

## EBERT METROPOLITAN DISTRICT

### AMENDED AND RESTATED RESOLUTION CALLING FOR THE 2022 REGULAR DISTRICT ELECTION AND APPOINTING A DESIGNATED ELECTION OFFICIAL

**WHEREAS**, the 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.; and

**WHEREAS**, on January 14, 2022, the District adopted a Resolution of the Board of Directors Concerning Regular Election to be Held May 3, 2022 (the “**Prior Resolution**”) appointing Stephanie Net of Spencer Fane LLP as the Districts Designated Election Official for the conduct of the election; and

**WHEREAS**, the Board of Directors (the “**Board**”) of the District has since appointed Cockrel Ela Glesne Greher & Ruhland, PC as general counsel and desires to change the Designated Election Official to an employee of that firm; and

**WHEREAS**, the Board thus desires to amend and replace the Prior Resolution in its entirety by adoption of this Resolution in order to identify the Districts and revise the election terms and the appointment of the Designated Election Official; and

**WHEREAS**, the terms of office of Directors Barclae, Shibles, Mays, Woods and Hawthorne shall expire after their successors are elected at the regular special district election to be held on May 3, 2022 (“**Election**”) and have taken office; and

**WHEREAS**, in accordance with the provisions of the Special District Act (the “**Act**”) and the Colorado Local Government Election Code (the “**Code**”) (the Act and the Code being referred to jointly as the “**Election Laws**”), the Election must be conducted to elect three (3) Directors to serve for a term of three (3) years and two (2) Directors to serve for a term of one (1) year pursuant to Section 1-13.5-111, C.R.S., which moves the regular special district elections to May of each odd-numbered years commencing in May, 2023 and, in connection therewith, adjusts the length of terms served by Directors elected in 2020 and 2022 in order to implement the new election schedule.

**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 3, 2022, 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 serve a three-year term and two (2) Directors to serve a one-year term.

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's office, located at 4662 W. Oxford Avenue, Denver, Colorado 80236.

3. The Board of Directors 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 publish 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 are available at the Designated Election Official's office located at the above address or email [sluetjen@cegrlaw.com](mailto:sluetjen@cegrlaw.com). All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no earlier than January 1, 2022, nor later than the close of business on Friday, February 25, 2022.

5. If the only matter before the electors is the election of Directors of the District and if, at the close of business on March 1, 2022, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent no later than February 28, 2022, 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. 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, 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.

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.

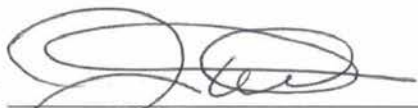
9. The provisions of this Resolution shall take effect immediately.

ADOPTED this 8<sup>th</sup> day of February, 2022.

EBERT METROPOLITAN DISTRICT

By   
Cynthia Barclae  
President

ATTEST:

By   
Jennifer Woods  
Secretary