

HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT

ELECTION RESOLUTION FOR 2022 INDEPENDENT MAIL BALLOT ELECTION WITH TABOR QUESTION ON NOVEMBER 8, 2022

RESOLUTION NO. 2022-01

WHEREAS, the Board of Directors of the Horizon Drive Business Improvement District (“District”) has determined and hereby declares that the interests of the District, the public interest, and necessity require that the District retain and spend all revenues generated from its existing general operating mill levy and any other source, as an exemption to the provisions and restrictions set forth in Article X, Section 20 of the Colorado Constitution (“TABOR”) and Section 29-1-301, C.R.S, in order to carry out the objectives and purposes of the District; and

WHEREAS, it is necessary to submit to the eligible electors of the District the question(s) of receiving and spending all revenues received by the District from its existing general operating mill levy rate and any other source; and

WHEREAS, the Board hereby determines that such question should be presented to the District’s eligible electors at the Election, in accordance with the Colorado Local Government Election Code (“Code”) and the Colorado Business Improvement District Act, C.R.S. 31-25-1201 *et seq.* (the “Act”); and

WHEREAS, the Code allows the District to conduct an independent mail ballot election for such ballot question on the date of the fall general election; and

WHEREAS, the Code requires the District to appoint a Designated Election Official who will be responsible for conducting the independent mail ballot question election; and

WHEREAS, the Code requires and the District desires to ensure that the property notice is provided to the District’s electors.

NOW, THEREFORE, be it resolved by the Board of Directors of the Horizon Drive Business Improvement District in the County of Mesa, State of Colorado, that:

1. The election shall be conducted in accordance with the Code.
2. The Designated Election Official shall develop a plan for the conduct of the independent mail ballot election and shall carry out that plan in concert with the consultant hired by the District for this election.
3. The Board of Directors hereby designates and appoints Vara Kusal to be the Designated Election Official for the District, and hereby authorizes and directs the Designated Election Official to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and the Act, Code or other applicable laws. In particular, but without limitation, the Designated Election Official shall arrange for the required notice of election,

including the TABOR notice, and ensure that the District's electors have the full and fair opportunity to vote on the measure.

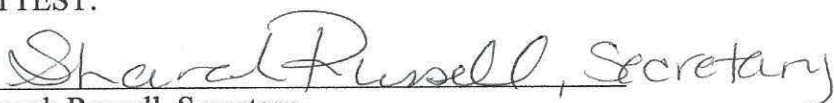
4. The Election shall be conducted in accordance with the Act, the Code, TABOR, and other applicable laws.
5. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five (5) days after the title of the ballot question is set.
6. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.
7. Any and all actions previously taken by the Designated Election Official or any officer or member of the Board of Directors, or the Executive Director of the Horizon Drive Business Improvement District or any other person acting on their behalf pursuant to the Act, the Code or other applicable laws are hereby ratified and confirmed.
8. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.
9. The provisions of this Resolution shall take effect immediately.

ADOPTED AND APPROVED this 26th day of August, 2022.

Horizon Drive Business Improvement District Board of Directors

By:  President
Cameron Reece, President

ATTEST:

 Secretary
Sarah Russell, Secretary

