHEREAS, the District Board has decreased the mill levy from 35 mills to 20.5 mills over the past 5 years saving residents approximately \$2,000 over five years for a \$600,000 home; and

WHEREAS, the District plans to continue to reduce property tax rates as it has in the past, as assessed values continue to increase within the District; and

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 a regular election on May 6, 2025, for the purpose of electing directors and submitting a ballot issue to the eligible electors 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, 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 shall also comply with Article X, § 20 of the Colorado Constitution (“**TABOR**”), as necessary; 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 electing directors and presenting a ballot issue to the electorate. The Election shall be conducted as: an independent mail ballot election in accordance with §§ 1-13.5-1101, *et seq.*, C.R.S..

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 the proposition of issuing general obligation bonds or creating other general obligation indebtedness or any question or questions necessary to implement Article X, § 20 of the Colorado Constitution as applied to the District. Furthermore, in accordance with § 32-1-1101(2) and (3)(a), C.R.S., the Board further finds, determines and declares the following:

a. The objects and purposes for which the indebtedness is proposed to be incurred are for the acquisition, construction, installation and completion by the District of public works, other improvements and facilities related to Higby Road.

b. The estimated cost of the proposed works, improvements and facilities to be funded by the District is approximately \$12,600,000.

c. No part of the estimated costs of the proposed facilities and improvements is expected to be defrayed out of any state or federal grant.

d. The amount of principal of the indebtedness to be incurred for payment of the costs of the proposed works, improvements and facilities shall not result in the District exceeding the maximum debt limit allowed of \$84,727,000 as described in the District's Service Plan, unless such maximum limit is increased through a material modification to the District's Service Plan.

e. The maximum net effective interest rate to be paid on such indebtedness shall not exceed 5.20% per annum.

3. The Board names Ashley B. Frisbie as the Designated Election Official for the Election. The Designated Election Official shall act as the primary contact with the County and shall be primarily responsible for ensuring the proper conduct of the Election. The Board authorizes the Designated Election Official to take all action necessary or appropriate to effectuate the provisions of this resolution including, but not limited to, certifying and recertifying the ballot pursuant to § 1-13.5-511, C.R.S.

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

a. The Board hereby directs general 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 the ballot issue and take any required action therewith.

b. The Board hereby determines that in addition to publication, notice of the call for nominations will be provided by posting on the District's website.

- c. The Board hereby authorizes and directs general counsel to the District to oversee the general conduct of the Election and authorizes and directs 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, including notices required pursuant to TABOR; printing of ballots; supervision of the counting of ballots and certification of election results; and all other appropriate actions.
- d. The Board hereby authorizes and directs the Designated Election Official to certify before March 7, 2025, the following ballot issue in substantially the form hereinafter set forth. For purposes of Section 1-11-203.5. C.R.S., this Resolution shall serve to set the ballot title and content of the ballot issue and such ballot issue shall be submitted to the eligible electors of the District at the Election. The following ballot issue shall be placed on the ballot for the Election and such ballot issue shall read substantially in the form as follows:

WITHOUT INCREASING AUTHORIZED TAX RATES, SHALL TRIVIEW METROPOLITAN DISTRICT DEBT BE INCREASED UP TO \$12.6 MILLION, WITH A MAXIMUM REPAYMENT COST OF UP TO \$25.25 MILLION, FOR THE PURPOSE OF FINANCING THE COSTS OF WIDENING AND IMPROVING HIGBY ROAD TO ADDRESS SAFETY CONCERNS AND INCREASED TRAFFIC FLOWS, INCLUDING:

- SAFETY IMPROVEMENTS SUCH AS CURB AND GUTTER, SIDEWALKS, TURN LANES, STORM DRAINAGE, AND PEDESTRIAN CROSSINGS,
- IMPROVED ACCESS TO THE PUBLIC HIGH SCHOOL, AND
- ENHANCED EMERGENCY VEHICLE ACCESS TO EXISTING HOMES AND SUBDIVISIONS,

SUCH DEBT TO CONSIST OF THE ISSUANCE AND PAYMENT OF LIMITED TAX GENERAL OBLIGATION BONDS, WHICH BONDS SHALL BEAR INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 5.20% PER ANNUM AND BE ISSUED AT SUCH TIMES AND PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HERewith, AS THE BOARD OF DIRECTORS MAY DETERMINE; SUCH DEBT TO BE PAID IN AN AMOUNT NOT TO EXCEED \$835,000 ANNUALLY FROM THE REPURPOSED AD VALOREM PROPERTY TAXES TO BE LEVIED AT A RATE NOT TO EXCEED 7 MILLS AS PREVIOUSLY APPROVED BY THE DISTRICT'S ELECTORS AT THE ELECTION HELD ON NOVEMBER 3, 2020 (AS SUCH MILL LEVY RATE MAY BE ADJUSTED FOR FUTURE CHANGES IN THE CALCULATION OF ASSESSED VALUATION) AND IF NECESSARY FROM OTHER LEGALLY AVAILABLE REVENUES WHICH CAN INCLUDE CONTRIBUTIONS FROM DEVELOPERS AND SHARED SALES TAX REVENUES

RECEIVED FROM THE TOWN OF MONUMENT; AND SHALL ALL SUCH REVENUES AND ANY EARNINGS FROM THE INVESTMENT OF SUCH REVENUES AND THE PROCEEDS OF THE BONDS CONSTITUTE A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

_____ YES/FOR _____ NO/AGAINST

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 general counsel and the Designated Election Official in connection with the Election.

7. The Board hereby authorizes and directs the Designated Election Official to cancel the Election and to declare the candidates elected if, at the close of business on the sixty-third day before the Election, or at any time thereafter, 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 ballot questions are for the election of candidates. The Board further authorizes and directs the Designated Election Official to publish and post notice of the cancellation as necessary and file such notice and cancellation resolutions with the County Clerk and Recorder and with the Division of Local Government, as required. The Designated Election Official shall also notify the candidates that the Election was canceled and that they were elected by acclamation.

8. 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 March 3, 2025

DISTRICT:

TRIVIEW METROPOLITAN DISTRICT, a
quasi-municipal corporation and political
subdivision of the State of Colorado

By:



Officer of the District

Attest:

By:



Signature Page to Resolution Calling Election