

**ATMD Resolution 2008-2**  
**ELECTION RESOLUTION**

WHEREAS, the term of office of Directors \_Jennifer Bayer and Erik Barry shall expire after their successors are elected at the **regular** Special District election to be held on May 6, 2008 and take office; and

WHEREAS, in accordance with the provisions of the Special District Act ("Act") and the Uniform Election Code of 1992 ("Code), the Election must be conducted to elect one Directors to serve for a term of **four** years; and one Directors to serve for a term of **two** years.

**WHEREAS, Article X, Section 20 of the Colorado Constitution (TABOR) requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by TABOR; and**

**WHEREAS, TABOR requires the District to submit ballot issues (as defined in TABOR) to the District's electors on certain election dates at which ballot issues and spending questions may be submitted to the District's eligible electors pursuant to TABOR; and**

**WHEREAS, Article XVIII, Section 11 of the Colorado Constitution limits the number of terms of office a local elected official may serve unless the District's eligible electors modify or eliminate such limitation; and**

**WHEREAS, the District desires to ask the electorate to eliminate the term limits established by Article XVIII, Section 11 of the Colorado Constitution; and**

**WHEREAS, the interest of the District and the public interest and necessity demand and require: (1) the design, construction and acquisition of sanitary sewer, water, street and safety protection and park and recreation improvements in the District; (2) seeking eligible elector approval to keep and spend all revenues which the District receives notwithstanding the limits of TABOR or any other law; and (3) elimination of limits on directors' terms; and**

WHEREAS, the Board desires to authorize the Election to be conducted as a mail ballot election (pursuant to Section 1-7.5.-101, et seq., C.R.S.) of the electors of the District. A plan for mail ballot election will be submitted for approval by the Colorado Secretary of State (the Secretary of State) and the District has given notice to the La Plata County Assessor and the La Plata County Clerk and Recorder for that such election is being held.

NOW, THEREFORE, be it resolved by the Board of Directors of the Aspen Trails Metropolitan District in La Plata County, State of Colorado that:

1. The regular election of the eligible electors of District shall be held on May 6, 2008, between the hours of 7:00 A.M. and 7:00 P.M. pursuant to and in accordance with the Act, Code, and other applicable laws. At that time, one Directors will be elected to serve a **four**-year term and one Directors will be elected to serve a **two**-year term.

2. Ryan Bidwell shall be appointed as the Designated Election Official on behalf of District and is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Act, Code, or other applicable laws. The Election shall be conducted in accordance with the Act, Code, and other applicable laws. Among other matters, the Designated Election Official shall appoint election judges as necessary, appoint the Board of Canvassers, arrange for the required notices of election (either by mail or publication) and printing of ballots, and direct that all other appropriate actions be accomplished. The appointed person shall be appointed by the board and swear or affirm an oath of office. This document will be submitted to the board as an official part of the election record. Exhibit A

3. One (1) walk-in voting place is established as set forth below:

Ryan Bidwell  
District Office  
760 Trew Creek Dr  
Durango CO 81301  
Tel: 970.259.1478 Fax: 970.259.1478  
ryan@aspenrailsmid.com  
Office Hours: 9 AM to 5 PM, Monday through Friday

It is hereby determined that there is no public location available within the boundaries of the District for a walk-in voting place and that it is necessary to use a private location outside of the District's boundaries as designated above. The Secretary of State shall approve the walk-in voting place. The walk-in voting place shall also be the walk-in voting place for disabled electors, and is accessible for persons with disabilities as required by law. The walk-in voting place shall also be open to assist all other eligible

electors.

5. Applications for mail-in ballots may be filed with the Designated Election Official at the District Office not earlier than **January 1, 2008, nor later than 5:00 P.M. on May 2, 2008.**

6. Self Nomination and Acceptance petitions are available at the Designated Election Official's office located at the above address. All candidates must file a nomination petition with the Designated Election Official no later than 5 P.M. on **February 29, 2008.** A person who misses this deadline, but wishes to be a write-in candidate for office, shall file an affidavit of intent with the Designated Election Official no later than 5 P.M. on **March 3, 2008.**

7. If the only matter before the electors is the election of persons to office, and if at the close of business on **March 4, 2008,** there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent to be a write-in, the Designated Election Official shall cancel the Election and by Resolution declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with the Code.

8. **Severability.** 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.

9. **Repealer.** 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. **Effective Date.** The provisions of this Resolution shall take effect immediately.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

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Secretary of Board

(SEAL)

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**ATTACH EXHIBIT A**

Appointment and Oath of DEO (Form B-5)