

BEAVER CREEK METROPOLITAN DISTRICT

AMENDED AND RESTATED RESOLUTION AUTHORIZING AN ELECTION ON THE QUESTIONS OF WHETHER THE DISTRICT SHOULD (1) EXTEND THE EXISTING PROPERTY TAX LEVY AUTHORIZATION FOR CAPITAL IMPROVEMENTS AT VILAR CENTER AND (2) ENTER INTO MULTIPLE FISCAL YEAR AGREEMENTS FOR THE PROVISION OF FIRE PROTECTION AND RELATED EMERGENCY SERVICES

WHEREAS, the Beaver Creek 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, Article 1, Colorado Revised Statutes (the "**Act**"); and

WHEREAS, the Board of Directors of the District ("**Board**") did, on June 26, 2019, adopt a Resolution Authorizing an Election on the Question of Whether the District Should Extend the Existing Property Tax Levy Authorization for Capital Improvements at Vilar Center ("**Initial Resolution**"), which did not contemplate the question of entering into multiple fiscal year agreements for the provision of fire protection and related emergency services; and

WHEREAS, the District receives fire protection and emergency services under an agreement with Eagle River Fire Protection District effective January 1, 2015 and approved by the eligible electors of the District at the May 6, 2014 regular election; and

WHEREAS, since adoption of the Initial Resolution, the Board has determined and hereby determines and declares that the interest of the District and the public interest and necessity require that the District enter into new agreements for the provision of fire protection and related emergency services; and

WHEREAS, it is necessary to submit to the eligible electors of the District the questions of extending such tax levy and entering into such multiple fiscal year agreements, and the Board hereby determines that such question should be presented to District's eligible electors at the election to be held on November 5, 2019 ("**Election**"), in accordance with the provisions of the Act, the Uniform Election Code of 1992 and the Colorado Local Government Election Code (jointly, the "**Code**"), and TABOR (the Act, the Code and TABOR being referred to collectively as the "**Election Laws**"); and

NOW, THEREFORE, be it resolved by the Board of Directors of the Beaver Creek Metropolitan District in the County of Eagle, State of Colorado that:

1. The Recitals set forth above are the findings and determinations of the Board.
2. A special election of the eligible electors of District shall be held on November 5, 2019, at which Election there shall be submitted to the eligible electors of the District the questions as stated in the ballot titles, in substantially the forms shown on **Exhibit A** attached hereto and incorporated herein by this reference.
3. The Election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Code. 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 at the District's administrative office at 28 Second Street, Suite 213, Edwards, Colorado 81632.
4. The Board of Directors hereby designates Kathy Lewensten of Marchetti & Weaver, LLC, as the Designated Election Official for the conduct of the Election on behalf of the District, and she 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 Designated Election Official shall arrange for the required notices of election, including the TABOR Notice, appoint election judges as necessary, appoint the Canvass Board, arrange for printing of ballots, and direct that all other appropriate actions be accomplished.
5. The Board authorizes the Designated Election Official to execute and enter into the Intergovernmental Agreement with the County of Eagle, Colorado, on behalf of the District, regarding the mailing of the TABOR Notice. The mailing of the District's TABOR Notice shall be in accordance with the provisions of such Intergovernmental Agreement.
6. Pursuant to Section 1-13.5-1408(2), C.R.S., any election contest arising out of a ballot issue or ballot question concerning the order on the ballot or concerning whether the form or content of the ballot title meets the requirements of TABOR shall be commenced by petition filed with the proper court within five (5) days after the title of the ballot issue or ballot question is set.
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 Designated Election Official, 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.

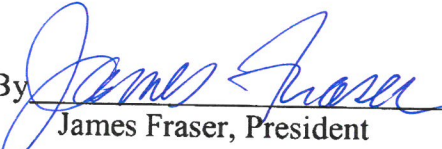
9. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

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

ADOPTED this 28th day of August, 2019.

BEAVER CREEK METROPOLITAN
DISTRICT

By


James Fraser, President

ATTEST:

By

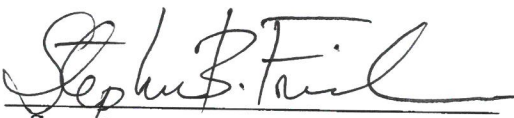

Secretary

EXHIBIT A
TO ELECTION RESOLUTION

BEAVER CREEK METROPOLITAN DISTRICT BALLOT ISSUE A:

WITHOUT RAISING ADDITIONAL TAXES, SHALL BEAVER CREEK METROPOLITAN DISTRICT'S EXISTING PROPERTY TAX LEVY AUTHORIZATION OF \$250,000 ANNUALLY OR 0.85 MILLS (WHICHEVER IS LESS) FOR CAPITAL IMPROVEMENTS AT VILAR CENTER BE EXTENDED TO DECEMBER 31, 2031?

BEAVER CREEK METROPOLITAN DISTRICT BALLOT ISSUE B:

WITHOUT INCREASING ANY EXISTING TAX OR IMPOSING ANY NEW TAX, SHALL BEAVER CREEK METROPOLITAN DISTRICT BE AUTHORIZED TO ENTER INTO LONG-TERM AGREEMENTS FOR FIRE PROTECTION AND EMERGENCY SERVICES FOR UP TO 20 YEARS FOR AN ANNUAL FEE NOT TO EXCEED \$1,830,671 IN 2020 ADJUSTED ANNUALLY FOR INFLATION; ALL AS MORE FULLY SET FORTH IN THE FORM OF THE INITIAL AGREEMENT APPROVED BY THE DISTRICT BOARD TO BE EFFECTIVE ON OR AFTER JANUARY 1, 2020?