

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE ALPENSEE WATER DISTRICT  
CONCERNING REGULAR ELECTION TO BE HELD MAY 2, 2006

WHEREAS, regular elections are 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 Alpensee Water District ("District"); and

WHEREAS, three (3) four-year terms for Director shall be open at the regular election held on May 2, 2006, by the District; 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 Alpensee Water District of Summit County, Colorado:

1. That a regular election be called and held within the Alpensee Water District on Tuesday, the 2<sup>nd</sup> day of May, 2006, between the hours of 7:00 a.m. and 7:00 p.m. of said day, at which election the electors shall vote for three Directors.

2. That the terms of office for Joseph Dismont, Jr., Laurence Smith, and Kevin Smith shall expire following the regular election to be held on the 2<sup>nd</sup> day of May, 2006.

3. That Dawn J. Fredette is hereby appointed to serve as the Designated Election Official for the conduct of the election and is authorized to cancel the election and by resolution declare the candidates elected, pursuant to the provisions of Section 1-5-208, 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, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent. If the election is canceled, the Board of Directors shall: (a) provide notice by publication of the cancellation of the election; (b) post a copy of the published notice at the polling place, in the office of the Designated Election Official, and in the office of the clerk and recorder for each county in which the District is located; (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 certified statement of results and shall indicate which candidates were elected by acclamation.

4. That the Board deems it expedient for the convenience of the eligible electors of the District that it designate only one precinct and polling place as follows:

| <u>Precinct Number</u> | <u>Boundaries</u>                         | <u>Polling Place</u> |
|------------------------|---|----------------------|
| One                    | The present boundaries<br>of the District |                      |

This precinct shall also be designated for handicapped electors and nonresident electors.

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.

6. That pursuant to Section 1-6-105, C.R.S., as amended, the Designated Election Official shall appoint election judges no later than forty-five (45) days before the election. The election judges shall be eligible electors of the District or registered electors of the State of Colorado, shall attend a school of instruction conducted by the Designated Election Official not more than thirty-two (32) days prior to the election date, and each shall receive \$150.00 for his/her services.

7. That no later than the fortieth day preceding the date of the election, the Designated Election Official shall order the list of registered voters within the boundaries of the District and the list of all property owners (recorded interest in real and personal property) within the boundaries of the District.

8. That ballots to be used in voting for Directors shall be prepared and furnished by the Designated Election Official, shall include the name and office of each candidate for whom a self-nomination form or letter has been filed with the Designated Election Official and any ballot issues or ballot questions to be submitted to the eligible electors, shall be certified by the Designated Election Official not later than sixty (60) days before the election date, and shall be supplied to the Judges of Election to be by them furnished to the electors.

9. That no ballot will be received by the Judges of Election unless the person offering the same shall be an eligible elector of the District. Registration pursuant to the Uniform Election Code of 1992, as amended, shall be required. Each eligible elector asserting property ownership as the basis for eligibility shall be required to execute an affidavit as to his or her qualifications for voting before being allowed to vote.

10. That the regular election shall be held and conducted as nearly as may be in the same manner as general elections are held and conducted in this State.

11. That pursuant to Section 32-1-804.1, C.R.S., as amended, the Designated Election Official shall provide notice by publication in the Summit County Journal, a newspaper published in the county which has general circulation within the District (there is no newspaper published within the boundaries of the District) of a call for nominations for the election. The notice shall contain all the information required by Section 32-1-804.1,

C.R.S., as amended, and appear at least once in the newspaper not less than seventy-five (75) days nor more than ninety (90) days before the regular special district election.

12. That pursuant to Sections 1-5-205(1) and 206(2)(b), C.R.S., as amended, if the election is not canceled, the Designated Election Official shall give notice of the election by publication in the Summit County Journal. The notice shall contain all the information required by Sections 1-5-205(1) and 206(2)(b), C.R.S., as amended, and appear at least once in the newspaper, at least ten days prior to the election date. A copy of the notice shall be posted at least ten days prior to the election and until two days after the election in a conspicuous place in the office of the Designated Election Official, and shall be mailed to the clerk and recorder of each county in which the District is located.

13. That pursuant to Section 1-10-201, C.R.S., as amended, the Designated Election Official shall appoint no later than fifteen (15) days prior to the election, at least one member of the Board of Directors of the District and at least one eligible elector of the District who is not a member of the Board to assist the Designated Election Official in the survey of returns. The persons so appointed and the Designated Election Official shall constitute the Board of Canvassers for the election.

14. That eligible electors who wish to vote by absentee ballot may apply for an absentee ballot in writing or by fax, using the application form furnished by the Designated Election Official, or in the form of a letter which includes the applicant's signature, residence address, and date of birth. Applications for an absentee ballot shall be made to the Designated Election Official, c/o Grimshaw & Harring, P.C., 1700 Lincoln Street, Suite 3800, Denver, Colorado 80203, telephone 303-839-3800, not earlier than January 1, 2006, nor later than the close of business (5:00 p.m.) on the Friday immediately preceding the election, except that, if the applicant wishes to receive the absentee ballot by mail, the application shall be filed no later than the close of business on Friday, April 21, 2006. Absentee ballots shall be in the hands of the Designated Election Official not later than the hour of 7:00 p.m. on the day of the election. Separate ballot boxes shall be used at the polls for ballots cast in person by voters at the polls and for absentee ballots.

15. That an absentee polling place shall be established at the offices of Grimshaw & Harring, P.C., 1700 Lincoln Street, Suite 3800, Denver, Colorado, where physically disabled eligible electors may vote on election day by absentee ballot. On the day of the election, absentee voters may deposit absentee ballots at the polling place.

16. That immediately after the closing of the polls, the Judges shall open the ballot box, count the ballots cast, and promptly thereafter, certify the results. The returns of said election shall be canvassed by the canvass board no later than seven days after the election and the results declared at said meeting of the canvass board. The meeting to canvass and declare the results shall be held at a time and place as determined by the Designated Election Official.

17. That the Designated Election Official shall file the certified statement of election results with the Division of Local Government and after the required bond and oath are filed, shall make a certificate of election for each of the persons who were elected and shall deliver the certificates to those persons, and make a certificate of the votes cast for and against each ballot issue and for and against each ballot question.

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

Adopted and approved this 15th day of December, 2005.

ALPENSEE WATER DISTRICT

\_\_\_\_\_  
President

(SEAL)

Attest:

\_\_\_\_\_  
Secretary