

**RESOLUTION OF
THE BOARD OF DIRECTORS OF
CHATFIELD CORNERS METROPOLITAN DISTRICT
AMENDMENT TO 2023 REGULAR SPECIAL DISTRICT ELECTION RESOLUTION
AND SETTING OF BALLOT ISSUE TITLE AND BALLOT CONTENT THEREFOR**

A RESOLUTION AMENDING THE 2023 REGULAR SPECIAL DISTRICT ELECTION RESOLUTION; SETTING THE BALLOT ISSUE TITLE AND THE BALLOT CONTENT TO BE SUBMITTED AT THE 2023 REGULAR SPECIAL DISTRICT ELECTION; AND PROVIDING FOR OTHER MATTERS RELATING THERETO

WHEREAS, Chatfield Corners Metropolitan District (the “District”) was organized pursuant to the Special District Act, Sections 32-1-101 *et seq.*, C.R.S. (the “Act”); and

WHEREAS, by prior resolution (the “2023 Election Resolution”) adopted at a regular meeting of the Board of Directors (the “Board”) of the District held on October 18, 2022, the Board called an election scheduled to be held on May 2, 2023 (the “Election”) for the purpose of electing directors to serve on the Board of the District; and

WHEREAS, capitalized terms not defined herein shall have the meanings given to them in the 2023 Election Resolution; and

WHEREAS, the 2023 Election Resolution sets forth the procedures for conducting the Election in accordance with the provisions of the Election Laws; and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires that elections concerning ballot issues be decided, *inter alia*, in a state general election, biennial local district election, or on the first Tuesday in November of odd-numbered years; and

WHEREAS, on May 7, 2002 (the “Prior Election”), the eligible electors of the District authorized the levy of certain ad valorem taxes, including ad valorem taxes for operations and maintenance purposes; and

WHEREAS, since the Prior Election, the District’s operations and maintenance expenses have increased due to inflation and related economic matters, and the District Board seeks to avoid decreasing the services the District currently provides in order to continue to serve the public interest; and

WHEREAS, due to the passage of time and the requirements of Section 32-1-1101(1), C.R.S. and TABOR, the Board now desires to submit to the eligible electors of the District at the Election a ballot issue for the purpose of approving an increase in the ad valorem mill levy for the operations and maintenance purposes authorized in the Prior Election; and

WHEREAS, Section 32-1-1101(1), C.R.S. provides that when a special district seeks to increase its ad valorem tax levy pursuant to Section 29-1-302, C.R.S., a special election shall be conducted in accordance with article 13.5 of title 1; and

WHEREAS, Article XVIII, Section 11 of the Colorado Constitution grants the voters the right to lengthen, shorten, or eliminate limitations on the terms of office imposed by such section; and

WHEREAS, the Board also seeks authorization from its eligible electors to eliminate director term limits to permit the District's electorate to elect the candidates of their choice to the District's Board; and

WHEREAS, accordingly, and in addition to electing members to the Board as set forth in the 2023 Election Resolution, the Board has determined to submit to the eligible electors of the District at the Election the ballot issue and ballot question set forth in Exhibit A, attached hereto; and

WHEREAS, therefore, in addition to the Election Laws, the Election shall be held in accordance with TABOR (collectively, the "Relevant Law"); and

WHEREAS, the Board desires to amend the 2023 Election Resolution to set forth the additional purposes of the Election and to make other appropriate changes thereto, certify such ballot issue and ballot question, and set forth the procedures for conducting such Election as authorized by the Election Laws and TABOR.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CHATFIELD CORNERS METROPOLITAN DISTRICT THAT:

1. In accordance with Section 32-1-1101(1), C.R.S., the Board hereby determines that the interests of the District and the public interest or necessity demand an increase of the District's ad valorem mill levy to provide for the funding of operations, maintenance, administration and other costs of the District without limitation by the revenue and spending limits of TABOR, Section 29-1-301 C.R.S., or any other statutory or constitutional provision.

2. The Election shall be held and conducted as an independent mail ballot election pursuant to the Relevant Law. At the Election, in addition to the other matters submitted as set forth in the 2023 Election Resolution, there shall be submitted to the eligible electors of the District the ballot issue and ballot question in substantially the form attached hereto in Exhibit A.

3. This Resolution shall serve to set the ballot titles for the ballot issue and ballot question set forth in Exhibit A hereto, which shall be in substantially the form attached hereto as Exhibit A.

4. Paragraph 6 of 2023 Election Resolution is hereby amended and restated in its entirety as follows:

Pursuant to Sections 1-13.5-513(2) & (3), C.R.S., the Board hereby authorizes and directs the Designated Election Official to cancel the Election if all ballot issues and ballot questions have been withdrawn from the ballot pursuant to Section 1-13.5-513(2), C.R.S. and if at the close of business on the sixty-third (63rd) day before the Election (February

28, 2023), there are not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates. The Board further authorizes and directs the Designated Election Official to file cancellation notices with the Eagle County Clerk and Recorder's Office and with the Colorado Division of Local Government, to post notice of the cancellation in the office of the Designated Election Official, and to provide notice by publication of the cancellation of the election. The Designated Election Official also shall notify the candidates that the Election was cancelled and that they were elected by acclamation.

5. The officers of the District, the District's General Counsel, and the Designated Election Official are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

6. If a majority of the votes cast on the ballot issue and ballot question attached hereto in Exhibit A and submitted at the Election shall be in favor of such ballot issue and ballot question, the District, acting through its Board, shall be authorized to proceed with the necessary actions to levy taxes and eliminate director term limits in accordance with the ballot issue and ballot question. Any authority to levy additional ad valorem property taxes, if conferred by the results of the Election, shall be deemed and considered a continuing authority to levy the taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

7. 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, consultants, and employees, if any, of the District, and directed toward holding the Election for the purposes stated herein are hereby ratified, approved, and confirmed.

8. Except as otherwise provided herein, all provisions of the 2023 Election Resolution shall remain in full force and effect and are incorporated herein by reference.

9. In the event of a conflict between this Resolution or the 2023 Election Resolution and the Relevant Law, the Relevant Law shall control. Should any part or provision of this Resolution be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the intention that the various provisions hereof are severable.

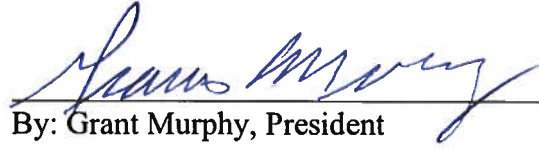
10. All acts, orders, resolutions, or parts thereof, of the District that are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

11. The provisions of this Resolution shall take effect immediately.

(Remainder of this page left intentionally blank.)

ADOPTED AND APPROVED THIS 2ND DAY OF MARCH 2023.

CHATFIELD CORNERS METROPOLITAN DISTRICT

A handwritten signature in blue ink, appearing to read "Grant Murphy", is written over a solid horizontal line.

By: Grant Murphy, President

EXHIBIT A

2023 Chatfield Corners Metropolitan District Ballot Issue & Ballot Question

BALLOT ISSUE 6A (Operations and Maintenance Mill Levy Increase)

SHALL CHATFIELD CORNERS METROPOLITAN DISTRICT TAXES BE INCREASED BY NO MORE THAN FIVE PERCENT (5%) BEGINNING IN 2024 FOR COLLECTION IN 2025 AND IN EACH YEAR THEREAFTER OR BY SUCH LESSER ANNUAL AMOUNT AS MAY BE NECESSARY TO PAY THE DISTRICT'S OPERATIONS, MAINTENANCE (INCLUDING LANDSCAPING MAINTENANCE), ADMINISTRATION, AND OTHER EXPENSES, AND SHALL SUCH TAX INCREASE CONSIST OF AN AD VALOREM MILL LEVY IMPOSED WITHOUT LIMITATION OF RATE OR WITH SUCH LIMITATIONS AS MAY BE DETERMINED BY THE BOARD AND IN AMOUNTS SUFFICIENT TO GENERATE TAX REVENUE OF NOT MORE THAN FIVE PERCENT (5%) OVER THE PRIOR YEAR; AND SHALL THE PROCEEDS OF SUCH TAXES AND ANY INVESTMENT INCOME THEREON BE COLLECTED, RETAINED, AND SPENT BY THE DISTRICT IN FISCAL YEAR 2025 AND IN EACH YEAR THEREAFTER FOR AS LONG AS THE DISTRICT CONTINUES IN EXISTENCE, WITHOUT LIMITATION BY THE REVENUE AND SPENDING LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, SECTION 29-1-301 C.R.S., OR ANY OTHER STATUTORY OR CONSTITUTIONAL PROVISION?

BALLOT QUESTION 6A (Term Limits)

SHALL IT BE YOUR RIGHT, AS A VOTER OF CHATFIELD CORNERS METROPOLITAN DISTRICT, TO ELECT CANDIDATES OF YOUR CHOICE TO THE CHATFIELD CORNERS METROPOLITAN DISTRICT BOARD OF DIRECTORS WITHOUT LIMITATION ON THE NUMBER OF TERMS THOSE DIRECTORS CAN SERVE AS CONTAINED IN ARTICLE XVIII, SECTION 11 OF THE COLORADO CONSTITUTION?