

# CHEROKEE METROPOLITAN DISTRICT

## RESOLUTION 2019-01

### A RESOLUTION CONCERNING 2019 ANNUAL ADMINISTRATIVE MATTERS

WHEREAS, the Board of Directors of the Cherokee Metropolitan District (the "District") is to perform certain tasks on a recurring basis in the operation of the District;

NOW, THEREFORE, BE IT RESOLVED by the Cherokee Metropolitan District within El Paso County, Colorado, as follows:

1. Contact Person

The Board directs the District's General Manager to notify the Board of County Commissioners, the County Assessor, the County Treasurer, the County Clerk and Recorder, the governing body of the municipality in which the District is located, if applicable, and the Division of Local Government of the name of the Chairman of the Board, the contact person located within the District, if available, telephone number and business address of the District on or before January 15, as required pursuant to C.R.S. § 32-1-104(2). The Board hereby names Amy Lathen as the contact person for the District. The contact person is authorized, under C.R.S. § 24-10-109(3)(b) to accept notices of claims against the District and, if any such claim is received, must promptly notify the President of the Board and Legal Counsel for the District of such receipt.

2. Boundary Map

The Board directs the District's General Manager to prepare an accurate map as specified by the Division of Local Government for filing with the Division, the County Assessor, and the County Clerk and Recorder on or before January 1, as required by C.R.S. § 32-1-306. If there have been no changes to the boundaries of the District since the filing of an accurate map, the District's Manager may notify the above-mentioned entities in a letter that no changes have been made to the map.

3. Budget

The Board directs the District's Chief Financial Officer to submit a proposed budget to the Board by October 15; to schedule a Public Hearing on the proposed budget; to prepare a final budget, budget resolution and budget message, the certification of mill levies, and any budget amendment(s) needed; to certify the mill levies on or before December 15, and to file the approved budget and amendments(s) with the proper governmental entities in accordance with the Local Government Budget Law of Colorado, C.R.S. § 29-1-101 to C.R.S. § 29-1-115. If no mill levy is to be certified, such actions may be completed by December 31.

4. Intergovernmental Agreements

If the District receives a written request from the Division of Local Government, the Board directs the District's General Manager to prepare and file within 30 days of such request, an informational listing of all contracts in effect with other political

subdivisions, in compliance with C.R.S. § 29-1-205.

5. Notice of Electors (Transparency Notice)

The Board directs that no more than 60 days prior to and no later than January 15, the District's General Manager will prepare and distribute the Notice to Electors pursuant to and in a matter prescribed by C.R.S. § 32-1-809. The Board further directs that in compliance with C.R.S. § 32-1-104(2), the Notice will be filed with the Board of County Commissioners, the County Assessor, the County Treasurer, the County Clerk and Recorder, the governing body of the municipality in which the District is located, if applicable, and the Division of Local Government and a copy made available for public inspection at the District's business office.

6. Annual Securities Report

If required, the Board directs the District's Chief Financial Officer to prepare and file the annual public securities report for nonrated public securities issued by the District (if any), with the Department of Local Affairs on or before March 1, in accordance with C.R.S. § 11-58-101 to C.R.S. § 11-58-107.

7. Audit/Audit Exemption

The Board directs that an audit of the financial statements be prepared and submitted to the Board before June 30 and further directs that the Audit be filed with the State Auditor by July 31, as required by C.R.S. § 29-1-603. In the event that the timetable will not be met, the auditor and the District's Chief Financial Officer are directed to request extensions of time to file the audit as needed. If neither the revenues nor the expenditures for the past year exceed \$100,000 then the Board directs that a short form application for exemption from audit shall be prepared. If either revenues or expenditures are greater than \$100,000 but are less than or equal to \$750,000, then the Board directs that a long form application for exemption from audit shall be prepared. The short form or long form application shall be submitted to the Board and then filed with the State Auditor by March 31, as required by C.R.S. § 29-1-604.

8. Unclaimed Property

The Board directs the District's Chief Financial Officer to prepare the Unclaimed Property Act Report and forward it to the State Treasurer by November 1 if there is District property presumed abandoned and subject to custody as unclaimed property, in accordance with C.R.S. § 38-13-110.

9. Public Records

The Board designates the District's as the official custodian of public records as such term is used in C.R.S. § 24-72-202, with the functions thereof hereby delegated to the District's Manager as the custodian as defined in C.R.S. § 24-72-202(1). The custodian is authorized to develop such procedures as may be reasonably required for the protection and retention of such records. On behalf of the District, the custodian may charge the maximum fees allowed by law<sub>2</sub> for copies, research and retrieval,

development of privilege log, and such other services as are authorized by law.

10. CORA Policy

Pursuant to C.R.S. § 24-72-205, the Board has adopted a policy concerning research and retrieval fees for public records. The Board directs the District's General Manager to update the District's Notice to Electors (Transparency Notice) with the District's CORA policy information as required by the statute.

11. Email Policy

Pursuant to C.R.S. § 24-72-204.5, the Board hereby adopts a written policy that District management may monitor electronic mail communications at any time, with or without cause, and further states that correspondence of any employee in the form of electronic mail may be a public record under the public records law and may be subject to public inspection under C.R.S. § Section 24-72-203. The Board further directs that when and if the District has employees, the following electronic mail policy will be in effect:

- A. All employees of the District may have access to the District's electronic communication system, which access may include utilization of a District-assigned email address for use in both internal and external email communications.
- B. Employees cannot expect a right of privacy in their use of the District's electronic communication system.
- C. Employees understand, acknowledge and agree that all communications in the form of electronic mail may be considered a public record pursuant to the Colorado Open Records Act ("CORA") and may be subject to public inspection pursuant to C.R.S. § 24-72-203 of CORA.
- D. The District reserves the right to monitor an employee's electronic mail communication(s) including, but not limited to, circumstances where the District, in its sole discretion, reasonably believes that such communication(s) may be considered a public record pursuant to C.R.S. § 24-72-203 of CORA.

12. Fair Campaign Practices Act – Gifts and Honoraria

The Board is reminded that in accordance with the Fair Campaign Practices Act, each Board member is required to report to, and in a manner prescribed by, the Secretary of State certain items received in connection with their service, such report to be filed on or before January 15 of the year following receipt of the items, as required by C.R.S. § 1-45-109 and C.R.S. §24-6-203. No report needs to be filed unless a director receives \$25 or more in cash or loans, or real or personal property having a value of \$50 or more. Further, the Board is reminded that in accordance with C.R.S. § 24-6-203, if a Board member receives annual compensation from the District of more than \$2,4000, then the Board member is required to file a quarterly report in the prescribed manner with the Secretary of State.

13. Newspaper

The Board designates The Ranchland News as the newspaper of general circulation within the boundaries of the District, or in the vicinity of the District if none is circulated within

the District, and directs that all legal notices shall be published in the afore named newspaper, in accordance with C.R.S. § 32-1-103(15). If publication in such newspaper is impossible or impracticable, then any legal newspaper published in the county may be used as an alternative.

14. Director Compensation

The Board of Directors of the District determines that each director shall receive compensation for services as directors.

15. Director Qualification

Pursuant to C.R.S. § 32-1-901, the District determines that each present and future member of the Board shall have in the District files, with annual confirmation thereof by the District's custodian of public records, a complete and executed Certificate of Appointment (if Board member is appointed), current Oath of Office and applicable Surety Bond, and that copies of each be submitted to the Division of Local Government and the District Court as necessary and as may be requested.

The District has elected, in accordance with C.R.S. § 32-1-902, C.R.S., the following officers for the District:

President:	Steve Hasbrouck
Vice President:	Larry Keleher
Secretary:	Rene Sintas
Director:	Dave Mattes
Director:	Lawson Garrison

Unless the District acts to elect new officers, or an officer resigns his office, such officers shall serve indefinitely.

17. Director Indemnification

The Board of Directors of the District extends the current indemnification resolution to allow the resolution to continue in effect as written. In the event an indemnification resolution is not in effect, then the approval of this Administrative Matters Resolution shall be deemed to authorize indemnification of the Directors of the District when acting in good faith within the scope of their duties and in the best interests of the District, to the fullest extent allowed by law.

18. Designated Posting Location for the Posting of Agendas

The Board of Directors of the District designates the following locations as the designated posting place for the posting of meeting agendas at least 24 hours in advance of the meeting, if available, in accordance with C.R.S. § 24-6-402(2)(c):

- 6250 Palmer Park Boulevard
- 1850 Tuskegee Place
- 1835 Tuskegee Place

19. Designated Posting Location(s) for the Posting of Meeting Notices

The Board of Directors of the District designates the following locations as the designated posting places for meeting notices for regular meetings and special meetings, posted at least 72 hours in advance of the special meeting, in accordance with C.R.S. § 32-1-903(2):

- 6250 Palmer Park Blvd.
- 1850 Tuskegee Place
- 1835 Tuskegee Place

20. Meetings

The Board has determined to hold regular meetings on the third Tuesday of each calendar month. The location of the meetings will be at the Cherokee Metropolitan District's administrative offices located at 6250 Palmer Park Boulevard, Colorado Springs, CO 80915. The Board directs the District's General Manager to prepare notices for posting for the regular meetings at the three designated public locations plus at the County Clerk and Recorder's office. The General Manager shall revise the notices when the Board intends to make a final determination to issue or refund general obligation indebtedness, to consolidate the District, to dissolve the District, to file a plan for adjustment of debt under federal bankruptcy law, or to enter into a private contract with a director, or not to make a scheduled bond payment.

21. Elections

Amy Lathen is hereby appointed as the "Designated Election Official" of the Board for any elections to be held by the District unless other Designated Election Official is appointed by resolution of the Board. In accordance with C.R.S. § 1-1-111(2), 13.5 of Title 1, or applicable law, the Board hereby grants all powers and authority for the proper conduct of the election to the Designated Election Official and that the election shall be held and conducted in accordance with the Local Government Election Code, applicable portions of the Uniform Election Code of 1992, as amended and supplemented by Const. Colo. Art. X, Sec 20, the Current Rules and Regulations Governing Election Procedures of the Secretary of State of the state of Colorado, and Title 32, Article 1, Part 8, Colorado Revised Statutes, and other relevant Colorado and federal law. Further, the Board directs the Designated Election Official to notify the Division of Local Government of the results of any election held by the District, including business address, telephone number and the contact person; and to certify the results of any election to incur general obligation indebtedness to the Board of County Commissioners or the governing body of a municipality, in accordance with C.R.S. § 1-11-103, C.R.S. § 32-1-104(1), and C.R.S. § 32-1-1305.

22. Regular Elections

The Board has determined to conduct the District's regular election, set for May 5, 2020, as a polling place election pursuant to C.R.S. § 1-13.5-101.

23. Notice of Indebtedness

In accordance with C.R.S. § 32- 1-1604 and 11O1. 5(1), the Board directs the District's Chief Financial Officer to issue notice of indebtedness to the Board of County Commissioners and to record such notice with the County Clerk and Recorder within 30 days of incurring or authorizing of any indebtedness.

24. Quinquennial Findings

If requested, the Board directs the District's General Manager to prepare and file with the Board of County Commissioners, the quinquennial finding of reasonable diligence, in accordance with C.R.S. § 32-1-1101.5(1.5) & (2).

25. Annual Report

If requested or required, the Board directs the District's General Manager to prepare and file the special district annual report, in accordance with C.R.S. § 32-1-207(3)(c).

26. Disclosure of Potential Conflict of Interest

The Board has determined that the District's General Manager may file general conflict of interest disclosure forms, if any, provided by board members with the Secretary of State each year, which forms may be updated on an annual basis through information given to the District's General Manager by board members. If a specific conflict arises regarding a certain transaction of the Board, the Board member is required to notify the District's General Manager at least five days prior to the date of the meeting so that the transactional disclosure form may be filed in a timely manner, in accordance with C.R.S. § 32-1-902(3) and C.R.S. § 18-8-308. Additionally, at the beginning of every term, Counsel may request that each board member submit information regarding actual or potential conflicts of interest.

27. Special District Association

If the District is currently a member of the Special District Association ("SDA"), the Board directs its Chief Financial Officer to pay the annual SDA membership dues in a timely manner.

28. Insurance

The Board directs its staff to at least biannually review all insurance policies and coverage in effect to determine appropriate insurance coverage is maintained.

29. Outstanding General Obligation Indebtedness

The District has the following outstanding general obligation bonds or multiple fiscal year financial obligations:

- |              |             |
|--------------|-------------|
| 1. 2006 Note | \$7,509,356 |
| 2. 2012 Note | \$1,975,000 |

- 3. 2012 Revenue Bond \$7,470,000
- 4. 2013 Revenue Bond \$8,145,000

30. Continuing Disclosure

The District's Chief Financial Officer shall provide continuing disclosure service if and as applicable to the bonds and other financial obligations of the District.

31. Workers' Compensation

Pursuant to Section C.R.S. § 8-40- 202(1)(a)(I)(B), the elected and appointed officials of the District shall not be deemed to be an employee within the meaning of C.R.S. § 8- 40-202(1)(a). Such exclusion shall apply for all policy years until such time as the exclusion may be repealed by the Board of Directors of the District or unless the Board elects to acquire coverage.

32. Public Deposit Protection Act (PDPA)

Pursuant to the provisions of the Colorado Public Deposit Protection Act C.R.S. §11-10.5-101, et seq., the Board appoints the District's Chief Financial Officer as the official custodian of public deposits.

33. Public Disclosure Statement

Pursuant to C.R.S. § 32-1-104.8, the Board directs the District's General Manager to prepare and record a special district public disclosure document, including a map showing the boundaries of the District, with the County Clerk and Recorder at the same time as any subsequent order or decree approving an inclusion of property into the District.

34. Water or Sewer Rates

The Board directs that any Board action to fix or increase fees, rates, tolls, penalties or charges for domestic water or sanitary sewer service rates will be taken after consideration at a public meeting. Such public meeting will be held at least thirty days after providing notice to the customers receiving the water or sewer services from the District. Notice will be made pursuant to and in a matter prescribed by C.R.S. § 32-1-1001(2)(a).

35. Undocumented Worker Certification

In compliance with C.R.S. § 8-17.5-101 *et seq.*, the Board directs that each existing and prospective service contract entered into by the District must contain specific language regarding the prohibition of the use of illegal aliens to perform work under a public contract for services.

36. Inclusions/Exclusions of Property

The Board directs the District's General Counsel to handle all procedures required under the Colorado state statutes regarding the inclusion and exclusion of property into and out of the District's boundaries.

37. Recording of Conveyances of Real Property to the District

Pursuant to C.R.S § 38-35-109.5(2), Legal Counsel is designated as an appropriate official to record conveyances of real property to the District within 30 days of such conveyance.

38. Ratification of Past Actions

The Board members have reviewed the minutes of every meeting of the Board conducted in 2018, and the Board, being fully advised of the premises, hereby ratifies and affirms each and every action of the Board taken in 2018.

39. Emergency Liaison Officer

The Board designates the President of the District, in his/her capacity as elected official for the District, as the Emergency Liaison Officer responsible for facilitating the cooperation and protection of the District in the work of disaster prevention, preparedness, response, and recovery with the Colorado Office of Emergency Management and any local disaster agencies. The Emergency Liaison Officer shall have the authority to designate such agents as (s)he shall determine appropriate to perform any and all acts necessary to facilitate the responsibilities of the Emergency Liaison Officer.

40. Dates Herein

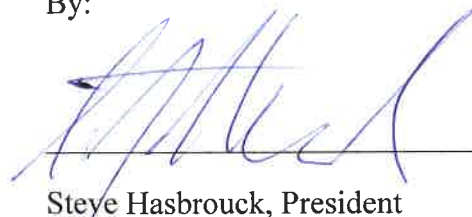
All dates set forth in this Resolution shall be in 2019 unless otherwise specified.

This Resolution shall be deemed renewed each year until terminated or a new Resolution is adopted.

Adopted and approved this 15<sup>th</sup> day of January, 2019.

Cherokee Metropolitan District

By:

  
\_\_\_\_\_  
Steve Hasbrouck, President

ATTEST:

By:   
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Rene Sintas, Secretary

Rene Sintas, Secretary