

## **RED BARN METROPOLITAN DISTRICT**

### **A RESOLUTION CALLING THE 2023 REGULAR DISTRICT ELECTION AND APPOINTING A DESIGNATED ELECTION OFFICIAL**

WHEREAS, the Red Barn Metropolitan District (“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 term of office of Director Lilly shall expire after his successor is elected at the regular special district election to be held on May 2, 2023 (“Election”) and have taken office; and

WHEREAS, upon appointment to a position with a term ending in May 2023, Director Hager must run for the remainder of her term; and

WHEREAS, upon appointment to a position with a term ending in May 2025, Director Verano must run for the remainder of his term; 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 one (1) Director to serve for a term of two (2) years and two (2) Directors to serve for terms of four (4) years.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Red Barn Metropolitan District, Weld County, Colorado that:

1. The regular election of the eligible electors of the District shall be held on May 2, 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, one (1) Director will be elected to serve a two-year term and two (2) Directors will be elected to serve four-year terms.

2. The Election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Election Laws. The Designated Election Official shall prepare the Plan for conducting the mail ballot Election. There shall be no election precinct or polling place. All mail ballots shall be returned to the Designated Election Official's office, located at 3900 E. Mexico Ave., #300, Denver, CO 80210.

3. The Board of Directors hereby designates Mandi Kirk as the Designated Election Official (“DEO”) for the conduct of the Election on behalf of the District, and the DEO 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 DEO shall distribute and publish the call for nominations in accordance with SB21-262, 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. Pursuant to SB21-262, for each regular District election, the Designated Election Official shall distribute notice of the election and the Call for Nominations (“Notice”) by emailing the Notice to each active registered elector of the District as specified in the registration list provided by the county clerk and recorder. If an email address is not on file with the county clerk and recorder, the Notice shall be mailed to each address at which one or more active registered electors of the District resides.

In addition, the Designated Election Official shall also provide the Notice by any one of the following means:

- posting the Notice on the District’s website;
- publishing the Notice in a newspaper of general circulation within the District; or
- including the Notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, voter information card or other notice of election, or other informational mailing sent by the metropolitan district to the eligible electors of the metropolitan district.

5. Self-Nomination and Acceptance forms will be available at the DEO’s office located at the above address or via email: [mandi@fritschelaw.com](mailto:mandi@fritschelaw.com). All candidates must file a Self-Nomination and Acceptance form with the DEO no earlier than January 1, 2023, nor later than the close of business on Friday, February 24, 2023.

6. If the only matter before the electors is the election of Directors of the District and if, at the close of business on February 24, 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 DEO shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with the Code.

7. 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.

8. Any and all actions previously taken by the DEO, 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.

9. 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.

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

**[Signature Page Follows]**


ADOPTED this 29<sup>th</sup> day of November, 2022.

RED BARN METROPOLITAN DISTRICT

By

  
Cynthia Myers, President

Attest:

  
Taylor Lilly, Secretary