
BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 1
BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2

Wednesday, March 31, 2021 4:30 P.M. Consolidated Special Meeting

ALL PARTICIPATION WILL BE VIA THE ZOOM MEETING LOCATION IN ORDER TO PRESERVE THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC IN LIGHT OF THE IMMINENT THREAT CAUSED BY THE COVID-19 PANDEMIC AND DUE TO THE STATE OF EMERGENCY DECLARED BY GOVERNOR POLIS, AS AMENDED AND EXTENDED, CORRESPONDING EXECUTIVE ORDERS AND PUBLIC HEALTH ORDERS, AS AMENDED AND EXTENDED, AND CDC RECOMMENDATIONS AGAINST GATHERING IN LARGE GROUPS IN ORDER TO MITIGATE THE SPREAD OF THE COVID-19 VIRUS.

<https://us02web.zoom.us/j/86373322103?pwd=S1dqZVNodHJGSjZlZk9XSzGh6Qk1xQT09>

Meeting ID: 863 7332 2103, Passcode: 179855

Or

Dial-In Number: + 1 (669) 900-9128

Meeting ID: 863 7332 2103, Passcode: 179855

Rules for public participation:

1. All members of the public are asked to join the meeting at least 5 minutes prior to the start time in order to allow for registration of attendees full first and last names.
2. Any members of the public wishing to speak during an agenda item will be required to use the “raise hand” feature in zoom and wait to be recognized by the host prior to speaking. If the “raise hand” feature is not available to the member of the public due to phone participation the member of the public will be required to indicate which agenda items they wish to speak regarding during the registration process prior to the meeting.
3. All public comment will be limited to 3 minutes per person. A warning will be provided when the speaker has 30 seconds remaining. At the expiration of the 3 minutes the speaker will be muted.

AGENDA

1. Call to Order/Declaration of Quorum
2. Directors Matters/Disclosure Matters
3. Approval of/Additions To/Deletions From the Agenda
4. Public Comment for Matters Not on Agenda
5. Election of Vacant Offices for District No. 2
 - a. Treasurer
 - b. Secretary

6. Consent Agenda
 - a. Consider Approval of February 25, 2021 Special Meeting Minutes (enclosure).
7. Financial Matters
 - a. Financial Report/payment of claims (to be distributed).
8. Citizens Advisory Committee Report.
9. Operations Matters
 - a. Consider hiring one full-time Operations Manager effective April 1, 2021 and one Seasonal Operations Assistant effective April 1, 2021 through irrigation winterization (mid-October).
 - b. Consider approval of rental agreement for 11 Bridger Drive for District office. (to be distributed).
 - c. Discuss repairs to Buckhorn Pond
10. Legal Matters
 - a. Consider Approval of 2021 Recall Election Resolution (enclosure).
 - b. Discuss status of Recall Election (enclosures).
11. Other Business
12. Adjournment

RECORD OF PROCEEDINGS

MINUTES OF THE CONSOLIDATED SPECIAL MEETING OF THE BOARDS OF DIRECTORS OF THE BUCKHORN VALLEY METROPOLITAN DISTRICTS NOS. 1 & 2

Held: Thursday, February 25, 2021 at 9:00 A.M., at
<https://us02web.zoom.us/j/89819455046?pwd=VIQvVC9nekVLcVI1OXITOWRDVnF3QT09> Meeting ID: 898 1945 5046, Passcode:
219076, Or

Dial-In Number: 1 + (669) 900-9128
Meeting ID: 898 1945 5046, Passcode: 219076

Attendance:

The consolidated special meeting of the Boards of Directors of Buckhorn Valley Metropolitan Districts Nos. 1 & 2 (the “Boards of Directors” or “Boards”) was called and held as shown in accordance with the statutes of the State of Colorado. All participation was via the Zoom meeting location in order to preserve the health, safety, and welfare of the public in light of the imminent threat caused by the COVID-19 Pandemic and due to the State of Emergency declared by Governor Polis, as amended and extended, corresponding Executive Orders and Public Health Orders, as amended and extended, and CDC recommendations against gathering in large groups in order to mitigate the spread of the COVID-19 virus.

The following Directors were present:

John Hill, President (*via video/telephone conference*)
David Garton, Assistant Secretary (*via video/telephone conference*)
Scott Green, Assistant Secretary (*via video/telephone conference*)
(District No. 1 Director only)
Anna Maria Ray, Assistant Secretary (*via video/telephone conference*)

Also present were: Jennifer L. Ivey, Attorney for the Districts, Icenogle Seaver Pogue, P.C. (*via video/telephone conference*); AJ Beckman, District Manager, Public Alliance, LLC (*via video/telephone conference*); Debra Sedgeley, District Accountant, CliftonLarsonAllen, LLP (*via video/telephone conference*) and the following members of the public: Nick Viau, David Fiore, and Megan McGee Bonta (*all via video/telephone conference*).

Call to Order/ Declaration of Quorum:

Director Hill called the meeting to order at 9:02 A.M. the consolidated special meeting of the Boards of Directors of the Buckhorn Valley Metropolitan Districts Nos. 1 & 2, at which time it was noted that the notice of this meeting was properly posted within the Districts. Director Hill noted that a quorum of each of the Boards were present, and he turned the meeting over to Mr. Beckman and Ms. Ivey. In order

to accommodate public comment and allow for the orderly conduct of District business, each speaker will be recognized individually and afforded the opportunity to comment on each agenda item, with a maximum of three minutes per person per agenda item.

Director Hill discussed the process used by the Town of Gypsum for Town Council Meetings and suggested that the District adopt the same process for public comment, requiring prior registration, and allowing registered speakers three minutes for comment.

Following discussion upon motion of Director Ray and second of Director Hill, the Board adopted the process for public comment presently used by the Town of Gypsum.

Approval of/Additions to/Deletions from the Agenda:

Following discussion and upon motion of Director Ray and second of Director Hill, the Boards of Directors voted unanimously to approve the Agenda as presented.

Public Comment for Matters Not on the Agenda:

David Fiore thanked the Board for taking steps to begin to give homeowners a seat at the table, and thanked Director Green in particular. He noted that the recall committee received more signatures than had been received in any prior election in Gypsum, to his knowledge. He read a prepared statement, attached hereto and incorporated herein by this reference.

Megan McGee Bonta stated her appreciation for work that has been done in the committee meetings. She is involved with the master association and community homeowner association is available to help bridge communication between these entities and the District.

Nick Viau commented that he is glad to be working collaboratively with the Board.

Consent Agenda:

Approval of meeting minutes:

Regarding approval of meeting minutes from the December 7, 2020 and December 11, 2020 special meetings, Mr. Beckman noted there was not a quorum at the December 7, 2020 meeting so no action was taken but a public record of meeting minutes was still created. Public comment on the meeting minutes was opened for discussion.

Mr. Fiore noted that the meeting minutes, as noted by Mr. Beckman, were lengthy, and that members of the public may not have had sufficient time to review them. Mr. Green commented in response to Mr. Fiore's comment that the meetings in December were held to establish cooperation between the Board and recall committee.

Director. Hill made a motion to approve the minutes of the December 7, 2020 and December 11, 2020 meetings of the Boards of Directors. Director Ray seconded the motion, and it was passed unanimously.

Resignation of
Director Green:

Ms. Ivey noted that she has received a written resignation from Mr. Green for his seat on the Board of Directors of District No. 2. Ms. Ivey noted that no action is necessary, as the resignation was provided in writing and was effective immediately. Director Ray commented to thanked Director Green for his service to the community and his work on the Board.

Public comment on Directors Green's resignation was opened for discussion. Mr. Fiore noted that his comments regarding concern about the legal cost of a recall election were not reflected in the meeting minutes that were just approved. Mr. Viau stated that he looks forward to continuing to work with Director Green moving forward. Ms. Bonta thanked Director Green for his work on behalf of the District in the past and going forward.

Nomination to Fill
Vacancies on the
Board of Directors:

Mr. Beckman opened the discussion of submitting and approving an eligible elector to be appointed to fill the open Board seat on District No. 2, which was created by the resignation of Samantha Gale. He noted that a solicitation to the public was made with a deadline of January 15, 2020 to submit letters of interest for the open Board seat. The letters of interest are included in the meeting packet.

Public comment was initiated. Mr. Fiore spoke in support of nominating Nick Viau, however pointed out that the public process, as outlined by the management team to select candidates based on timely submission of letters of interest, was not followed, as Mr. Viau did not submit a letter of interest. Mr. Green commented that it is the Board that is considering the appointment of two members of the community and noted that the Board does have the authority to appoint any eligible elector to fill the vacancies. Ms. Bonta commented that she believes Mr. Viau would be an excellent choice. Mr. Green agreed that Ms. Gallimore and Mr. Viau would both be good choices.

Director Hill made a motion to nominate Erin Gallimore, who was one of the applicants that applied to fill the seat vacated by Ms. Gale's resignation. Director Ray seconded the motion, which passed unanimously. Ms. Ivey confirmed that Ms. Gallimore is an eligible elector of District No. 2 and once Ms. Gallimore takes her oath of office her firm will file the certificate of appointment and oath of office on Ms. Gallimore's behalf within the thirty-day deadline.

Public comment and discussion was opened for submitting and approving an eligible elector to be appointed to fill the open Board seat on District No. 2, which was created by the resignation of Mr.

Green.. Mr. Fiore reiterated his support for Mr. Viau's nomination. Mr. Viau commented that he's thankful to be considered and is ready to work hard for the District No. 2 and keep an open mind and work collaboratively. Ms. Bonta repeated her opinion that Mr. Viau would be an incredible choice. Ms. Ivey confirmed that Mr. Viau is an eligible elector of District No. 2.

Director Hill moved to appoint Mr. Viau to the Board of Directors for District No. 2, Director Ray seconded the motion, and it was unanimously approved.

Legal Matters:

Ms. Ivey reported that she has received an electronic copy of the petitions to recall Directors Hill, Garton, Green, and Ray from District No. 2 but has not yet received the paper version, as they are in transit via FedEx. The deadline for receiving the recall petitions is Friday. The petition for Director Green's recall will now moot due to his resignation and will not be considered or reviewed. In response to inquiry from Director Green, she further noted that there is nothing in the statutes nor any case law guidance that provides for a recall petition to be terminated by the recall committees after the signed petitions to recall directors have been submitted. She then explained that a recall can be terminated if the Director resigns. Additionally, if the designated election official deems a signed petition for recall insufficient the committee for recall can withdraw the petition for potential resubmission.. Ms. Ivey reported that the only idea she had come up with regarding termination of a recall election by request of the recall committee would be to receive signed affidavits from each of the members of the recall committees and filing those with the court and requesting that court to order that the election be terminated. Director Hill asked what the cost would be to stop the recall election by court order, Ms. Ivey stated that it would be significantly less expensive than proceeding with the election.

Public comment was heard on the question of the possibility of stopping the recall election. Mr. Viau stated that the recall committee would be open to talk about options. Mr. Fiore commented that a lot of work went into communicating with the community, via a website, printed materials and volunteers who went door to door, and nearly 400 signatures were obtained in support of going forward with a recall election at that time. However, he agreed that saving money is in everyone's best interest and a dialogue can be continued with the recall committees. Mr. Green said that the recall committees told him that the recall petition could be pulled back after submission and that statement doesn't seem to have been a valid representation of the legal facts. Mr. Fiore responded that the recall committees did not misrepresent anything, and that an offer was made to certain Board members to resign and therefore avoid the cost of a recall election. Mr. Green asked if the District has to pay the recall costs regardless of the

outcome of the recall election. Ms. Ivey reported that if a Director is not recalled, the Director's actual costs can be reimbursed by the District, however the District will not be reimbursed for its costs and is statutorily required to pay for the costs associated with the recall election.

Other Business:

Informational letter from the Board: The Board discussed the draft informational letter from the Boards of Directors that is proposed to be sent out via email to residents. Mr. Beckman suggested that financial figures need to be checked by the District's accountant prior to distribution. Public comment was opened, no public comment was made on this topic. Director Hill made a motion to approve distribution of the information letter, Director Ray seconded the motion, and it was unanimously approved for distribution after finalization of financial figures by Ms. Sedgeley.

Next Board Meeting: The next Board meeting will be scheduled for late March or early April. Mr. Beckman noted that the newly appointed Directors will be able to participate at the next meeting assuming they take their oaths of office, officer positions can be assigned, and the Districts will need to discuss bringing on employees to take over the operations and maintenance of the irrigation system. Job descriptions will need to be created and other preparations need to be made. Mr. Beckman will provide inputs to Ms. Sedgeley to enable her to prepare a cash flow analysis for this purpose.

Management Fees: Mr. Beckman reported that his hourly rate for management services is increasing to \$160 per hour, effective June 1, 2021. He noted that some of the management work can be performed by an assistant at a lower rate and he will continue to be as cost-effective as possible.

Adjournment: Following discussion and upon motion of Director Hill and second of Director Ray, the Boards unanimously approved adjournment at 10:25 a.m.

Secretary for the Districts

**RESOLUTION OF
THE BOARD OF DIRECTORS OF
BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2
2021 RECALL ELECTION RESOLUTION
MAIL BALLOT**

At a special meeting of the Board of Directors of the Buckhorn Valley Metropolitan District No. 2, Eagle County, Colorado, held at 4:30 P.M., on Wednesday, March 31, 2021 via video and telephone conference in order to preserve the health, safety, and welfare of the public in light of the imminent threat caused by the COVID-19 pandemic and due to the state of emergency declared by Governor Polis, as amended and extended, corresponding executive orders and public health orders, as amended and extended, and CDC recommendations against gathering in large groups in order to mitigate the spread of the COVID-19 virus, at which a quorum was present, the following resolution was adopted:

WHEREAS, the Buckhorn Valley Metropolitan District No. 2 (the “District”) was organized as a special district pursuant to an order and decree of the District Court in and for the County of Eagle, Colorado (the “Court”), dated May 15, 2000 and is located within Eagle County (the “County”); and

WHEREAS, pursuant to Section 32-1-906, C.R.S., any director elected or appointed to the Board of Directors of the District (the “Board”) who has actually held office for at least six months may be recalled from office by the eligible electors of the District; and

WHEREAS, pursuant to Section 32-1-908, C.R.S., procedures to recall a director of the District are to be governed by part 9 of article 1 of title 32, C.R.S., and, pursuant to Section 32-1-910(5), C.R.S., such recall election shall be conducted in accordance with article 13.5 of title 1, C.R.S.; and

WHEREAS, on December 4, 2020, a proposed form for the recall petition for each of the four directors of the Board was filed with the Court pursuant to Section 32-1-909(2), C.R.S.; and

WHEREAS, on December 7, 2020, the Court appointed Jennifer L. Ivey as the designated election official (the “DEO”) pursuant to Section 32-1-909, C.R.S.; and

WHEREAS, on December 10, 2020, the DEO issued written notices of disapproval of recall petition as to form to the committee to recall Anna Maria Ray, the committee to recall David Garton, the committee to recall John Hill (collectively referred to herein as the “Recall Committees”), and the committee to recall Scott Green (the “Green Recall Committee”) for failure to comply with the requirements of Sections 32-1-909 *et seq.*, C.R.S.; and

WHEREAS, on December 21, 2020, the Recall Committees and the Green Recall Committee filed revised forms of recall petitions with the DEO for review in accordance with Section 32-1-909(3), C.R.S.; and

WHEREAS, on December 28, 2020, the DEO issued written notices of Approval of Revised Recall Petitions as to Form to the Recall Committees and the Green Recall Committee pursuant to Section 32-1-909(3), C.R.S.; and

WHEREAS, on February 23, 2021, the Recall Committees and Green Recall Committee filed with the Court a Notice of Sufficient Signatures Obtained and Request for Certification by Election Official; and

WHEREAS, on February 24, 2021, the DEO received written notice of resignation from Director Scott Green, effective as of February 20, 2021, resulting in the termination of all recall proceedings for Director Scott Green and rendering the office vacant pursuant to Sections 32-1-907 and 32-1-911, C.R.S.; and

WHEREAS, on February 25, 2021, the DEO received original copies of the signed sections of the recall petition for Director Anna Maria Ray, the recall petition for Director David Garton, the recall petition for Director John Hill (collectively the “Recall Petitions”), and the recall petition for Director Scott Green (the “Green Petition”) for review in accordance with Section 32-1-910(3), C.R.S.; and

WHEREAS, on March 3, 2021, the DEO issued a written termination of recall proceedings for Director Green pursuant to Sections 32-1-907 and 32-1-911(1), C.R.S., and as such, the DEO did not review the Green Petition; and

WHEREAS, in accordance with Section 32-1-910(3)(a), C.R.S., all petition information in the Recall Petitions was reviewed and verified against the County Clerk and Recorder’s registration records and the County Assessor’s records to determine whether the Recall Petitions each met the requirements of Sections 32-1-906(1) and 32-1-910(2)(a), (2)(b), and (2)(c), C.R.S.; and

WHEREAS, on March 3, 2021, the DEO issued written determinations of sufficiency for each of the Recall Petitions pursuant to Section 32-1-910(3)(b), C.R.S.; and

WHEREAS, pursuant to Sections 32-1-910(3)(f), C.R.S., the last date on which a request for judicial review of a determination could have been filed with the Court was March 10, 2021, and no such request for judicial review was filed; and

WHEREAS, pursuant to Section 32-1-910(4)(a)(II), C.R.S., the last date on which a protest could have been filed with the DEO was March 12, 2021, and no protest was filed; and

WHEREAS, Sections 32-1-910(4)(a)(I) and (II), C.R.S. require the DEO to submit the Recall Petitions, together with certificates of sufficiency, to the Board at a regular or special meeting of the Board held within thirty days following the expiration of the period within which a protest may be filed, or within thirty days of the date the written determination of sufficiency is issued, whichever is later; and

WHEREAS, the DEO submitted the petition, together with a certificate of its sufficiency, to the Board at its March 31, 2021 special meeting; and

WHEREAS, in accordance with Section 32-1-910(4)(a)(III), C.R.S., the Board shall order and fix a date for the recall election to be held not less than seventy-five days nor more than ninety days from the date of the meeting, and the Board shall determine whether voting in the recall election is to take place at the polling place or by mail ballot; and

WHEREAS, pursuant to Section 32-1-914(1), C.R.S., the DEO shall render all interpretations and shall make all initial decisions as to controversies or other matters arising out of the operation of a recall election; and

WHEREAS, the Board desires to order and fix a date for the recall election and set forth herein the procedures for conducting the election as authorized by Section 32-1-906 *et seq.*, C.R.S. and article 13.5 of title 1, C.R.S. (collectively the “Recall Election Laws”).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2 THAT:

1. The Board hereby recognizes that the Recall Petitions, together with certificates of sufficiency, were submitted to the Board by the DEO at its March 31, 2021 special meeting as required by Section 32-1-910(4)(a)(I), C.R.S.

2. The Board hereby recognizes that in accordance with Section 32-1-103(21), C.R.S. no enumerated special election date falls within the period prescribed by Section 32-1-910(4)(a)(III), C.R.S. (no sooner than June 14, 2021 and no later than June 29, 2021) for the recall election, and therefore, as required by Section 32-1-910(4)(a)(III), C.R.S., the Board orders a special recall election of the eligible electors of the District to be held on **[June 29, 2021]** between the hours of 7:00 A.M. and 7:00 P.M. pursuant to and in accordance with the Recall Election Laws and other applicable laws, for the purpose of determining whether Director Anna Maria Ray, Director David Garton, and Director John Hill shall be recalled, and in the event of Director Anna Maria Ray, Director David Garton, and/or Director John Hill’s recall, to elect a successor or successors to Director Anna Maria Ray, Director David Garton, and/or Director John Hill’s office from those candidates who have been nominated therefor in accordance with all applicable laws, subject to the Court granting permission for the District to hold the election on said date in accordance with Section 32-1-103(21), C.R.S.

3. The Board hereby recognizes that Jennifer L. Ivey is the DEO for the special recall election in compliance with the order of the Court issued on December 7, 2020. The Board hereby authorizes engaging **[Community Resource Services of Colorado, LLC]** to provide services to assist the DEO as the deputy designated election official for the special recall election pursuant to Section 1-13.5-108(2), C.R.S. (the “Deputy DEO”).

4. The Board hereby determines that such special recall election shall be conducted as an **[independent mail ballot election]**. Unless otherwise determined necessary by the DEO, there shall be one polling place & drop-off location for the special recall election. Such polling place &

drop-off location shall be located at [office of the Deputy DEO at 7995 East Prentice Avenue, Suite 103E, Greenwood Village, Colorado 80111]. All voters for the District, including handicapped and nonresident voters, shall return their ballots to the polling place & drop-off location by mail or delivery. All eligible electors may also obtain a replacement ballot from the polling place & drop-off location until 7:00 P.M. on [June 29, 2021] in accordance with Section 1-13.5-1105(4)(d) and (e), C.R.S. A map showing the District's boundaries is on file at the office of the DEO at 4725 South Monaco Street, Suite 360, Denver, Colorado 80237 and is available for examination by all interested persons.

5. The Deputy DEO shall act as the primary contact with the Clerk and Recorder of Eagle County, Colorado (the "County") and shall be primarily responsible for ensuring the proper conduct of the election, including, but not limited to, distributing, handling and counting of ballots and the survey of returns, taking the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election, appointing election judges as necessary, appointing the board of canvassers, arranging for the required notices of the election and printing of ballots, maintaining a permanent absentee voter list, providing notice of election results as required by law and directing that all other appropriate actions be accomplished.

6. The DEO shall prepare the form of the ballot to be certified and submitted to the eligible electors of the District. The ballots shall be prepared in accordance with Section 32-1-911(3), C.R.S., including the inclusion, if desired by Director Anna Maria Ray, Director David Garton, and/or Director John Hill, of a statement of not more than three hundred words in support of the director's retention, which shall be submitted to the DEO on or before the date on which the ballot content must be certified under Sections 1-13.5-511 or 1-5-203(3), C.R.S. as required by Section 32-1-911(3), C.R.S. (April 30, 2021 60 days before election).

7. In accordance with Section 32-11-911(4), C.R.S., candidates to succeed a director sought to be recalled at a recall election must be nominated in accordance with Sections 1-13.5-303 and 1-13.5-305, C.R.S., and shall be filed with the DEO no later than sixty-four days prior to the recall election (April 26, 2021). The DEO shall make a form of nominating petitions available to all interested parties. Affidavits of intent to be a write-in candidate must be filed no later than sixty-one days prior to the recall election (April 29, 2021). The DEO shall provide a call for nominations to be published in the *Eagle Valley Enterprises* between seventy-five days and one hundred days before the recall election (no later than April 15, 2021) in accordance with Sections 32-1-911(4) and 1-13.5-501, C.R.S.

8. In the event that Director Anna Maria Ray, Director David Garton, and/or Director John Hill resign by submitting a written letter of resignation as provided by law prior to the election, the Board hereby directs that the DEO may terminate applicable recall proceedings for the director or directors who resign as allowed by law.

9. The DEO, Deputy DEO and the officers, agents and employees of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

10. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board, the DEO, the Deputy DEO and the officers, agents and employees of the District and directed toward holding the special recall election for the purposes stated herein are hereby ratified, approved and confirmed.

11. All prior acts, orders or resolutions, or parts thereof, by the District in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

12. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

13. The District shall be responsible for the payment of any and all costs associated with the conduct of the special recall election, including its cancellation, if necessary, and may reimburse those costs incurred by the incumbent that are allowed to be reimbursed in accordance with Section 32-1-912, C.R.S., if any.

14. This Resolution shall take effect on the date and at the time of its adoption.

[Remainder of page intentionally left blank.]

Whereupon, a motion was made and seconded, and upon a majority vote, this Resolution was approved by the Board.

ADOPTED AND APPROVED THIS 31ST DAY OF MARCH 2021.

**BUCKHORN VALLEY METROPOLITAN
DISTRICT NO. 2**

By: _____
Its: _____

ATTEST:

By: _____
Its: _____

NO. _____

**OFFICIAL BALLOT FOR
BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2
COUNTY OF EAGLE, STATE OF COLORADO
TUESDAY, JUNE 29, 2021**

Facsimile of Signature of the Designated Election Official of the District

1. To vote, place a crossmark ("X") on the line below each ballot question and in the box to the right of the name of each candidate.
2. After voting, fold the ballot so that your marks are concealed and place it in the secrecy envelope. This will ensure the secrecy of your ballot.
3. Place the secrecy envelope containing the ballot in the return verification envelope. Apply adequate postage, or deliver by hand to the address printed below.
4. Complete the affirmation on the reverse of the return envelope. **YOU MUST PROVIDE YOUR SIGNATURE** in order for your ballot to be counted.

Warning:

Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or both.

CONTINUE ►

STATEMENT OF THE GROUNDS ON WHICH THE RECALL OF DIRECTOR ANNA MARIA RAY IS SOUGHT:

Anna Maria Ray works for Green Valley Homes, which is currently developing in Buckhorn Valley Metropolitan District (BVMD). This conflict of interest, along with the fact that her primary residence is not within BVMD, indicate Anna Maria's position as a director would be better served by someone who does not have reason to gain financially from the development of BVMD and who is a primary resident of BVMD. After many years as a director, it is time for new representation for the BVMD board.

STATEMENT IN SUPPORT OF DIRECTOR ANNA MARIA RAY'S RETENTION:

[Reserved should Director Ray submit a statement in accordance with Section 32-1-911(3)(a), C.R.S.]

BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2

QUESTION 6A (Recall of Anna Maria Ray)

Shall Anna Maria Ray be recalled from the office of director of Buckhorn Valley Metropolitan District No. 2?

YES: _____

NO: _____

BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2

QUESTION 6B (Successor Candidate for Recall of Anna Maria Ray)

I cast my vote to elect the following successor to replace Anna Maria Ray for the office of director of Buckhorn Valley Metropolitan District No. 2 if the highest number of votes cast for Question 6A is yes:

To vote, place a cross mark ("X") next to only ONE (1) candidate.

<i>[Reserved for candidate names]</i>	

STATEMENT OF THE GROUNDS ON WHICH THE RECALL OF DIRECTOR DAVID GARTON IS SOUGHT:

CONTINUE ►

David Garton is the original developer of Buckhorn Valley Metropolitan District (BVMD) which went bankrupt in 2008. He is also the holder of the original BVMD bonds, which continue to accrue interest. These conflicts of interest indicate David's position as a director would be better served by someone who does not have reason to gain financially from the development of BVMD. After many years as a director, it is time for new representation for the BVMD board.

STATEMENT IN SUPPORT OF DIRECTOR DAVID GARTON'S RETENTION:

[Reserved should Director Garton submit a statement in accordance with Section 32-1-911(3)(a), C.R.S.]

BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2

QUESTION 6C (Recall of David Garton)

Shall David Garton be recalled from the office of director of Buckhorn Valley Metropolitan District No. 2?

YES: _____

NO: _____

BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2

QUESTION 6D (Successor Candidate for Recall of David Garton)

I cast my vote to elect the following successor to replace David Garton for the office of director of Buckhorn Valley Metropolitan District No. 2 if the highest number of votes cast for Question 6C is yes:

To vote, place a cross mark ("X") next to only ONE (1) candidate.

<i>[Reserved for candidate names]</i>	

STATEMENT OF THE GROUNDS ON WHICH THE RECALL OF DIRECTOR JOHN HILL IS SOUGHT:

John Hill has involvement in International Capital, Green Valley Homes, BV Devco, BV Firewheel, BV Tomahawk, and Colorado Land Management, all companies which currently managed the development and/or operations of Buckhorn Valley Metropolitan District (BVMD). These conflicts of interest, along with the fact that his primary residence is not within BVMD, indicate John's position as a director would be better served by someone who does not have a

CONTINUE ►

reason to gain financially from the development of BVMD and who is primary resident of BVMD. After many years as a director, it is time for new representation for the BVMD board.

STATEMENT IN SUPPORT OF DIRECTOR JOHN HILL'S RETENTION:

[Reserved should Director Hill submit a statement in accordance with Section 32-1-911(3)(a), C.R.S.]

BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2

QUESTION 6E (Recall of John Hill)

Shall John Hill be recalled from the office of director of Buckhorn Valley Metropolitan District No. 2?

YES: _____

NO: _____

BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2

QUESTION 6F (Successor Candidate for Recall of John Hill)

I cast my vote to elect the following successor to replace John Hill for the office of director of Buckhorn Valley Metropolitan District No. 2 if the highest number of votes cast for Question 6E is yes:

To vote, place a cross mark ("X") next to only ONE (1) candidate.

<i>Reserved for candidate names</i>	

BALLOTS MUST BE RECEIVED BY 7:00 P.M. ON ELECTION DAY

JUNE 29, 2021 AT:

BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2
c/o COMMUNITY RESSOURCE SERVICES OF COLORADO, LLC
7995 EAST PRENTICE AVENUE, SUITE 103E
GREENWOOD VILLAGE, CO 80111

CONTINUE ►



ICENOGL SEAVR POGUE

March 31, 2021

Board of Directors
Buckhorn Valley Metropolitan District No. 2

RE: Certificate of Sufficiency of Recall Petition for Director Ray

Board of Directors:

Pursuant to Section 32-1-910(4)(a)(I), C.R.S., when a recall petition is determined sufficient, the designated election official shall submit the petition, together with a certificate of its sufficiency, to the board of directors of the special district at a regular or special meeting of such board.

In accordance with Section 32-1-910(4)(a)(I), C.R.S., the recall petition for Director Anna Maria Ray, together with this Certificate of Sufficiency, are hereby submitted to the Board of Directors of the Buckhorn Valley Metropolitan District No. 2 (the "Board") at the special meeting of the Board held on March 31, 2021. A copy of the recall petition and a copy of the written determination of sufficiency issued on March 3, 2021 are attached hereto as **Exhibit A**.

Sincerely,

Jennifer L. Ivey
Designated Election Official
Buckhorn Valley Metropolitan District No. 2

Jennifer L. Ivey | JIvey@isp-law.com | Direct 303.867.3003

4725 S. Monaco St., Suite 360 | Denver, CO 80237 | 303.292.9100 | fax 303.292.9101 | www.isp-law.com

EXHIBIT A

**Written Determination of Sufficiency of
Recall Petition for Director Anna Maria Ray
and
Recall Petition for Director Anna Maria Ray**



ICENOGL SEAVR POGUE

March 31, 2021

Board of Directors
Buckhorn Valley Metropolitan District No. 2

RE: Certificate of Sufficiency of Recall Petition for Director Garton

Board of Directors:

Pursuant to Section 32-1-910(4)(a)(I), C.R.S., when a recall petition is determined sufficient, the designated election official shall submit the petition, together with a certificate of its sufficiency, to the board of directors of the special district at a regular or special meeting of such board.

In accordance with Section 32-1-910(4)(a)(I), C.R.S., the recall petition for Director David Garton, together with this Certificate of Sufficiency, are hereby submitted to the Board of Directors of the Buckhorn Valley Metropolitan District No. 2 (the "Board") at the special meeting of the Board held on March 31, 2021. A copy of the recall petition and a copy of the written determination of sufficiency issued on March 3, 2021 are attached hereto as **Exhibit A**.

Sincerely,

Jennifer L. Ivey
Designated Election Official
Buckhorn Valley Metropolitan District No. 2

Jennifer L. Ivey | JIvey@isp-law.com | Direct 303.867.3003

4725 S. Monaco St., Suite 360 | Denver, CO 80237 | 303.292.9100 | fax 303.292.9101 | www.isp-law.com

EXHIBIT A

**Written Determination of Sufficiency of
Recall Petition for Director David Garton
and
Recall Petition for Director David Garton**



ICENOGL SEAVR POGUE

March 31, 2021

Board of Directors
Buckhorn Valley Metropolitan District No. 2

RE: Certificate of Sufficiency of Recall Petition for Director Hill

Board of Directors:

Pursuant to Section 32-1-910(4)(a)(I), C.R.S., when a recall petition is determined sufficient, the designated election official shall submit the petition, together with a certificate of its sufficiency, to the board of directors of the special district at a regular or special meeting of such board.

In accordance with Section 32-1-910(4)(a)(I), C.R.S., the recall petition for Director John Hill, together with this Certificate of Sufficiency, are hereby submitted to the Board of Directors of the Buckhorn Valley Metropolitan District No. 2 (the "Board") at the special meeting of the Board held on March 31, 2021. A copy of the recall petition and a copy of the written determination of sufficiency issued on March 3, 2021 are attached hereto as **Exhibit A**.

Sincerely,

Jennifer L. Ivey
Designated Election Official
Buckhorn Valley Metropolitan District No. 2

Jennifer L. Ivey | JIvey@isp-law.com | Direct 303.867.3003

4725 S. Monaco St., Suite 360 | Denver, CO 80237 | 303.292.9100 | fax 303.292.9101 | www.isp-law.com

EXHIBIT A

**Written Determination of Sufficiency of
Recall Petition for Director John Hill
and
Recall Petition for Director John Hill**



COMMUNITY RESOURCE SERVICES OF COLORADO, LLC
The Offices at the Promenade East Building
7995 East Prentice Avenue, Suite 103E, Greenwood Village, CO 80111
(303) 381-4960 - (303) 381-4961 Fax - www.crsocolorado.com

March 16, 2021

Jennifer L. Ivey
jivey@isp-law.com

RE: Revised Buckhorn Valley Metropolitan District No. 2

Dear Jennifer:

Thank you for your interest in Community Resource Services of Colorado ("CRS") and for the opportunity for us to provide a proposal to assist in a potential recall election for the Buckhorn Valley Metropolitan District No. 2 ("District").

CRS can provide recall election services to the District. With you serving as the Designated Election Official, CRS staff would perform the following services:

- ✓ Order and merge voter registration and property owners' records received from the county
- ✓ Develop an inclusive voter registration list
- ✓ Identify UOCAVA voters
- ✓ Drafting of a Mail Ballot Plan
- ✓ Provide printed ballots and election materials included within "ballot packet"
- ✓ Coordinate the mailing of ballot packets
- ✓ Coordinate efforts with outside vendors regarding voting machines and printing of all election materials ballots
- ✓ Preparation of all other election documentation necessary to conduct the election, counting forms, and election certification
- ✓ Recruit, appoint and train election judges, and prepare all necessary forms
- ✓ Prepare canvass board forms
- ✓ Counting of ballots
- ✓ Prepare certificates of election
- ✓ Completion of all statutory filings

This proposal is based on 1,000 eligible electors within the District:

Ballot Packets (includes ballot, secrecy sleeve, affidavit envelope, mailing envelope)	\$ 4,500
Postage - Ballot Packet (estimate)	\$ 500
CRS Hourly Services (estimate)	<u>\$ 9,000</u>
Estimated Total	\$14,000

Jennifer L. Ivey
Buckhorn Valley Metropolitan District No. 2

The hours spent to conduct an election can vary depending on community involvement and interest. The District will only be billed for actual time spent. The District will be responsible to pay all hard costs directly to the vendors with no mark-up from CRS, such as printing and mailing of the ballots. We anticipate that a majority of the time spent on this election will be billed at \$90.00 per hour. Ms. Blair's hourly rate is \$190.00/hour.

Please contact me with any questions you may have.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Sue Blair".

Sue Blair
CEO

Accepted this ____ day of _____, 2021.

BUCKHORN VALLEY METROPOLITAN DISTRICT NO. 2

By: _____

Title: _____