

**NOTICE OF CANCELLATION OF ELECTION
and
CERTIFIED STATEMENT OF RESULTS**

BIJOU CREEK METROPOLITAN DISTRICT

NOTICE IS HEREBY GIVEN pursuant to § 1-13.5-513(6), C.R.S., that, at the close of business on February 28, 2023, there were not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, for Bijou Creek Metropolitan District (the “**District**”). Therefore, the election for the District to be held on May 2, 2023 is hereby cancelled.

The following offices remain vacant:

| | |
|---------------|-----------------------|
| <u>VACANT</u> | <u>Until May 2025</u> |
| <u>VACANT</u> | <u>Until May 2025</u> |
| <u>VACANT</u> | <u>Until May 2027</u> |
| <u>VACANT</u> | <u>Until May 2027</u> |

/s/ Ashley B. Frisbie
Designated Election Official

Contact Person for District:

Heather L. Hartung, Esq.
WHITE BEAR ANKELE TANAKA & WALDRON
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2154 E. Commons Avenue, Suite 2000
Centennial, Colorado 80122
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**RESOLUTION OF DESIGNATED ELECTION OFFICIAL OF
CANCELLATION OF ELECTION
AND DECLARATION OF CANDIDATES ELECTED**

BIJOU CREEK METROPOLITAN DISTRICT

WHEREAS, the Board of Directors of Bijou Creek Metropolitan District (the “**District**”) has duly authorized the Designated Election Official to cancel the election to be conducted on May 2, 2023, and to declare the candidates elected because the Designated Election Official has duly determined that, at the close of business on the sixty-third (63rd) day before said election or at any time thereafter, there were not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates.

NOW, THEREFORE, pursuant to § 1-13.5-513(1), C.R.S., the Designated Election Official hereby cancels the May 2, 2023, election. The following offices remain vacant:

| | |
|---------------|-----------------------|
| <u>VACANT</u> | <u>Until May 2025</u> |
| <u>VACANT</u> | <u>Until May 2025</u> |
| <u>VACANT</u> | <u>Until May 2027</u> |
| <u>VACANT</u> | <u>Until May 2027</u> |

/s/ Ashley B. Frisbie
Designated Election Official

Contact Person for District:

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**RESOLUTION OF BOARD OF DIRECTORS
CALLING ELECTION**

BIJOU CREEK METROPOLITAN DISTRICT

§§ 32-1-804, 1-1-111(2), 1-13.5-1103(1), and 1-13.5-513(1), C.R.S.

At a meeting of the Board of Directors (the “**Board**”) of the Bijou Creek Metropolitan District (the “**District**”), it was moved to adopt the following Resolution:

WHEREAS, the District was organized as a special district pursuant to §§ 32-1-101, *et seq.*, C.R.S. (the “**Special District Act**”); and

WHEREAS, the District is located entirely within Arapahoe County, Town of Deer Trail, Colorado (the “**County**”); and

WHEREAS, pursuant to § 32-1-804, C.R.S., the Board governs the conduct of regular and special elections for the District; and

WHEREAS, the Board anticipates holding a regular election on May 2, 2023, for the purpose of electing directors, and desires to take all actions necessary and proper for the conduct thereof (the “**Election**”); and

WHEREAS, the Election shall be conducted pursuant to the Special District Act, the Colorado Local Government Election Code and the Uniform Election Code of 1992, to the extent not in conflict with the Colorado Local Government Election Code, including any amendments thereto, and shall also comply with Article X, § 20 of the Colorado Constitution (“**TABOR**”), as necessary; and

WHEREAS, pursuant to § 1-1-111(2), C.R.S., the Board is authorized to designate an election official (the “**Designated Election Official**”) to exercise authority of the Board in conducting the Election; and

WHEREAS, pursuant to § 1-13.5-513(1), C.R.S., the Board can authorize the Designated Election Official to cancel the Election upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby calls the Election for the purpose of electing directors. The Election shall be conducted as an independent mail ballot election in accordance with §§ 1-13.5-1101, *et seq.*, C.R.S.

2. The Board names Ashley B. Frisbie as the Designated Election Official for the Election. The Designated Election Official shall act as the primary contact with the County and shall be primarily responsible for ensuring the proper conduct of the Election.

3. Without limiting the foregoing, the following specific determinations also are made:

- a. The Board hereby directs general counsel to the District to approve the final form of the ballot to be submitted to the eligible electors of the District and authorizes the Designated Election Official to certify those questions and take any required action therewith.
- b. The Board hereby determines that: in addition to emailing to each registered elector at the email address provided by the county, or if no email is provided, by mailing to the household of each registered elector, notice of the call for nominations will be provided by posting on the District's website.
- c. The Board hereby directs general counsel to the District to oversee the general conduct of the Election and authorizes the Designated Election Official to take all action necessary for the proper conduct thereof and to exercise the authority of the Board in conducting the Election, including, but not limited to, causing the call for nominations; appointment, training, and setting compensation of election judges and a board of canvassers, as necessary; all required notices of election, including notices required pursuant to TABOR; printing of ballots; supervision of the counting of ballots and certification of election results; and all other appropriate actions.

4. The District shall be responsible for the payment of any and all costs associated with the conduct of the Election, including its cancellation, if permitted.

5. The Board hereby ratifies any and all actions taken to date by general counsel and the Designated Election Official in connection with the Election.

6. The Board hereby authorizes and directs the Designated Election Official to cancel the Election and to declare the candidates elected if, at the close of business on the sixty-third day before the Election, or at any time thereafter, there are not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, and so long as the only ballot questions are for the election of candidates. The Board further authorizes and directs the Designated Election Official to publish and post notice of the cancellation as necessary and file such notice and cancellation resolutions with the County Clerk and Recorder and with the Division of Local Government, as required. The Designated Election Official shall also notify the candidates that the Election was canceled and that they were elected by acclamation.

7. This Resolution shall remain in full force and effect until repealed or superseded by subsequent official action of the Board.

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ADOPTED THIS 18th DAY OF OCTOBER 2022.

BIJOU CREEK METROPOLITAN DISTRICT


Darren kunkel (Nov 6, 2022 22:37 MST)

Officer of the District

ATTEST:


Jennifer kunkel (Nov 4, 2022 13:40 MDT)

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law



General Counsel to the District

Signature Page to Resolution Calling Election