

**NOTICE OF MEETING  
OF THE BOARD OF DIRECTORS OF THE  
CHERRY HILLS NORTH METROPOLITAN DISTRICT**

November 8, 2021

Please take notice the meeting of the Board of Directors of the Cherry Hills North Metropolitan District will be held at Duffey's Patio Café, located at 4994 E Hampden Avenue, Denver, Colorado on Thursday, November 11, 2021, at 7:30 a.m. Business to be conducted at the meeting will include:

	<u>Page</u>
1. Public Comment	
2. Approval of the Minutes – September 30, 2021	1
3. Financial Reports October 31, 2021	3
4. Accounts Payable- November 11, 2021	7
5. 2021 Budget Amendment, if required, Conduct Public Hearing on an Amendment to the 2021 Budget, if required, Consider for Approval the Resolution to Amend 2021 Budget, if required	
6. 2022 Budget Hearing	8
7. Review and Consider for Approval the Resolution to Adopt 2022 Budget, Appropriating Sums of Money, and Authorize the Certification of Mill Levies for the District for Collection in 2022	11
8. Review and Consider Approval of the 2022 Annual Administrative Matters Resolution	15
9. Review and Consider Approval of the 2022 Resolution Concerning Election to be held May 3, 2022	24
10. Other Business	
11. Adjournment	

**RECORD OF PROCEEDINGS**  
**OF THE REGULAR MEETING OF THE**  
**CHERRY HILLS NORTH METROPOLITAN DISTRICT**

**HELD:** Thursday, September 30, 2021 at 7:30 am, at Duffey's Bakery Patio Cafe, 4994 E. Hampden Avenue, Denver, Colorado 80110

**ATTENDANCE:**

A regular meeting of the Board of Directors (the "Board") of the Cherry Hills North Metropolitan District (the "District") Arapahoe County, Colorado, was called and held as shown above and in accordance with the applicable statutes of the State of Colorado, with the following directors present and acting:

Harold Roberts, President  
Dan Conway, Vice President  
Keith Bierman, Secretary  
Geoff Landry, Treasurer

Upon motion duly made, seconded and upon vote unanimously carried, the Board approved the absence of Director McAskin.

Also present was, Darcy Beard, C.P.A.

**CALL TO ORDER:**

The meeting was called to order, and it was noted that a quorum of the Board was present for the purpose of conducting a regular meeting of the Board of Directors of Cherry Hills North Metropolitan District.

**APPROVAL OF MINUTES**

Upon motion duly made, seconded and upon vote unanimously carried, the Board approved the minutes of the meeting held on March 25, 2021 as presented.

**FINANCIAL REPORT**

Ms. Beard presented the compilation reports through August 31, 2021. After review, Director Conway made a motion to accept the compilation reports. The motion was seconded by Director Roberts, upon vote, unanimously passed.

**CASH DISBURSEMENTS**

Ms. Beard presented the Schedule of Cash Disbursements dated September 30, 2021. After review, Director Bierman, made a motion to approve the cash disbursements. The motion was seconded by Director Conway, upon vote unanimously approved.

**2022 PROPOSED BUDGET**

Ms. Beard reviewed the preliminary 2022 Budget, mill levy changes, revenue projections, and capital improvements budget with the Board. The Board reviewed the preliminary 2022 Budget. No action taken.

**XCEL ENERGY METER REPLACEMENT**

The Board discussed the application for replacement of the missing Xcel Energy Meter and directed Ms. Beard to file the application with Xcel Energy. Upon motion duly made, second and unanimously carried the Board authorized up to \$2,000 to repair the fixture if necessary.

**ADJOURNMENT**

There being no further business to come before the Board, and upon motion duly made, second and unanimously carried, the meeting was adjourned at 8:30 a.m.

The foregoing minutes constitute a true and correct copy of the minutes of the regular meeting held on Thursday, September 30, 2021, and have been approved by the Board of Directors of the Cherry Hills North Metropolitan District.

**MINUTES APPROVED:**

---

**Harold Roberts**

---

**Daniel Conway**

---

**Geoff Landry**

---

**Keith Bierman**

---

**Marcus McAskin**

**DARCY BEARD  
CERTIFIED PUBLIC ACCOUNTANT  
20363 E. TOP-T RANCH PLACE  
PARKER, COLORADO 80134  
Mobile 303-594-5488**

**Accountant's Compilation Report**

**Board of Directors  
Cherry Hills North Metropolitan District**

**I have compiled the accompanying Treasurer's Report of Cherry Hills North Metropolitan District and the related Statement of Net Assets and Statement of Revenues and Expenditures for the ten months ending October 31, 2021. I have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any form of assurance about whether the financial statements are in accordance with accounting principles generally accepted in the United States of America.**

**Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.**

**My responsibility is to conduct the compilation in accordance with the Statements for Accounting and Review Services issued by the American Institute for Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.**

**Management has elected to omit substantially all the disclosures and the statement of cash flows required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the company's assets, liabilities, equity, revenue and expenses. Accordingly, the financial statements are not designed for those who are not informed about such matters.**

**I am not independent with respect to Cherry Hills North Metropolitan District.**

**Darcy Beard  
Certified Public Accountant  
November 10, 2021**

**CHERRY HILLS NORTH METROPOLITAN DISTRICT  
TREASURER'S REPORT**

January 1, 2021 through October 31, 2021

<u>REVENUES</u>	ACTUAL <u>2021</u>	BUDGET <u>2021</u>	BUDGET <u>REMAINING</u>
Property Taxes	\$ 107,081.92	\$ 107,077	\$ (5)
Ownership Taxes	6,173.68	7,000	826
Investment Income	<u>221.09</u>	<u>400</u>	<u>179</u>
TOTAL REVENUES	\$ 113,476.69	\$ 114,477	\$ 1,000
<u>EXPENDITURES</u>			
Accounting/Management Expense	\$ 4,900.00	\$ 11,500	\$ 6,600
Audit Expense	475.00	4,500	4,025
Capital Outlay	-	50,000	50,000
County Fees	1,606.98	1,606	(1)
Dues	433.60	425	(9)
Election Expense	-	-	-
Engineering Expense	4,549.15	10,000	5,451
Entrance Maintenance	-	10,000	10,000
Hillcrest Outfall Line Expense	6,676.86	6,118	(559)
Insurance & Directors Bonds	1,998.00	2,100	102
Legal Fees	953.50	5,000	4,047
Line Maintenance & Repair	5,419.20	6,539	1,120
Miscellaneous Expense	83.65	350	266
Office Expense	692.70	1,000	307
Sewer Treatment Charge	16,193.00	16,193	-
Utilities	1,567.30	1,550	(17)
Sewer Line Replacement Reserve	-	86,250	86,250
Entrance Maintenance Reserve	-	5,000	5,000
TOTAL EXPENDITURES	<u>\$ 45,548.94</u>	<u>\$ 218,131</u>	<u>\$ 172,582</u>

SEE ACCOMPANYING ACCOUNTANT'S REPORT.

**CHERRY HILLS NORTH METROPOLITAN DISTRICT  
STATEMENT OF NET ASSETS  
October 31, 2021**

ASSETS

First Bank Checking	\$	2,488.92
First Bank Savings		5,564.56
ColoTrust Plus		460,936.00
Outfall Line Reserve		975.00
Cash with County Treasurer		-
Property Tax Receivable		-
Prepaid Expenses		-
Capital Assets - Net		<u>122,760.95</u>
TOTAL ASSETS	\$	<u><u>592,725.43</u></u>

LIABILITIES & NET ASSETS

Accounts Payable	\$	459.32
Deferred Property Tax		<u>-</u>
Total Current Liabilities	\$	459.32

NET ASSETS

Net Assets - Unrestricted		524,338.36
Change in Net Assets		<u>67,927.75</u>
Total Net Assets		<u><u>592,266.11</u></u>
TOTAL LIABILITIES & NET ASSETS	\$	<u><u>592,725.43</u></u>

SEE ACCOMPANYING ACCOUNTANT'S REPORT.

**CHERRY HILLS NORTH METROPOLITAN DISTRICT  
STATEMENT OF REVENUES & EXPENDITURES  
FOR THE TEN MONTHS ENDING OCTOBER 31, 2021**

REVENUES

Property Taxes	\$ 107,081.92
Ownership Taxes	6,173.68
Investment Income	<u>221.09</u>
<b>TOTAL REVENUES</b>	<b>\$ 113,476.69</b>

EXPENDITURES

Accounting/Management Expense	\$ 4,900.00
Audit Expense	475.00
County Fees	1,606.98
Depreciation Expense	-
Dues	433.60
Engineering Expense	4,549.15
Entrance Maintenance	-
Hillcrest Outfall Line Expense	6,676.86
Insurance & Directors Bonds	1,998.00
Legal Fees	953.50
Line Maintenance & Repair	5,419.20
Office Expense	776.35
Sewer Treatment Charge	16,193.00
Utilities	<u>1,567.30</u>
<b>TOTAL EXPENDITURES</b>	<b>\$ <u>45,548.94</u></b>

Change in Net Assets	\$ 67,927.75
Net Assets - Beginning of Year	<u>\$ 524,338.36</u>
Net Assets - End of Month	<u><u>\$ 592,266.11</u></u>

SEE ACCOMPANYING ACCOUNTANT'S REPORT.

**CHERRY HILLS NORTH METROPOLITAN DISTRICT  
CASH DISBURSEMENTS  
NOVEMBER 11, 2021**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHECK NUMBER</u>	<u>TOTAL</u>
Darcy Beard CPA	Acctg/Mgmt	2580	\$ 2,555.00
	Office Supplies		134.95
The Villager Legals	Budget Publication	2581	39.32
Xcel Energy	Utilities (Est Nov - Jan)	2582	420.00
			-
<b>TOTAL CASH DISBURSEMENTS</b>			<b><u>\$ 3,149.27</u></b>



**CHERRY HILLS NORTH METROPOLITAN DISTRICT  
2022 PROPOSED BUDGET**

	<u>2020 ACTUAL</u>	<u>2021 ADOPTED BUDGET</u>	<u>2021 FORECAST OPERATION</u>	<u>2022 PROPOSED BUDGET</u>
<b><u>RECEIPTS</u></b>				
TAXES - PROPERTY	\$ 107,120	\$ 107,077	\$ 107,082	\$ 118,626
TAXES - OWNERSHIP	7,595	7,000	7,000	7,000
INVESTMENT INCOME	<u>2,641</u>	<u>400</u>	<u>250</u>	<u>250</u>
TOTAL RECEIPTS	\$ 117,356	\$ 114,477	\$ 114,332	\$ 125,876
BALANCE JANUARY 1	<u>335,772</u>	<u>381,941</u>	<u>401,577</u>	<u>370,272</u>
TOTAL RECEIPTS & BEG BALANCE	\$ 453,128	\$ 496,419	\$ 515,909	\$ 496,147
<b><u>EXPENDITURES</u></b>				
ACCOUNTING	\$ 7,054	\$ 11,500	\$ 8,500	\$ 12,000
AUDIT EXPENSE	450	4,500	475	6,000
CAPITAL OUTLAY	-	50,000	-	44,826
COUNTY FEES	1,608	1,606	1,606	1,779
DUES	355	425	434	475
ELECTION EXPENSE	47	-	-	2,500
ENGINEERING EXPENSE	4,740	10,000	6,500	10,000
ENTRANCE MAINTENANCE	-	10,000	3,000	2,500
HILLCREST OUTFALL LINE EXPENSES	1,409	6,118	6,677	6,478
INSURANCE	1,860	2,100	1,998	2,250
LEGAL EXPENSE	-	5,000	955	2,500
LINE MAINTENANCE & REPAIR	5,645	6,539	5,419	6,719
MISCELLANEOUS	283	350	150	500
OFFICE EXPENSE	643	1,000	930	1,150
SEWER TREATMENT CHARGE	25,988	16,193	16,193	33,875
UTILITIES	1,469	1,550	1,550	1,700
SEWER LINE REPLACEMENT RESERVE	-	86,250	86,250	86,250
ENTRANCE IMPROVEMENT RESERVE	-	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>
TOTAL EXPENDITURES	\$ 51,551	\$ 218,131	\$ 145,637	\$ 226,502
ENDING BALANCE	<u>401,577</u>	<u>278,288</u>	<u>370,272</u>	<u>269,645</u>
TOTAL EXPENDITURES & ENDING BALANCE	<u>\$ 453,128</u>	<u>\$ 496,419</u>	<u>\$ 515,909</u>	<u>\$ 496,147</u>

I, **Darcy Beard** certify the attached is a true and accurate copy of the adopted 2022 budget of the Cherry Hills North Metropolitan District.

By: \_\_\_\_\_  
Budget Officer

**CHERRY HILLS NORTH METROPOLITAN DISTRICT  
BUDGET DETAIL**

	<b>PROJECTED <u>2021</u></b>	<b>PROPOSED <u>2022</u></b>
<b><u>TAXES - OPERATION</u></b>		
2021 - 12,931,036 @ 8.281 MILLS	\$ 107,082	
2022 - 14,325,028 @ 8.281 MILLS		\$ 118,626
<b><u>TAXES - OWNERSHIP</u></b>	\$ 7,000	\$ 7,000
<b><u>INVESTMENT INCOME</u></b>		
FIRST BANK	\$ -	\$ -
COLOTRUST	250	250
<b>TOTAL INVESTMENT INCOME</b>	<b>\$ 250</b>	<b>\$ 250</b>
<b><u>ACCOUNTING</u></b>	<b>\$ 8,500</b>	<b>\$ 12,000</b>
<b><u>AUDIT EXPENSE</u></b>		
LAST AUDIT 2015	\$ 475	\$ 6,000
<b><u>CAPITAL OUTLAY</u></b>		
CURED IN PLACE LINING	\$ -	\$ 32,355
TAP SADDLE INTRUDING	-	5,000
ENGINEERING (20%)	-	7,471
<b>TOTAL CAPITAL OUTLAY</b>	<b>\$ -</b>	<b>\$ 44,826</b>
<b><u>COUNTY FEES</u></b>	<b>\$ 1,606</b>	<b>\$ 1,779</b>
<b><u>DUES</u></b>		
SDA DUES	\$ 434	\$ 475
<b><u>ELECTION EXPENSE</u></b>	<b>\$ -</b>	<b>\$ 2,500</b>
<b><u>ENGINEERING</u></b>	<b>\$ 6,500</b>	<b>\$ 10,000</b>
<b><u>ENTRANCE MAINTENANCE</u></b>		
ENTRANCE MAINTENANCE	\$ 3,000	\$ 2,500
<b>TOTAL SIGN/ENTRANCE MAINTENANCE</b>	<b>\$ 3,000</b>	<b>\$ 2,500</b>
<b><u>HILLCREST OUTFALL LINE EXPENSE</u></b>		
VIDEO/JET CLEANING/ENGINEERING	\$ 4,206	\$ 1,500
OUTFALL LINE LOAN (TOTAL OF 40 PMTS)	2,471	2,478
OUTFALL LINE METERING	-	-
OUTFALL LINE CONTINGENCY	-	2,500
<b>OUTFALL LINE EXPENSE</b>	<b>\$ 6,677</b>	<b>\$ 6,478</b>
<b><u>INSURANCE</u></b>	<b>\$ 1,998</b>	<b>\$ 2,250</b>
<b><u>LEGAL</u></b>	<b>955</b>	<b>2,500</b>

CHERRY HILLS NORTH METROPOLITAN DISTRICT  
BUDGET DETAIL

	<u>PROJECTED</u> <u>2021</u>	<u>PROPOSED</u> <u>2022</u>
<u>LINE MAINTENANCE &amp; REPAIR</u>		
VIDEO	\$ 3,340	\$ 2,599
JET CLEAN	2,079	2,717
ROOT CUTTING	-	1,403
TOTAL VIDEO & JET CLEAN	<u>\$ 5,419</u>	<u>\$ 6,719</u>
 <u>MISCELLANEOUS</u>		
BANK CHARGES	-	50
WEBSITE EXPENSES	-	200
LEGAL PUBLICATIONS	<u>150</u>	<u>250</u>
TOTAL MISC	<u>\$ 150</u>	<u>\$ 500</u>
 <u>OFFICE SUPPLIES/STORAGE</u>		
SUPPLIES	\$ 150	\$ 250
STORAGE	<u>780</u>	<u>900</u>
TOTAL SUPPLIES/STORAGE	<u>\$ 930</u>	<u>\$ 1,150</u>
 <u>SEWER TREATMENT CHARGE</u>		
HILLCREST CHARGE	\$ 16,193	\$ 33,875
 <u>UTILITIES</u>		
XCEL ENERGY	\$ 1,550	\$ 1,700
	-	
<u>SEWER LINE REPLACEMENT RESERVE</u>	\$ 86,250	\$ 86,250
 <u>ENTRANCE IMPROVEMENT RESERVE</u>	 \$ 5,000	 \$ 5,000

**RESOLUTION**

**TO ADOPT 2022 BUDGET, APPROPRIATE SUMS OF MONEY, AND AUTHORIZE THE  
CERTIFICATION OF THE TAX LEVY**

**CHERRY HILLS NORTH METROPOLITAN DISTRICT**

A RESOLUTION SUMMARIZING REVENUES AND EXPENDITURES FOR EACH FUND, ADOPTING A BUDGET, LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2022 TO HELP DEFRAY THE COSTS OF GOVERNMENT, AND APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH HEREIN FOR THE CHERRY HILLS NORTH METROPOLITAN DISTRICT, ARAPAHOE COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2022, AND ENDING ON THE LAST DAY OF DECEMBER, 2022,

WHEREAS, the Board of Directors of the Cherry Hills North Metropolitan District has authorized its consultants to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, the proposed budget has been submitted to the Board of Directors of the District for its consideration; and

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was available for inspection by the public at a designated public office, a public hearing was held on November 11, 2021 and interested electors were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves or fund balances so that the budget remains in balance, as required by law; and

WHEREAS, the amount of money necessary to balance the budget for general operating purposes from property tax revenue is \$\_\_\_\_\_ ; and

WHEREAS, the Board of Directors finds that it is required to temporarily lower the operating mill levy to render a refund for \$ ; and

WHEREAS, the amount of money necessary to balance the budget for refunds/abatements is \$\_\_\_\_\_ ; and

WHEREAS, the 2021 valuation for assessment for the District as certified by the County Assessor of Arapahoe County is \$\_\_\_\_\_ ; and

WHEREAS, at an election held on May 2, 2000, the District has eliminated the revenue and expenditure limitations imposed on governmental entities by Article X, Section 20 of the Colorado Constitution and Section 29-1-301, C.R.S., as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CHERRY HILLS NORTH METROPOLITAN DISTRICT OF ARAPAHOE COUNTY, COLORADO:

Section 1. Adoption of Budget. That the budget as submitted, and attached hereto and incorporated herein by this reference, and if amended, then as amended, is hereby approved and adopted as the budget of the CHERRY HILLS NORTH METROPOLITAN District for calendar year 2022.

Section 2. Budget Revenues. That the estimated revenues for each fund as more specifically set out in the budget attached hereto are accepted and approved.

Section 3. Budget Expenditures. That the estimated expenditures for each fund as more specifically set out in the budget attached hereto are accepted and approved.

Section 4. Levy of General Property Taxes. That the Board of Directors does hereby certify the levy of general property taxes for collection in 2022 as follows:

A. Levy for General Operating and Other Expenses. That for the purposes of meeting all general operating expense of the District during the 2022 budget year, there is hereby levied a tax of \_\_\_\_\_ mills upon each dollar of the total valuation of assessment of all taxable property within the District for the year 2021.

B. Temporary Tax Credit or Rate Reduction. That pursuant to Section 39-1- 111.5, C.R.S. for the purposes of effect of a refund for the purposes set forth in Section 20 of Article X of the Colorado Constitution, there is hereby certified a temporary property tax credit or temporary mill levy rate reduction of \_\_\_\_\_ mills upon each dollar of the total valuation of assessment of all taxable property within the boundaries of the District for the year 2021.

C. Levy for Refunds/Abatements. That for the purposes of recoupment of refunds/abatements of taxes pursuant to Section 39-10-114(1)(a)(I)(B), C.R.S., there is hereby levied a tax of \_\_\_\_\_ mills upon each dollar of the total valuation of assessment of all taxable property within the boundaries of the District for the year 2021.

Section 5. Property Tax and Fiscal Year Spending Limits. That, being fully informed, the Board finds that the foregoing budget and mill levies do not result in a violation of any applicable property tax or fiscal year spending limitation.

Section 6. Certification. That the appropriate officers of the District are hereby authorized and directed to certify by December 15, 2021, to the Board of County Commissioners of Arapahoe County, Colorado, the mill levies for the District herein above determined and set, or be authorized and directed to certify to the Board of County Commissioners of Arapahoe County, Colorado, as herein above determined and set, but as recalculated as needed upon receipt of the final certification of valuation from the County Assessor on or about December 10, 2021 in order to comply with any applicable revenue and other budgetary limits or to implement the intent of the District. That said certification shall be in substantially the form set out and attached hereto and incorporated herein by this reference.

Section 7. Appropriations. That the amounts set forth as expenditures and balances remaining, as specifically allocated in the budget attached hereto, are hereby appropriated from the revenue of each fund, to each fund, for the purposes stated and no other.

*[remainder of page intentionally left blank; signature page follows]*

ADOPTED this 11th day of November, 2021.

CHERRY HILLS NORTH METROPOLITAN DISTRICT

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

CHERRY HILLS NORTH METROPOLITAN DISTRICT

LETTER OF BUDGET TRANSMITTAL

Date: January \_\_, 2022

To: Division of Local Government  
1313 Sherman Street, Room 521  
Denver, Colorado 80203

Attached are the 2022 budget and budget message for CHERRY HILLS NORTH METROPOLITAN in Arapahoe County, Colorado, submitted pursuant to Section 29-1-113, C.R.S. This budget was adopted on November 11, 2021. If there are any questions on the budget, please contact: Darcy Beard CPA at 303-594-5488 or darcybeardcpa@comcast.net.

I, Harold Roberts, as Chair of the Cherry Hills North Metropolitan District, hereby certify that the attached is a true and correct copy of the 2022 budget.

By: \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF CHERRY HILLS NORTH METROPOLITAN DISTRICT  
CONCERNING ANNUAL ADMINISTRATIVE MATTERS  
2022**

WHEREAS, the Board of Directors of the Cherry Hills North 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 Cherry Hills North Metropolitan District within the Arapahoe County, Colorado, as follows:

1. Contact Person. The Board of Directors of the District (the “Board”) directs the District Accountant 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 Chair 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 by Section 32-1-104(2), C.R.S. The Board hereby names the District Accountant as the contact person within the District. The contact person is authorized, under Section 24-10-109(3)(b), C.R.S., to accept notices of claims against the District as the District’s agent and, if any such claim is received, must promptly notify the President of the Board and the attorney for the District of such receipt.

2. Map. The Board directs the District 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 Section 32-1-306, C.R.S. If there have been no changes to the boundaries of the District since the filing of an accurate map, the District 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 Accountant 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 amendment(s) with the proper governmental entities in accordance with the Local Government Budget Law of Colorado, Sections 29-1-101 to 29-1-115, C.R.S. 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 Legal Counsel to prepare and file within thirty days of such request, an informational listing of all contracts in effect with other political subdivisions, in compliance with Section 29-1-205, C.R.S.



5. Notice to Electors (Transparency Notice). The Board directs that no more than sixty days prior to and not later than January 15, District Manager will prepare and distribute the Notice to Electors pursuant to and in a matter prescribed by Section 32-1-809, C.R.S. The Board further directs that in compliance with Section 32-1-104(2), C.R.S., 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 Legal Counsel 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 Sections 11-58-101 to 11-58-107, C.R.S.

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 Section 29-1-606, C.R.S. In the event that the timetable will not be met, the auditor and the District Accountant 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 Section 29-1-604, C.R.S.

8. Unclaimed Property. The Board directs District Manager 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 Section 38-13-110, C.R.S.

9. Public Records. The Board designates the Board Secretary as the official custodian of public records as such term is used in Section 24-72-202, C.R.S., with the functions thereof hereby delegated to Legal Counsel as the custodian as defined in 24-72-202(1.1), C.R.S. 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 for copies, research and retrieval, development of privilege log, and such other services as are authorized by law.

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

11. Data Privacy Policy. Pursuant to Sections 24-73-101, *et seq.*, C.R.S., the Board hereby adopts a written policy for the destruction of documents containing personal identifying

information, for implementing reasonable security procedures and practices to protect personal identifying information, and for notifying Colorado residents of a security breach or possible security breach.

12. E-mail Policy. Pursuant to Section 24-72-204.5, C.R.S., 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 Section 24-72-203, C.R.S.

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 mail communications 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 communications system.

C. Employees understand, acknowledge and agree that all communications in the form of electronic mail may be considered a public record pursuant to CORA and may be subject to public inspection pursuant to C.R.S. Section 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.

13. 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, April 15, July 15, and October 15 of each year, as required by Sections 1-45-109 and 24-6-203, C.R.S. No report needs to be filed unless a director receives \$53 or more in cash or loans, or real or personal property having a value of \$53 or more. Further, the Board is reminded that in accordance with Section 24-6-203, C.R.S., if a Board member receives annual compensation from the District of more than \$2,400, then the Board member is required to file a quarterly report in the prescribed manner with the Secretary of State.

14. Newspaper. The Board designates the *The Villager Legals* 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 aforementioned newspaper, in accordance with Section 32-1-103(15), C.R.S. If publication in such newspaper is impossible or impracticable, then any legal newspaper published in the county may be used as an alternative.

15. Director Compensation. The Board of Directors of the District determines that each director shall not receive compensation for services as directors.

16. Director Qualification. Pursuant to Section 32-1-901, C.R.S., 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 the director 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.

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

<b>Name</b>	<b>Title</b>
Harold Roberts	Chairman
Daniel Conway	Vice Chairman
Geoff Landry	Treasurer
Keith Bierman	Secretary
Marcus McAskin	Director

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

18. 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.

19. Designated Posting Location for the Posting of Meeting Notices. Pursuant to Sections 24-6-402(2)(c)(I) and 32-1-903, C.R.S., the Board of Directors of the District has adopted a Resolution Concerning Online Notice of Public Meetings, which authorizes the Board to post notices of its public meetings, including specific agenda information, on the following public website: <https://chnorthmetro.us> no less than twenty-four hours prior to the holding of the meeting. In the event the District is unable to post a notice online in exigent or emergency circumstances, such as a power outage or an interruption in internet service that prevents the public from accessing the notice online, in accordance with Section 24-6-402(2)(c)(III), C.R.S., the Board designates the following location within the District's boundaries as the official designated posting place for the posting of meeting agendas no less than twenty-four hours prior to the meeting: Front Door of 4051 South Holly Street, Cherry Hills Village, CO 80111.

20. Meetings. Consistent with the provisions of Section 32-1-903, C.R.S., as amended by HB21-1278, the District may hold meetings of the Board at a physical location or by telephonic, electronic, or virtual means, or a combination of the foregoing. The meeting notice of all meetings of the Board that are held telephonically, electronically, or by other means not including physical presence shall include the method or procedure, including the conference number or link, by which members of the public can attend the meeting.

The Board determines to hold regular meetings on the 2<sup>nd</sup> Thursday of each month at 7:30 a.m.; provided, the Board may, from time to time, determine to hold any meeting at a physical location or by telephonic, electronic, or virtual means, or a combination of the foregoing, in its discretion as an administrative matter without the need for amending this resolution.

In addition, regular and special meeting notices shall be posted as identified above in accordance with Section 24-6-402(2)(c), C.R.S. The Board directs the District Manager to prepare notices for posting in accordance with Section 32-1-903, C.R.S. District 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, to enter into a private contract with a director, or not to make a scheduled bond payment.

21. Elections. Designated Election Official of Seter & Vander Wall is hereby appointed as the "Designated Election Official" of the Board for any elections to be held by the District unless another Designated Election Official is appointed by resolution of the Board. In accordance with Section 1-1-111(2), C.R.S., 13.5 of Title 1, C.R.S., 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 Sections 1-11-103, 32-1-104(1), and 32-1-1101.5, C.R.S.

22. Elections; Call for Nominations.

The District was formed on April 19, 1979. For Districts formed prior to January 1, 2000, the call for nominations required by Section 1-13.5-501 shall be made by:

- (1) publication; and
- (2) select only one of the following:

posting the information on the official website of the District.

23. Independent Mail Ballot Elections. The Board deems it expedient for the convenience of the electors that all regular and special elections of the District shall be conducted as an independent mail ballot election in accordance with Section 1-13.5-1101, C.R.S., unless a polling place election is deemed necessary and expressed in a separate election resolution.

24. Notice of Indebtedness. In accordance with C.R.S. Sections 32-1-1604 and 1101.5(1), the Board directs District Manager 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.

25. Quinquennial Findings. If requested, the Board directs Legal Counsel to prepare and file with the Board of County Commissioners the quinquennial finding of reasonable diligence, in accordance with Sections 32-1-1101.5(1.5) and (2), C.R.S.

26. Annual Report. If requested or required, the Board directs Legal Counsel to prepare and file the special district annual report, in accordance with Section 32-1-207(3)(c), C.R.S.

27. Disclosure of Potential Conflict of Interest. The Board has determined that Legal Counsel may file general conflict of interest disclosure forms, if any, provided by the directors with the Secretary of State each year, which forms may be updated on an annual basis through information the directors give to Legal Counsel. If a specific conflict arises regarding a certain transaction of the Board, the director is required to notify Legal Counsel 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 Sections 32-1-902(3) and 18-8-308, C.R.S. Additionally, at the beginning of every term, Legal Counsel may request that each Board member submit information regarding actual or potential conflicts of interest.

28. Special District Association. If the District is currently a member of the Special District Association (“SDA”), the Board directs the District Accountant to pay the annual SDA membership dues in a timely manner.

29. Insurance. The Board directs District Manager to at least biannually review all insurance policies and coverage in effect to determine appropriate insurance coverage is maintained.

30. Promissory Notes. The District has no outstanding promissory note(s).

31. Outstanding General Obligation Indebtedness. The District has no outstanding general obligation bonds or multiple fiscal year financial obligations.

32. Continuing Disclosure. Legal Counsel shall provide continuing disclosure service if and as applicable to the bonds and other financial obligations of the District.

33. Workers’ Compensation. Pursuant to Section 8-40-202(1)(a)(I)(B), C.R.S., the elected and appointed officials of the District shall not be deemed to be employees within the

meaning of Section 8-40-202(1)(a), C.R.S. 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 Legal Counsel at the direction of the Board acquires coverage.

34. PDPA. Pursuant to the provisions of the Colorado Public Deposit Protection Act, Section 11-10.5-101, et seq., C.R.S., the Board appoints District Accountant as the official custodian of public deposits.

35. 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 Section 32-1-1001(2)(a), C.R.S.

36. Worker Without Authorization Certification. In compliance with Section 8-17.5-101 *et seq.*, C.R.S., 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 workers without authorization to perform work under a public contract for services.

37. Inclusions/Exclusions of Property. The Board directs Legal 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.

38. Public Disclosure Statement. Pursuant to Section 32-1-104.8, C.R.S., the Board directs Legal Counsel 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.

39. Underground and Aboveground Storage Tanks. If applicable, the Board directs Legal Counsel to register and renew annually all underground and/or aboveground storage tanks with the state inspector of oils.

40. Underground Facility Locating. If applicable, the Board directs District Manager to provide accurate information regarding the boundaries of the District's service area, the type of underground facility(ies) that may be encountered within such service area, and the name, address and telephone number of a person who shall be the designated contact person for the information regarding the District's underground facilities, along with information concerning underground facilities that the District owns or operates which are not located within the designated service area to the Utility Notification Center of Colorado. The Board further authorizes the District to maintain its membership in the notification association as a "Tier 1" member, if applicable.

41. Recording of Conveyances of Real Property to the District. Pursuant to Section 38-35-109.5(2), C.R.S., Legal Counsel is designated as an appropriate official to record conveyances of real property to the District within thirty days of such conveyance.

42. Ratification of Past Actions. The Board members have reviewed the minutes of every meeting of the Board conducted in 2021, and the Board, being fully advised of the premises, hereby ratifies and affirms each and every action of the Board taken in 2021.

43. 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.

44. Execution of District Documents By Electronic Methods. Where necessary, convenient and permissible by law, the Board authorizes the execution of District documents on behalf of the Board through electronic methods such as DocuSign, electronic PDF, or similar means and in multiple counterparts, all of which shall constitute single, valid documents of the Board as if signed in paper format.

45. Official District Website. If requested or required, the Board has established and maintains as the official District website <https://chnorthmetro.us>

The District was formed on April 19, 1979 (prior to January 1, 2000). Therefore, no official district website is required under Section 32-1-104.5, C.R.S. If the District elects to establish and maintain an official District website, it may do so in the discretion of the Board either as set forth elsewhere in this Resolution or by separate Board action.

46. Dates Herein. All dates set forth in this Resolution shall be in 2022 unless otherwise specified.

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

*[Remainder of Page Intentionally Left Blank]*

Adopted and approved this 11<sup>th</sup> day of November, 2021.

CHERRY HILLS NORTH METROPOLITAN DISTRICT

By: \_\_\_\_\_  
President

ATTEST:

By: \_\_\_\_\_  
Secretary



**RESOLUTION OF THE  
BOARD OF DIRECTORS OF THE  
CHERRY HILLS NORTH METROPOLITAN DISTRICT CONCERNING  
REGULAR ELECTION TO BE HELD MAY 3, 2022**

WHEREAS, the Cherry Hills North Metropolitan District of Arapahoe County, State of Colorado (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, a regular election is to be held on the Tuesday succeeding the first Monday of May in every even-numbered year, for the purpose of electing members to the Board of Directors of the Cherry Hills North Metropolitan District (the “Board”); and

WHEREAS, Three (3) three-year terms and Zero (0) one-year terms shall be open at the regular election to be held on May 3, 2022, by the District; and

WHEREAS, accordingly, the Board of Directors of the District has determined to submit to the electors of the District, at the regular biennial local district election to be held on May 3, 2022, the election of directors; and

WHEREAS, a designated election official shall be appointed by the Board of Directors to be responsible for conducting the election.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cherry Hills North Metropolitan District of Arapahoe County, State of Colorado:

1. That a regular election to be conducted by mail ballot be called and held within the District on Tuesday, the 3rd day of May, 2022, at which election the electors shall vote for up to Three (3) Directors.

2. That the terms of office for Geoff Landry, Marcus McAskin and Keith Bierman shall expire following the regular election to be held on the 3rd day of May, 2022, and there are zero vacancies on the Board.

3. That the Designated Election Official of Seter & Vander Wall is hereby appointed to serve as the Designated Election Official for the conduct of the election. The Designated Election Official is hereby granted the authority to undertake all reasonable actions that are necessary or convenient for the conduct of the election.

4. That the election shall be held and conducted in accordance with the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S., as supplemented by Const. Colo.Art. X, Sec. 20, the Uniform Election Code of 1992 as amended, the applicable 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, C.R.S. 32-1-305.5, and other relevant Colorado and federal law (collectively, hereafter all such law and rules shall be referred to as the "Relevant Law");

5. That a nomination for Director to serve for any designated vacancy shall be made by written self-nomination and acceptance form or letter and filed with the Designated Election Official not less than sixty-seven (67) days prior to the date of said election and that an affidavit of intent to be a write-in candidate for Director to serve for any designated vacancy shall be filed with the Designated Election Official not less than sixty-four (64) days prior to the date of said election.

6. That pursuant to the provisions of Section 1-13.5-513, C.R.S., as amended, if the only matter before the eligible electors is the election of persons to office and if, at the close of business on the sixty-third day before the election or any time thereafter, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent, the Designated Election Official is authorized and instructed to cancel the election and declare the candidates elected. If the election is canceled, the Board of Directors by delegation to the Designated Election Official herein shall: (a) provide notice by publication of the cancellation of the election; (b) post a copy of the published notice at each polling location within the District, at the office of the Designated Election Official, and at the office of the clerk and recorder for each county in which the District is located; and (c) file a copy of the published notice with the Division of Local Government. The Board of Directors shall notify the candidates that the election was canceled and that they were elected by acclamation. If the election is canceled, the canvass board will not meet, and the Designated Election Official shall note the cancellation on the Certificate of Election and shall indicate which candidates were elected by acclamation.

7. That no person will receive a ballot in this election unless the person is an eligible elector of the District, as defined in Section 32-1-103(5), Colorado Revised Statutes.

8. That the Designated Election Official shall file within 30 days after the election, the results of election, including the business address, the telephone number, and the name of the contact person of the District with the Division of Local Government. (C.R.S. 1-11-103(3), 32-1-104(1)).

9. 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.

10. 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.

11. That the provisions of this Resolution shall take effect immediately.

12. That all past actions taken by the District, its 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.

13. That in the event of a conflict between this Resolution and Relevant Law, the Relevant Law shall control.

ADOPTED AND APPROVED this 11<sup>th</sup> day of November, 2021.

CHERRY HILLS NORTH  
METROPOLITAN DISTRICT

By:

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary