

RESOLUTION NO. 2024-12-02

EBERT METROPOLITAN DISTRICT

**A RESOLUTION CALLING FOR THE 2025 REGULAR DISTRICT ELECTION,
AUTHORIZING AN ELECTION ON THE QUESTION OF A REFERRED
MEASURE AND APPOINTING A DESIGNATED ELECTION OFFICIAL**

WHEREAS, Ebert Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, C.R.S. (the “**Act**”); and

WHEREAS, the terms of office of Directors Barclae, Shibles, Haynes and Williams expire after their successors are elected at the regular special district election to be held on May 6, 2025 (“**Election**”) and are qualified to take office; and

WHEREAS, in accordance with the provisions of the Act and the Colorado Local Government Election Code (the “**Code**”), the Election must be conducted to elect three (3) Directors to serve for a term of four years and one (1) Director to serve a term for two years; and

WHEREAS, the Board of Directors (the “**Board**”) of the District has determined and hereby determines and declares that the interest of the District and the public interest and necessity require that the District obtain voter approval to consolidate the District and the Town Center Metropolitan District (“**TCMD**”) into a resident-controlled district known-as Ebert Metropolitan District in order to carry out the objects and purposes of the District; and

WHEREAS, the District’s Consolidation Resolution has been, or will be, filed with the Denver County District Court in the matter of consolidation of the District with TCMD and it is anticipated that the Court will order a consolidation election to coincide with the regular special district election to take place on May 6, 2025; and

WHEREAS, it is necessary to submit to the eligible electors of the District the question of consolidation, and the Board hereby determines that such question should be presented to the District’s eligible electors at the Election in accordance with the Election Laws.

NOW, THEREFORE, be it resolved by the Board of Directors of the Ebert Metropolitan District in the City and County of Denver, State of Colorado that:

1. The regular election of the eligible electors of the District shall be held on May 6, 2025, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Election Laws and other applicable laws. At that time, three (3) Directors will be elected to each serve a four-year term and one (1) Director will be elected to serve a

two-year term. If ordered by the District Court, the ballot title and text for consolidation, shall be in substantially the form shown on Exhibit A attached hereto and incorporated herein by this reference.

2. The Election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Election Laws. The Designated Election Official shall prepare the Plan for conducting the mail ballot Election. There shall be no election precinct or polling place. All mail ballots shall be returned to the Designated Election Official at the address designated in the Mail Ballot Plan.

3. The Board hereby designates Sarah H. Luetjen as the Designated Election Official for the conduct of the Election on behalf of the District, and she is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Election Laws or other applicable laws. Among other matters, the Designated Election Official shall provide the call for nominations, appoint election judges as necessary, appoint the Canvass Board, arrange for the required notices of election, printing of ballots, and direct that all other appropriate actions be accomplished.

4. Self-Nomination and Acceptance forms can be requested from the Designated Election Official via email: sluetjen@cegrrlaw.com, or by phone (303-218-7207). All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no earlier than January 1, 2025, and not later than the close of business on Friday, February 28, 2025.

5. If the ballot question/ballot issue is subsequently withdrawn resulting in the election of Directors being the only question before the electors and if, at the close of business on March 4, 2025, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent no later than March 3, 2025, the Designated Election Official shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with the Code.

6. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or 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 issue or ballot question is set.

7. 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.

8. Any and all actions previously taken by the Designated Election Official, the Secretary of the Board of Directors, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws, are hereby ratified and confirmed.

9. 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.

10. The provisions of this Resolution shall take effect immediately.

ADOPTED this 3rd day of December, 2024.

EBERT METROPOLITAN DISTRICT

By: 
C4344A21E82A47C...
Bruce Shibles, President

ATTEST:


B1954C9A5F32478...
Cynthia Barclae, Secretary

EXHIBIT A

EBERT METROPOLITAN DISTRICT BALLOT QUESTION A:

Shall the Ebert Metropolitan District be consolidated with the Town Center Metropolitan District to create a resident-controlled, unified metropolitan district to be known as the Ebert Metropolitan District?

FOR CONSOLIDATION

AGAINST CONSOLIDATION