



CONSTITUTION HEIGHTS METROPOLITAN DISTRICT

Special Board Meeting
614 N. Tejon St.
Colorado Springs, Colorado 80903
Monday, December 3, 2021 at 10:00 AM

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/887246925>

You can also dial in using your phone.

United States: +1 (646) 749-3122

Access Code: 887-246-925

Gregory Driscoll, President/Treasurer – Term to May 2023

Terry Schooler, Director – Term to May 2023

AGENDA

1. Call to Order
2. Declaration of Quorum/Director Qualifications/ Disclosure Matters
3. Approval of Agenda
4. Approval of November 9, 2020 Minutes (enclosed)
5. Financial Update
 - a. Public Hearing on the adoption of the Resolution to amend the 2021 Budget
 - b. Public Hearing on the adoption of the Resolution for approval of the 2022 Budget
 - c. Consider approval of Unaudited Financial Statements dated October 31, 2021
 - d. Ratify past payables through to November 30, 2021
6. Other Business
 - a. Approval for 2022 Annual Administrative Resolution (enclosed)
 - b. Resolution of the BOD Designating the Location of Meetings of the BOD (enclosed)
 - c. Resolution Calling for 2022 Election (enclosed)
7. Adjourn



**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
CONSTITUTION HEIGHTS METROPOLITAN DISTRICT
HELD NOVEMBER 9, 2020
AT 1:00 PM**

Pursuant to posted notice, the special meeting of the Board of Directors of the Constitution Heights Metropolitan District was held on Monday, November 9, 2020, at 614 N. Tejon St., Colorado Springs, CO.

In attendance were Directors:

Gregory Driscoll, President
Terry Schooler, Director

Also in attendance were:

K. Sean Allen, Esq., White Bear Ankele Tanaka & Waldron (by phone)
Kevin Walker, WSDM
Riley Walker, WSDM

1. Call to Order:

The meeting was called to order at 1:05 PM

2. Declaration of Quorum/Director Qualifications/Disclosure Matters:

Mr. Allen indicated that a quorum was present, and that all qualifications and conflicts of interest have been filed with today's agenda with the Secretary of State 72 hours in advance of the meeting.

3. Consider Approval of Resolution Declaring Emergency Procedures and Authorizing Teleconferencing for Regular and Special Meetings:

Motion to approve the Resolution by Director Schooler, second by President Driscoll; motion passed unanimously. The Board approved the Resolution Declaring Emergency Procedures and Authorizing Teleconferencing for Regular and Special Meetings.

4. Approval of the Agenda:

The Board accepted the agenda as presented.

5. Approval of September 14, 2020 Minutes:

Motion to approve the minutes as presented by Director Schooler, second by President Driscoll; motion passed unanimously

6. Consider approval of a Resolution amending the 2020 Budget and a Resolution adopting the 2021 Budget:

Mr. Allen and Mr. K Walker acknowledged that the proper notice and advertising had taken place. President Driscoll opened the public hearing to discuss the budget. Mr. Walker outlined the highlights of the budget including the funds that were changed in the 2020 budget due to the bond issue and the projected 2021 budget. There were no comments from the public. Motion to approve the Resolution amending the 2020 Budget and a Resolution adopting the 2021 Budget Resolution by Director Schooler, second by President Driscoll; motion passed unanimously

7. Consider approval of the 2021 Administrative Resolution:

Motion to approve the 2021 Administrative Resolution by Director Schooler, second by President Driscoll; motion passed unanimously.

8. Consider approval of a Resolution Establishing an Electronic Signature Policy:

Motion to approve the Establishing an Electronic Signature Policy by Director Schooler, second by President Driscoll; motion passed unanimously.

9. Consider approval of settlement of previous District counsel outstanding invoice:

Motion to approve the settlement of previous District counsel outstanding invoice by Director Schooler, second by President Driscoll; motion passed unanimously.

10. Financial Statement and Payables:

- a. Financial Statement - Motion to accept financial statements as presented by Director Schooler, second by President Driscoll; motion passed unanimously.
- b. Current/Interim Payables - Motion to accept payables as presented by Director Schooler, second by President Driscoll; motion passed unanimously.

11. Other Business: None

12. Adjournment:

The Board adjourned the meeting at 1:27 PM

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'K Walker', with a long horizontal flourish extending to the right.

By: The Recording Secretary

**CONSTITUTION HEIGHTS METROPOLITAN DISTRICT
RESOLUTION TO AMEND 2021 BUDGET**

WHEREAS, the Board of Directors of Constitution Heights Metropolitan District (the “District”) certifies that at a meeting of the Board of Directors of the District held December 3rd, 2021, a public hearing was held regarding the 2021 amended budget, and, subsequent thereto, the following Resolution was adopted by affirmative vote of a majority of the Board of Directors:

WHEREAS, the Board of Directors of the District adopted a budget and appropriated funds for fiscal year 2021 as follows:

General Fund	\$ _____
Debt Service Fund	\$ _____
and;	

WHEREAS, the necessity has arisen for additional expenditures by the District due to additional costs which could not have been reasonably anticipated at the time of adoption of the budget, requiring the expenditure of funds in excess of those appropriated for fiscal year 2021; and

WHEREAS, funds are available for such expenditure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District does hereby amend the adopted budget for fiscal year 2021 as follows:

General Fund	\$ _____
Debt Service Fund	\$ _____

BE IT FURTHER RESOLVED, that such sums are hereby appropriated from the revenues of the District to the funds named above for the purpose stated, and that any ending fund balances shall be reserved for purposes of complying with Article X, Section 20 of the Colorado Constitution.

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ADOPTED this 3rd day of December, 2021.

**CONSTITUTION HEIGHTS
METROPOLITAN DISTRICT**

Officer of the District

ATTEST:

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

STATE OF COLORADO
COUNTY OF EL PASO
CONSTITUTION HEIGHTS METROPOLITAN DISTRICT

I hereby certify that the foregoing resolution constitutes a true and correct copy of the record of proceedings of the Board adopted at a meeting held on Friday, December 3rd, 2021, at GoToMeeting Teleconference, as recorded in the official record of the proceedings of the District.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3rd day of December, 2021.

RESOLUTION
ADOPTING BUDGET, IMPOSING MILL LEVY AND APPROPRIATING FUNDS
(2022)

The Board of Directors of Constitution Heights Metropolitan District (the “**Board**”), City of Colorado Springs, County of El Paso, Colorado (the “**District**”) held a special meeting held via GoToMeeting Teleconference, on Friday, December 3rd, 2021, at the hour of 10:00 A.M.

Prior to the meeting, each of the directors was notified of the date, time and place of the budget meeting and the purpose for which it was called and a notice of the meeting was posted or published in accordance with §29-1-106, C.R.S.

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NOTICE AS TO PROPOSED 2022 BUDGET

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET AND APPROPRIATING SUMS OF MONEY TO EACH FUND IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH HEREIN FOR THE DISTRICT FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2022 AND ENDING ON THE LAST DAY OF DECEMBER 2022.

WHEREAS, the Board has authorized its accountant to prepare and submit a proposed budget to the Board in accordance with Colorado law; and

WHEREAS, the proposed budget has been submitted to the Board for its review and consideration; and

WHEREAS, upon due and proper notice, provided in accordance with Colorado law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 3rd, 2021, interested electors were given the opportunity to file or present any objections to said proposed budget at any time prior to final adoption of the budget by the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. Adoption of Budget. The budget attached hereto and incorporated herein is approved and adopted as the budget of the District for fiscal year 2022. In the event of recertification of values by the County Assessor's Office after the date of adoption hereof, staff is hereby directed to modify and/or adjust the budget and certification to reflect the recertification without the need for additional Board authorization. Any such modification to the budget or certification as contemplated by this Section 1 shall be deemed ratified by the Board.

Section 2. Levy for General Operating Expenses. For the purpose of meeting all general operating expenses of the District during the 2022 budget year, there is hereby levied a tax of _____._____ mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 3. Levy for Debt Service Obligations. For the purposes of meeting all debt service obligations of the District during the 2022 budget year, there is hereby levied a tax of

____.____ mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 4. Levy for Contractual Obligation Expenses. For the purposes of meeting all contractual obligations of the District during the 2022 budget year, there is hereby levied a tax of _____._____ mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 5. Levy for Capital Project Expenses. For the purposes of meeting all capital project obligations of the District during the 2022 budget year, there is hereby levied a tax of _____._____ mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 6. Certification to County Commissioners. The Board directs its legal counsel, manager, accountant or other designee to certify to the Board of County Commissioners of El Paso County, Colorado the mill levies for the District as set forth herein. Such certification shall be in compliance with the requirements of Colorado law.

Section 7. Appropriations. The amounts set forth as expenditures in the budget attached hereto are hereby appropriated.

Section 8. Filing of Budget and Budget Message. The Board hereby directs its legal counsel, manager or other designee to file a certified copy of the adopted budget resolution, the budget and budget message with the Division of Local Government by January 30 of the ensuing year.

Section 9. Budget Certification. The budget shall be certified by a member of the District, or a person appointed by the District, and made a part of the public records of the District.

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ADOPTED THIS 3rd DAY OF DECEMBER, 2021.

CONSTITUTION
DISTRICT

HEIGHTS

METROPOLITAN

Officer of District

ATTEST:

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

STATE OF COLORADO
COUNTY OF EL PASO
CONSTITUTION HEIGHTS METROPOLITAN DISTRICT

I hereby certify that the foregoing resolution constitutes a true and correct copy of the record of proceedings of the Board adopted at a District meeting held on Friday, December 3rd, 2021, held via GoToMeeting Teleconference as recorded in the official record of the proceedings of the District.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3rd day of December, 2021.

EXHIBIT A
BUDGET DOCUMENT
BUDGET MESSAGE

**CONSTITUTION HEIGHTS METROPOLITAN DISTRICT
2022 BUDGET
GENERAL FUND**

	2020 ACTUAL	2021 ACTUAL	2021 PROJECTED / AMENDED	2021 BUDGET	2022 BUDGET
GENERAL FUND	\$ 12,155.03	\$ 1,070.46	\$ 1,070.46	\$ 4,181.16	\$ 22,158.26
REVENUES					
PROPERTY TAX					
SPECIFIC OWNERSHIP TAX	\$ 44,322.76	\$ 35,339.90	\$ 53,010.00	\$ 35,951.55	\$ 46,082.38
TRANSFER IN FROM BOND PROCEEDS					
INTEREST INCOME	\$ 294.37				
TOTAL REVENUES	\$ 44,617.13	\$ 35,339.90	\$ 53,010.00	\$ 35,951.55	\$ 46,082.38
TOTAL REVENUES AND BEGINNING BALANCE	\$ 56,772.16	\$ 36,410.36	\$ 54,080.46	\$ 40,132.71	\$ 68,240.64
EXPENDITURES					
ACCOUNTING/ AUDIT	\$ -			\$ -	
BANK CHARGES	\$ 594.75	\$ 14.80	\$ 22.20	\$ 200.00	\$ 200.00
DIRECTOR AND OTHER FEES					
DISTRICT MANAGEMENT	\$ 21,600.00	\$ 17,600.00	\$ 26,400.00	\$ 26,400.00	\$ 26,400.00
ELECTION					\$ 3,000.00
INSURANCE	\$ 2,375.00		\$ -	\$ 3,000.00	\$ 3,000.00
SUPPLIES/ POSTAGE/PUBLISHING	\$ 576.18	\$ 393.59	\$ 500.00	\$ 200.00	\$ 200.00
CONTINGENCY			\$ -	\$ 5,000.00	\$ 5,000.00
LEGAL	\$ 30,555.77	\$ 3,037.35	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
TOTAL EXPENDITURES	\$ 55,701.70	\$ 21,045.74	\$ 31,922.20	\$ 39,800.00	\$ 42,800.00
GENERAL FUND: ENDING BALANCE	\$ 1,070.46	\$ 15,364.62	\$ 22,158.26	\$ 332.71	\$ 25,440.64
EMERGENCY RESERVE: State Required at 3%	\$ 1,671	\$ 631	\$ 958	\$ 1,194	\$ 1,284

**CONSTITUTION HEIGHTS METROPOLITAN DISTRICT
2022 BUDGET
DEBT SERVICE FUND**

	2020 ACTUAL	2021 ACTUAL	2021 PROJECTED / AMENDED	2021 BUDGET	2022 BUDGET
DEBT SERVICE FUND	\$ -	\$ 509,462.61	\$ 509,462.61	\$ 993,026.27	\$ 325,191.50
REVENUES					
PROPERTY TAXES	\$ 406,716.39	\$ 448,666.27	\$ 450,088.75	\$ 449,394.39	\$ 576,029.79
DELINQUENT INTEREST	\$ 372.71	\$ 203.15	\$ 203.15		
PRIOR YEAR - DEBTR		\$ 1,058.91	\$ 1,058.91		
BOND REFINANCE	\$ 12,335,000.00				
INTEREST INCOME	\$ 804.62	\$ 221.06	\$ 332.00		
TOTAL REVENUES	\$ 12,742,893.72	\$ 450,149.39	\$ 451,682.81	\$ 449,394.39	\$ 576,029.79
TOTAL REVENUES AND BEGINNING BALANCE	\$ 12,742,893.72	\$ 959,612.00	\$ 961,145.42	\$ 1,442,420.66	\$ 901,221.29
EXPENDITURES					
AUDIT	\$ 8,100.00	\$ 8,400.00	\$ 8,400.00	\$ 8,500.00	\$ 9,000.00
BOND PRINCIPAL	\$ 9,026,000.00				
BOND INTEREST	\$ 2,557,006.00	\$ 308,375.00	\$ 616,750.00	\$ 294,669.00	\$ 616,750.00
BOND MARKEY STUDY - 2019	\$ 3,750.00				
COST OF ISSUANCE	\$ 591,697.35				
DEVELOPER INTEREST PAYMENTS					
TREASURER'S FEE	\$ 6,106.35	\$ 6,748.92	\$ 6,748.92	\$ 6,740.92	\$ 8,640.45
BANK CHARGES	\$ 21,474.41	\$ 36.64	\$ 55.00	\$ 500.00	\$ 100.00
LENDER'S FEE		\$ 4,000.00	\$ 4,000.00	\$ 500.00	\$ 4,000.00
MISCELLANEOUS	\$ 19,297.00		\$ -	\$ 15,000.00	\$ 5,000.00
TOTAL EXPENDITURES	\$ 12,233,431.11	\$ 327,560.56	\$ 635,953.92	\$ 325,909.92	\$ 643,490.45
TRANSFER TO CAPITAL: 2020 BOND PROCEEDS					
DEBT SERVICE FUND: ENDING BALANCE	\$ 509,462.61	\$ 632,051.44	\$ 325,191.50	\$ 1,116,510.74	\$ 257,730.84
ASSESSED VALUATION	14,652,220.000	16,172,790.000	16,172,790.000	16,147,840.000	20,698,160.00
MILL LEVY	27.637	27.830	27.830	27.830	27.830

Constitution Heights Metropolitan District

Profit & Loss

January through October 2021

	Jan - Oct 21
Ordinary Income/Expense	
Income	
Interest Income	
Bonds	220.90
Interest Income - Other	0.16
Total Interest Income	221.06
Property Taxes	
Current Year - Debt	448,842.57
Delinquent Int	210.20
Prior Year - Debt	1,058.91
Spec Own Tax	39,656.55
Total Property Taxes	489,768.23
Total Income	489,989.29
Expense	
Copies/Printing/Office Supplies	108.89
Dues and Subscriptions	284.70
Treasurer's Fee	6,751.67
60400 · Bank Service Charges	
Bonds	36.64
Lender/ Trustee Fee	4,000.00
60400 · Bank Service Charges - Other	14.80
Total 60400 · Bank Service Charges	4,051.44
63400 · Interest Expense	
Bonds	308,375.00
Total 63400 · Interest Expense	308,375.00
66700 · Professional Fees	
Accounting/ Audit	8,400.00
Legal	3,037.35
Management	13,200.00
Total 66700 · Professional Fees	24,637.35
Total Expense	344,209.05
Net Ordinary Income	145,780.24
Net Income	145,780.24

Constitution Heights Metropolitan District

Balance Sheet

As of October 31, 2021

	Oct 31, 21
ASSETS	
Current Assets	
Checking/Savings	
PNC Bank	16,485.98
UMB-Bond Fund 2020 153385.1	190,742.41
UMB-Surplus 153385.2	799,984.01
Total Checking/Savings	1,007,212.40
Other Current Assets	
1200 · Property Tax Receivable-Debt	1,246.43
Total Other Current Assets	1,246.43
Total Current Assets	1,008,458.83
TOTAL ASSETS	1,008,458.83
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	-642.68
Total Accounts Payable	-642.68
Other Current Liabilities	
Advances-Marksheffel BC	30,000.00
Advances-Sand Creek South	123,500.00
2210 · Deferred Property Tax Rev	1,246.43
Total Other Current Liabilities	154,746.43
Total Current Liabilities	154,103.75
Long Term Liabilities	
2020 Bond	12,335,000.00
Bonds	
Accrued Bond Interest	51,396.00
Total Bonds	51,396.00
2325 · Acc Int-Sand Creed Inv	86,607.44
2326 · Acc Int-Marksheffel Bus Cen Inv	20,408.55
Total Long Term Liabilities	12,493,411.99
Total Liabilities	12,647,515.74
Equity	
30000 · Opening Balance Equity	-9,659,193.00
32000 · Retained Earnings	-2,125,644.15
Net Income	145,780.24
Total Equity	-11,639,056.91
TOTAL LIABILITIES & EQUITY	1,008,458.83

Constitution Heights Metropolitan District
PAYMENT REQUEST
3/26/2021
GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	
Colorado Special Districts Prop & Liab	POL-0004928	9/22/2020	\$ 1,880.00	
T. Charles Wilson	9025	10/11/2020	\$ 495.00	
SDA	Feb-21	2/2/2021	\$ 284.70	\$ 2,659.70
Walker Schooler District Managers	6535	5/31/2020	\$ 2,067.60	
Walker Schooler District Managers	6552	6/30/2020	\$ 1,805.00	
Walker Schooler District Managers	6571	7/31/2020	\$ 2,094.28	
Walker Schooler District Managers	6590	8/31/2020	\$ 1,800.00	
Walker Schooler District Managers	6605	9/30/2020	\$ 1,800.00	
Walker Schooler District Managers	6622	10/31/2020	\$ 1,800.00	
Walker Schooler District Managers	6642	11/30/2020	\$ 1,802.75	
Walker Schooler District Managers	6660	12/31/2020	\$ 1,800.00	
Walker Schooler District Managers	6677	1/31/2021	\$ 2,200.00	
Walker Schooler District Managers	6694	2/28/2021	\$ 2,200.00	
Walker Schooler District Managers				\$ 19,369.63
White Bear Ankele Tanaka Waldron	13128	11/30/2021	\$ 642.68	
White Bear Ankele Tanaka Waldron	13658	12/31/2020	\$ 1,456.26	
White Bear Ankele Tanaka Waldron	14087	1/31/2021	\$ 867.66	
White Bear Ankele Tanaka Waldron	14547	2/28/2021	\$ 1,068.05	
White Bear Ankele Tanaka Waldron				\$ 4,034.65
TOTAL			\$ 26,063.98	

BOND FUND ACCOUNT

Company	Date	Amount	Comments
Transfer El Paso County Taxes	OCT - FEB	\$192,783.93	Transfer Property tax revenue to Surpl
TOTAL		\$192,783.93	

Constitution Heights Board of Director

Total Pay Out Funds: **\$ 218,847.91**

Constitution Heights Metropolitan District
PAYMENT REQUEST
5/26/2021
GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	
Colorado Special Districts Prop & Liab	POL-0004928	9/22/2020	\$ -	
T. Charles Wilson	9025	10/11/2020	\$ -	
SDA	Feb-21	2/2/2021	\$ -	\$ -
Walker Schooler District Managers	6113	12/29/2017	\$ 108.89	
Walker Schooler District Managers	6711	3/31/2021	\$ 2,200.00	
Walker Schooler District Managers	6742	4/30/2021	\$ 2,200.00	
Walker Schooler District Managers				\$ 4,508.89
White Bear Ankele Tanaka Waldron	15003	3/31/2021	\$ 117.63	
White Bear Ankele Tanaka Waldron	15618	4/30/2021	\$ 86.10	
White Bear Ankele Tanaka Waldron				\$ 203.73
TOTAL			\$ 4,712.62	

BOND FUND ACCOUNT

Company	Date	Amount	Comments
Transfer El Paso County Taxes	MARCH-APRIL	\$ 60,861.05	Funds Wired to UMB 5/26
TOTAL		\$ 60,861.05	

Constitution Heights Board of Director

Total Pay Out Funds: **\$ 65,573.67**

Constitution Heights Metropolitan District
PAYMENT REQUEST
6/18/2021
GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	
UMB	15385.1	6/7/2021	\$ 4,000.00	Annual Admin Fee
Walker Schooler District Managers	6809	5/31/2021	\$ 2,200.00	
White Bear Ankele Tanaka Waldron	15960	5/31/2021	\$ 236.78	
TOTAL			\$ 6,436.78	

BOND FUND ACCOUNT

Company	Date	Amount	Comments
Transfer El Paso County Taxes	MAY	\$ 19,485.51	
TOTAL		\$ 19,485.51	

Consitution Heights Board of Director

Total Pay Out Funds: **\$ 25,922.29**

Constitution Heights Metropolitan District
PAYMENT REQUEST
7/16/2021
GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	
Walker Schooler District Managers	6830	6/30/2021	\$ 2,200.00	
White Bear Ankele Tanaka Waldron	16557	6/30/2021	\$ 661.13	
TOTAL			\$ 2,861.13	

BOND FUND ACCOUNT

Company	Date	Amount	Comments	
Transfer El Paso County Taxes	JUNE	\$170,415.95		
TOTAL		\$170,415.95		

Constitution Heights Board of Director

Total Pay Out Funds: **\$ 173,277.08**

Constitution Heights Metropolitan District
PAYMENT REQUEST
8/16/2021
GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	
BiggsKofford	104110	7/27/2021	\$ 8,400.00	
TOTAL			\$ 8,400.00	

BOND FUND ACCOUNT

Company	Date	Amount	Comments	
Transfer El Paso County Taxes	JULY	\$ 840.48		
TOTAL		\$ 840.48		

Consitution Heights Board of Director

Total Pay Out Funds: **\$ 9,240.48**

Constitution Heights Metropolitan District

PAYMENT REQUEST

11/17/2021

BOND FUND ACCOUNT

Company	Date	Amount	Comments	
Transfer El Paso County Taxes	Aug-Oct	\$ 3,119.21		
TOTAL		\$ 3,119.21		

Consitution Heights Board of Director

Total Pay Out Funds: \$ 3,119.21

**CONSTITUTION HEIGHTS METROPOLITAN DISTRICT
ANNUAL ADMINISTRATIVE RESOLUTION
(2022)**

WHEREAS, Constitution Heights Metropolitan District (the “**District**”), was organized as a special district pursuant to an Order and Decree of the District Court in and for the County of El Paso, Colorado (the “**County**”); and

WHEREAS, the Board of Directors (the “**Board**”) of the District, has a duty to perform certain obligations in order to assure the efficient operation of the District and hereby directs its consultants to take the following actions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. The Board directs legal counsel to cause an accurate map of the District’s boundaries to be prepared in accordance with the standards specified by the Division of Local Government (“**Division**”) and to be filed in accordance with § 32-1-306, C.R.S.

2. The Board directs the District Manager to notify the Board of County Commissioners, the County Assessor, the County Treasurer, the County Clerk and Recorder, the governing body of any municipality in which the District is located, and the Division of the name of the chairman of the Board, the contact person, telephone number and business address of the District, as required by § 32-1-104(2), C.R.S.

3. The Board directs legal counsel to prepare and file with the Division, within thirty (30) days of a written request from the Division, an informational listing of all contracts in effect with other political subdivisions, in accordance with § 29-1-205, C.R.S.

4. The Board directs the District Manager to cause the preparation of and to file with the Department of Local Affairs the annual public securities report for nonrated public securities issued by the District within sixty (60) days of the close of the fiscal year, as required by §§ 11-58-101, *et seq.*, C.R.S.

5. The Board directs the District Manager to: 1) obtain proposals for auditors to be presented to the Board; 2) to cause an audit of the annual financial statements of the District to be prepared and submitted to the Board on or before June 30; and 3) to cause the audit to be filed with the State Auditor by July 31st, or by the filing deadline permitted under any extension thereof, all in accordance with §§ 29-1-603(1) and 29-1-606, C.R.S. Alternatively, if warranted by § 29-1-604, C.R.S., the Board directs the District’s accountant to apply for and obtain an audit exemption from the State Auditor on or before March 31st in accordance with § 29-1-604, C.R.S.

6. The Board directs the District Manager, if the District has authorized but unissued general obligation debt as of the end of the fiscal year, to cause to be submitted to the Board of County Commissioners or the governing body of the municipality that adopted a resolution of

approval of the District, the District's audit report or a copy of its application for exemption from audit in accordance with § 29-1-606(7), C.R.S.

7. The Board directs the District's accountant to submit a proposed budget to the Board by October 15th, to prepare the final budget and budget message, including any amendments thereto, if necessary, and directs the District Manager to schedule a public hearing on the proposed budget and/or amendments, and to post or publish notices thereof, and directs legal counsel to prepare all budget resolutions and to file the budget, budget resolution and budget message with the Division on or before January 30th, all in accordance with §§ 29-1-101, *et seq.*, C.R.S.

8. The Board directs the District's accountant to monitor expenditures and contracted expenditures and, if necessary, to notify the District Manager, legal counsel and the Board when expenditures or contracted expenditures are expected to exceed appropriated amounts, and directs the District Manager to prepare all budget amendment resolutions and directs the District Manager to schedule a public hearing on a proposed budget amendment and to post or publish notices thereof and to file the amended budget with the Division on or before the date of making such expenditure or contracting for such expenditure, all in accordance with §§ 29-1-101, *et seq.*, C.R.S.

9. The Board directs legal counsel to cause the preparation of the Unclaimed Property Act report and submission of the same to the State Treasurer by November 1st if there is property presumed abandoned and subject to custody as unclaimed property, in accordance with § 38-13-110, C.R.S.

10. The Board directs the District's accountant to prepare the mill levy certification form and directs legal counsel to file the mill levy certification form with the Board of County Commissioners on or before December 15th, in accordance with § 39-5-128, C.R.S.

11. The Board directs that all legal notices shall be published in accordance with § 32-1-103(15), C.R.S.

12. The Board determines that each director shall not receive compensation for their services as directors subject to the limitations set forth in §§ 32-1-902(3)(a)(I) & (II), C.R.S.

13. The District hereby acknowledges, in accordance with § 32-1-902, C.R.S., the following officers for the District:

President/Treasurer:	Gregory Driscoll
Secretary:	Terry Schooler
Recording Secretary:	District Manager

14. The Board hereby determines that each member of the Board shall, for any potential or actual conflicts of interest, complete conflicts of interest disclosures and directs legal counsel to file the conflicts of interest disclosures with the Board and with the Colorado Secretary of State at least seventy-two (72) hours prior to every regular and special meeting of the Board, in accordance with §§ 32-1-902(3)(b) and 18-8-308, C.R.S. Written disclosures provided by Board members required to be filed with the governing body in accordance with § 18-8-308, C.R.S. shall

be deemed filed with the Board when filed with the Secretary of State. Additionally, at the beginning of each year, each Board member shall submit information to legal counsel regarding any actual or potential conflicts of interest and, throughout the year, each Board member shall provide legal counsel with any revisions, additions, corrections or deletions to said conflicts of interest disclosures.

15. The Board confirms its obligations under § 24-10-110(1), C.R.S., with regards to the defense and indemnification of its public employees, which, by definition, includes elected and appointed officers.

16. The Board hereby appoints the District Manager as the official custodian for the maintenance, care and keeping of all public records of the District, in accordance with §§ 24-72-202, *et seq.*, C.R.S. The Board hereby directs its legal counsel, accountant, manager and all other consultants to adhere to the Colorado Special District Records Retention Schedule as adopted by the District.

17. The Board directs the District Manager to post notice of all regular and special meetings in accordance with § 32-1-903(2) and § 24-6-402(2)(c), C.R.S. The Board hereby designates (wsdistricts.co) as the District's website for the posting of its regular and special meeting notices. The Board also hereby designates, unless otherwise designated by the Board, the two (2) mailbox locations and fence post as the location the District will post notices of meetings in the event of exigent or emergency circumstances which prevent the District from posting notice of the meeting on the District's website. The Board directs the District Manager to provide the website address set forth above to the Department of Local Affairs for inclusion in the inventory maintained pursuant to § 24-32-116, C.R.S.

18. The Board determines to hold regular meetings on the second Monday of each month, as needed, at 1:00 p.m. at 614 North Tejon Street, Colorado Springs, Colorado, and by telephone, electronic, or other means not including physical presence.

All notices of meetings shall designate whether such meeting will be held by electronic means, at a physical location, or both, and shall designate how members of the public may attend such meeting, including the conference number or link by which members of the public can attend the meeting electronically, if applicable.

19. In the event of an emergency, the Board may conduct a meeting outside of the limitations prescribed in § 24-6-402(2)(c), C.R.S., provided that any actions taken at such emergency meeting are ratified at the next regular meeting of the Board or at a special meeting conducted after proper notice has been given to the public.

20. For the convenience of the electors of the District, and pursuant to its authority set forth in § 1-13.5-1101, C.R.S., the Board hereby deems that all regular and special elections of the District shall be conducted as independent mail ballot elections in accordance with §§ 1-13.5-1101, *et seq.*, C.R.S., unless otherwise deemed necessary and expressed in a separate election resolution adopted by the Board.

21. Pursuant to the authority set forth in § 1-1-111, C.R.S., the Board hereby appoints Ashley B. Frisbie, of the law firm of WHITE BEAR ANKELE TANAKA & WALDRON, Attorneys at

Law, as the Designated Election Official (the “**DEO**”) of the District for any elections called by the Board, or called on behalf of the Board by the DEO, and hereby authorizes and directs the DEO to take all actions necessary for the proper conduct of the election, including, if applicable, cancellation of the election in accordance with § 1-13.5-513, C.R.S.

22. In accordance with § 1-11-103(3), C.R.S., the Board hereby directs the DEO to certify to the Division the results of any elections held by the District and, pursuant to § 32-1-1101.5(1), C.R.S., to certify results of any ballot issue election to incur general obligation indebtedness to the Board of County Commissioners or the governing body of the municipality that adopted a resolution of approval of the district and file a copy of such certification with the Division of Securities.

23. The Board directs legal counsel to cause a notice of authorization of or notice to incur general obligation debt to be recorded with the County Clerk and Recorder within thirty (30) days of authorizing or incurring any indebtedness, in accordance with § 32-1-1604, C.R.S.

24. Pursuant to the authority set forth in § 24-12-103, C.R.S., the Board hereby designates, in addition to any officer of the District, Ashley B. Frisbie of the law firm of WHITE BEAR ANKELE TANAKA & WALDRON, Attorneys at Law as a person with the power to administer all oaths or affirmations of office and other oaths or affirmations required to be taken by any person upon any lawful occasion.

25. The Board directs legal counsel to cause the preparation of and filing with the Board of County Commissioners or the governing body of the municipality that adopted a resolution of approval of the District, if requested, the application for quinquennial finding of reasonable diligence in accordance with §§ 32-1-1101.5(1.5) and (2), C.R.S.

26. The Board directs the District Manager to cause the preparation of and the filing with the Board of County Commissioners or the governing body of any municipality in which the District is located, the Division, the State Auditor, the County Clerk and Recorder and any interested parties entitled to notice pursuant to § 32-1-204(1), C.R.S., an annual report, if requested, in accordance with § 32-1-207(3)(c), C.R.S.

27. The Board directs the District Manager to obtain proposals and/or renewals for insurance, as applicable, to insure the District against all or any part of the District’s liability, in accordance with §§ 24-10-115, *et seq.*, C.R.S. The Board directs the District’s accountant to pay the annual SDA membership dues, agency fees and insurance premiums, as applicable, in a timely manner. The Board appoints the District Manager to designate the proxy.

28. The Board hereby opts to include elected or appointed officials as employees within the meaning of § 8-40-202(1)(a)(I)(A), C.R.S., and hereby directs the District Manager to obtain workers’ compensation coverage for the District.

29. The Board hereby directs legal counsel to prepare the disclosure notice required by § 32-1-809, C.R.S., and to disseminate the information to the electors of the District accordingly.

30. The Board hereby directs legal counsel to prepare and record with the County Clerk and Recorder updates to the disclosure statement notice and map required by § 32-1-104.8, C.R.S., if additional property is included within the District's boundaries.

31. In accordance with § 38-35-109.5(2), C.R.S, the District hereby designates the President of the Board as the official who shall record any instrument conveying title of real property to the District within 30 days of any such conveyance.

32. The Board directs the District's accountant to prepare and submit the documentation required by any continuing disclosure obligation signed in conjunction with the issuance of debt by the District.

33. The Board directs legal counsel to monitor, and inform the Board of, any legislative changes that may occur throughout the year.

[Remainder of page intentionally left blank, signature page follows.]

ADOPTED this 3rd day of December, 2021.

**CONSTITUTION HEIGHTS
METROPOLITAN DISTRICT**

By: _____
Officer of the District

Attest:

By: _____

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

CERTIFICATION OF RESOLUTION

I hereby certify that the foregoing constitutes a true and correct copy of the resolution of the Board adopted at a meeting held on Friday, December 3rd, 2021, via teleconference.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3rd day of December, 2021.

Signature

Printed Name

**RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
CONSTITUTION HEIGHTS METROPOLITAN DISTRICT**

**DESIGNATING THE LOCATION OF REGULAR MEETINGS OF THE BOARD OF
DIRECTORS**

WHEREAS, the Constitution Heights Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the Board of Directors of the District (“**Board**”) previously adopted Resolution Declaring Emergency Procedures and Authorizing Teleconferencing for Regular and Special Meetings (the “**Emergency Resolution**”); and

WHEREAS, pursuant to the Emergency Resolution, any actions, including, but not limited to the adoption of the Emergency Resolution, taken at a regular or special meeting held by teleconference platform shall be ratified at the first regular or special in-person Board meeting that takes place after adoption of the Emergency Resolution; and

WHEREAS, pursuant to § 32-1-903(1), C.R.S., the Board shall meet regularly at a time and in a location to be designated by the Board; and

WHEREAS, the Colorado Legislature enacted House Bill 21-1278 amending § 32-1-903, C.R.S., to clarify what qualifies as a meeting location for purposes of special district board meetings; and

WHEREAS, pursuant to § 32-1-903(5)(a), C.R.S., “location” means the physical, telephonic, electronic, or other virtual place, or combination of such means where a meeting can be attended; and

WHEREAS, § 32-1-903(4), C.R.S., provides that the method of conducting any meeting held prior to the effective date of this section, as amended, by telephonic, electronic, or other virtual means is validated, ratified, confirmed, and may not be challenged; and

WHEREAS, the Board desires to repeal the Emergency Resolution; and

WHEREAS, the Board desires to designate the location for regular meetings of the Board.

NOW, THEREFORE, the Board hereby RESOLVES as follows:

1. **Ratification of Prior Actions.** The Board hereby finds and determines that, pursuant to § 32-1-903(4), C.R.S., actions taken by the Board before July 7, 2021, are automatically validated, ratified and confirmed and cannot be challenged. All actions taken by the Board in meetings on or after July 7, 2021, are hereby ratified by the Board.

2. **Designation of Regular Meeting Location.** As of the date hereof, all regular meetings of the Board will be held at the following location(s):

By telephonic, electronic, or other virtual means, and notice of all meetings of the Board shall include the method or procedure, including the conference number or link, by which members of the public can attend the meeting.

AND/OR

Physical Meeting Location: 614 N. Tejon St.
Colorado Springs, CO

3. **Notice of Meetings Location.** All notices of meetings shall designate whether such meeting will be held by electronic means, at a physical location, or both, and notices of electronic meetings shall include the method or procedure, including the conference number or link, by which members of the public can attend the meeting.

4. **Effect of Resolution.** The above location shall remain in effect until contrary action is taken by the Board, which action must comply with §32-1-903(1), C.R.S., or §§ 32-1-903(1)(a) - 32-1-903(1)(b), C.R.S.

[Remainder of page intentionally left blank.]

ADOPTED this 3rd day of December, 2021.

CONSTITUTION
DISTRICT

HEIGHTS

METROPOLITAN

Officer of the District

ATTEST:

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

**RESOLUTION OF BOARD OF DIRECTORS
CALLING ELECTION**

CONSTITUTION HEIGHTS METROPOLITAN DISTRICT

§§ 32-1-804, 1-1-111(2), 1-13.5-1103(1), and 1-13.5-513(1), C.R.S.

At a meeting of the Board of Directors (the “**Board**”) of the Constitution Heights Metropolitan District (the “**District**”), it was moved to adopt the following Resolution:

WHEREAS, the District was organized as a special district pursuant to §§ 32-1-101, *et seq.*, C.R.S. (the “**Special District Act**”); and

WHEREAS, the District is located entirely within El Paso County, Colorado (the “**County**”); and

WHEREAS, pursuant to § 32-1-804, C.R.S., the Board governs the conduct of regular and special elections for the District; and

WHEREAS, the Board anticipates holding a regular election on May 3rd, 2022, for the purpose of electing directors and submitting ballot issues and questions to eligible electors of the District, and desires to take all actions necessary and proper for the conduct thereof (the “**Election**”); and

WHEREAS, the Election shall be conducted pursuant to the Special District Act, the Colorado Local Government Election Code and the Uniform Election Code of 1992, to the extent not in conflict with the Colorado Local Government Election Code, including any amendments thereto, and shall also comply with Article X, § 20 of the Colorado Constitution (“**TABOR**”), as necessary; and

WHEREAS, pursuant to § 1-1-111(2), C.R.S., the Board is authorized to designate an election official (the “Designated Election Official”) to exercise authority of the Board in conducting the Election; and

WHEREAS, pursuant to § 1-13.5-513(1), C.R.S., the Board can authorize the Designated Election Official to cancel the Election upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby calls the Election for the purpose of electing directors and presenting certain ballot issues and/or questions to the electorate. The Election shall be conducted as an independent mail ballot election in accordance with §§ 1-13.5-1101, *et seq.*, C.R.S.

2. The Board names Ashley B. Frisbie of the law firm of White Bear Ankele Tanaka & Waldron as the Designated Election Official for the Election. The Designated Election Official shall act as the primary contact with the County and shall be primarily responsible for ensuring the proper conduct of the Election.

3. Without limiting the foregoing, the following specific determinations also are made:
 - a. The Board hereby directs general counsel to the District to approve the final form of the ballot to be submitted to the eligible electors of the District and authorizes the Designated Election Official to certify those questions and take any required action therewith.
 - b. The Board hereby directs general counsel to the District to oversee the general conduct of the Election and authorizes the Designated Election Official to take all action necessary for the proper conduct thereof and to exercise the authority of the Board in conducting the Election, including, but not limited to, causing the call for nominations; appointment, training and setting compensation of election judges and a board of canvassers, as necessary; all required notices of election, including notices required pursuant to TABOR; printing of ballots; supervision of the counting of ballots and certification of election results; and all other appropriate actions.
4. The District shall be responsible for the payment of any and all costs associated with the conduct of the Election, including its cancellation, if permitted.
5. The Board hereby ratifies any and all actions taken to date by general counsel and the Designated Election Official in connection with the Election.
6. The Board hereby authorizes and directs the Designated Election Official to cancel the Election and to declare the candidates elected if, at the close of business on the sixty-third day before the Election, or at any time thereafter, there are not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, and so long as the only ballot questions are for the election of candidates. The Board further authorizes and directs the Designated Election Official to publish and post notice of the cancellation as necessary and file such notice and cancellation resolutions with the County Clerk and Recorder and with the Division of Local Government, as required. The Designated Election Official shall also notify the candidates that the Election was canceled and that they were elected by acclamation.
7. This Resolution shall remain in full force and effect until repealed or superseded by subsequent official action of the Board.

[Remainder of Page Intentionally Left Blank]

ADOPTED THIS 3rd DAY OF DECEMBER, 2021.

CONSTITUTION HEIGHTS METROPOLITAN
DISTRICT

Officer of the District

ATTEST:

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

Signature Page to Resolution Calling Election