

RESOLUTION NO. 2009-3

RESOLUTION OF THE BOARD OF DIRECTORS
CONSOLIDATED METROPOLITAN DISTRICT
CONCERNING SPECIAL ELECTION TO BE HELD NOVEMBER 3, 2009
TO BE COORDINATED WITH GARFIELD COUNTY

WHEREAS, the Consolidated Metropolitan District (hereinafter referred to as the "District") is a duly organized and existing quasi-municipal corporation and political subdivision of the State of Colorado, existing and operating under and by virtue of the Constitution and laws of the State of Colorado, including but not limited to Parts 1 through 16 of Article 1 of Title 32, C.R.S., as amended (the "Special District Act"); and

WHEREAS, the District provides park and recreational services and other community services to the public through the programs administered by the District's Activity Center; and

WHEREAS, the Activity Center is having difficulties meeting its financial obligations in order to maintain its current level of services and to provides for additional services; and

WHEREAS, the Board of Directors of the District has determined that it is in the best interest of the public and the District that the District be authorized to collect fees and additional sources of income to supplement the financial obligations of the Activity Center. Such authorization to be described in the ballot issues as certified to the County Clerk and Recorder on September 4, 2009; and

WHEREAS, pursuant to Const. Colo. Article X, Section 20 (3)(c), with limited exceptions, the District must have voter approval in advance for (1) an increase in fees permitted by the District's Service Plan and (2) an increase in fiscal year spending greater than the rate of inflation in the prior calendar year plus annual local growth; and

WHEREAS, accordingly, the Board has determined to submit ballot issues and questions to the electors of the District at the special election to be held on November 3, 2009; and

WHEREAS, Const. Colo. Art. X, Sec. 20 decrees that elections concerning ballot issues shall be decided, inter alia, in a state general election, on the first Tuesday in November of any year or in a biennial local district election; and

WHEREAS, the Clerk and Recorder of Garfield County, Colorado (the "County"), is holding a state election on November 3, 2009; and

WHEREAS, the District desires to participate in the coordinated election with the County in accordance with the Intergovernmental Agreement provided to the District by the County (the "IGA").

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF THE CONSOLIDATED METROPOLITAN DISTRICT OF GARFIELD COUNTY, COLORADO:

1. That an election to be coordinated with the clerk and recorder of Garfield County be called and held within the District on Tuesday, the 3rd day of November, 2009, at which

election the eligible electors shall vote the ballot issues and questions set out in ballot language as certified to the County Clerk and Recorder on September 4, 2009;

2. That the District adopt and ratify the Intergovernmental Agreement between the Clerk and Recorder of Garfield County, Colorado, and the District to administer and to participate in the coordinated election and for coordination of the notice required by Const. Colo. Article X, Section 20 in accordance with the IGA. The Designated Election Official shall provide notice for coordinated mailing pursuant to Relevant Law. The coordinated notice shall be mailed to those persons actively registered to vote in the state of Colorado who have interest in the District's election and the elections being conducted by all entities which overlap the District and are required to coordinate said notice;

3. That the District hereby designates Susan J. Schledorn as the designated election official who shall act as primary liaison between the District and the County and to receive notices as required in the IGA;

4. That the District hereby authorizes and ratifies an officer of the District to execute the IGA on behalf of the District;

5. That should any part or provision of this Resolution be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the intention that the various provisions hereof are severable;

6. That all acts, orders, resolutions, or parts thereof, of the District that are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict;

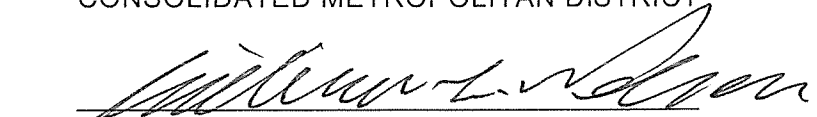
7. The provisions of this Resolution shall take effect immediately;

8. That all past actions taken by the District, the Board members individually and collectively, officers, agents, attorneys, and consultants directed toward the lawful conduct of the election were done in the best interests of the District and said actions are hereby ratified and confirmed as if originally taken with full authority.

Adopted and approved this 23 day of July, 2009.


CONSOLIDATED METROPOLITAN DISTRICT

(SEAL)



President

Attest:



Secretary