

**NOTICE OF CANCELLATION OF REGULAR SPECIAL DISTRICT
ELECTION BY THE DESIGNATED ELECTION OFFICIAL**

1-13.5-513(1) and (6), C.R.S.

BOX ELDER WATER AND SANITATION DISTRICT

NOTICE IS HEREBY GIVEN by the Box Elder Water and Sanitation District, Adams County, Colorado, that at the close of business on the sixty-third (63rd) day before the election, there were not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates; therefore, the election to be held on May 3, 2022, is hereby canceled pursuant to Section 1-13.5-513(1) and (6), C.R.S.

The following candidates were declared elected by acclamation:

John Campbell	May 2023 Term
Mark Campbell	May 2025 Term
Kellie Campbell	May 2025 Term
Virginia Duncan	May 2025 Term

BOX ELDER WATER AND SANITATION DISTRICT

/s/ Stacie L. Pacheco
Stacie L. Pacheco, Designated Election Official

Contact Person for the District:

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**RESOLUTION FOR CANCELLATION OF ELECTION,
DECLARATION DEEMING CANDIDATES ELECTED, AND
CERTIFICATE OF ELECTION RESULTS**

§§ 1-11-103(3), 1-13.5-513(1) and 32-1-104(1), C.R.S.

**BOX ELDER WATER AND SANITATION DISTRICT
ADAMS COUNTY, COLORADO**

WHEREAS, Stacie L. Pacheco, the Designated Election Official (“DEO”) for the Box Elder Water and Sanitation District (the “District”) has been duly authorized by a resolution of the Board of Directors of the District to cancel and declare candidates elected at the close of business on the sixty-third day before the special election to be conducted on May 3, 2022 (“Election”) if there are not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, there were not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, at the close of business on the sixty-third day before the Election.

NOW THEREFORE, the DEO hereby certifies that at the close of business on the sixty-third day before the Election there were not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates. Therefore, the DEO hereby cancels the Election pursuant to Section 1-13.5-513(1), C.R.S. and declares the following candidates elected by acclamation for the following terms of office:

<u>Name:</u>	<u>Address:</u>	<u>Terms:</u>
John Campbell	307 Inverness Way S #103, Englewood, CO 80112	May 2023
Mark Campbell	9 Brookhaven Trail, Littleton, CO 80123	May 2025
Kellie Campbell	2895 Wolff Street, Denver, CO 80212	May 2025
Virginia Duncan	14300 E. Marina Drive, #502, Aurora, CO 80014	May 2025

BOX ELDER WATER AND SANITATION DISTRICT



Stacie L. Pacheco, Designated Election Official

Contact Person for the District:

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EXHIBIT A

**2022 REGULAR SPECIAL DISTRICT ELECTION
ON MAY 3, 2022**

**RESOLUTION OF THE BOARD OF DIRECTORS OF
BOX ELDER WATER AND SANITATION DISTRICT
2022 REGULAR SPECIAL DISTRICT ELECTION RESOLUTION**

WHEREAS, Box Elder Water and Sanitation District (the "District") was organized pursuant to the Special District Act, Article 1 of Title 32, C.R.S. (the "Act"), after approval of the eligible electors of the District, by order of the District Court in and for Adams County, Colorado; and

WHEREAS, after organization, District elections to elect members to the Board of Directors (the "Board") of the District and/or to present certain ballot questions to the eligible electors of the District are governed by the Act; the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S. (the "Uniform Code"); and the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S. (the "Local Government Election Code") (the Act, Uniform Code, and Local Government Election Code are collectively referred to herein as the "Election Laws"); and

WHEREAS, the Board for the District consists of five (5) director offices, and of those five directors offices, three (3) directors were elected to each serve a term until their successor is elected at the next regular special district election scheduled; one director was elected to serve until the regular special district election scheduled for May 2023; and one director was appointed to the Board, as of the date of this Resolution, to fill a vacant director office with a term expiring in May 2023; and

WHEREAS, pursuant to Section 32-1-905(2)(a), C.R.S., any director appointed to the Board will serve until the next regular special district election, at which time, the vacancy shall be filled by election for any remaining unexpired portion of the term; and

WHEREAS, the next regular special district election for the District to elect members to the Board is scheduled to be held on the Tuesday succeeding the first Monday of May, which is May 3, 2022 (the "Election") pursuant to Section 1-13.5-111(1), C.R.S.; and

WHEREAS, in accordance with Election Laws, the Board desires to call the Election for the purposes of electing three (3) directors to the Board to each serve a three (3) year term pursuant to Section 32-1-305.5(3)(b), C.R.S., and one (1) director to the Board to serve a one (1) year term, which represents the remaining unexpired portion of the term for the vacant director office filled by appointment; and

WHEREAS, pursuant to Section 32-1-804(1), C.R.S., the Board shall govern the conduct of the Election and render all interpretations and make all decisions as to controversies or other matters arising in conducting the Election; and

WHEREAS, pursuant to Section 32-1-804(2), C.R.S., all powers granted by the Board by Part 8, Article 1 of Title 32, for the conduct of regular or special elections may be exercised in the absence of the Board by the secretary or by an assistant secretary appointed by the Board,

and the person named by the Board who is responsible for the conducting of the election shall be the designated election official; and

WHEREAS, pursuant to Section 1-13.5-108(1), C.R.S., the designated election official named by the Board shall render all interpretations and shall make all initial decisions as to controversies or other matters arising in operation of the Code; and

WHEREAS, for purposes of the Election, the Board desires to appoint an assistant secretary, who shall be the designated election official for the Election and exercise all powers granted by the Board for the conduct of the Election; and

WHEREAS, §§ 1-13.5-501(1) & -(1.5), C.R.S., require that, between seventy-five (75) and one hundred (100) days before a regular election, the Designated Election Official shall provide notice of a call for nominations for the election by publication, as defined in § 1-13.5-501(2), C.R.S., and by any one of the following means: mailing the notice to each address at which one or more active registered electors resides; including the notice as a prominent part of an informational mailing sent by the District to the eligible electors of the District; posting the information of the official website of the District; or, if permitted under § 1-13.5-501(1.5)(d), C.R.S., posting the notice in at least three public places within the boundaries of the District and, in addition, in the office of the Clerk and Recorder of Adams County; and

WHEREAS, § 1-13.5-1104(2), C.R.S. requires the Designated Election Official to supervise the distributing, handling, and counting of ballots and the survey of returns, and to take the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election; and

WHEREAS, §§ 1-11-103(3) & 32-1-104(1), C.R.S. require the District to certify to the Division the results of any elections held by the District and include the District's business address, telephone number, and contact person; and

WHEREAS, § 1-13.5-513(1), C.R.S. provides that if the only matter before the electors in an election is the election of persons to office and if, at the close of business day on the sixty-third (63rd) day before the election or at any time thereafter, there are not more candidates than offices to be filled at the election, the Designated Election Official shall cancel the election and declare the candidates elected if so instructed by resolution of the governing body; and

WHEREAS, § 1-11-103(3), C.R.S. provides that if an election is cancelled pursuant to § 1-13.5-513(1), C.R.S., the District shall file notice and a copy of the resolution of such cancellation with the Colorado Division of Local Government (the "Division"); and

WHEREAS, the Board desires to call an election and set forth herein the procedures for conducting such election as authorized by the Election Laws.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BOX ELDER WATER AND SANITATION DISTRICT THAT:

1. The Board hereby calls a regular election of the eligible electors of the District to 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, for the purpose of electing three (3) directors to each serve a three-year term on the Board and one (1) director to serve a one year term on the Board. Such numbers may change due to one or more vacancies arising on the Board after the adoption of this Resolution and prior to the Election. The Election shall be conducted as an independent mail ballot election pursuant to Part 11 of the Local Government Election Code and all other relevant provisions of the Code.

2. Pursuant to Section 32-1-804(2), C.R.S., the Board hereby names Stacie Pacheco of Icenogle Seaver Pogue, P.C. as Assistant Secretary to the District for purposes of the Election, who shall be the Designated Election Official for the Election. The Designated Election Official shall act as the primary contact with the Adams County Clerk and Recorder's office and shall be primarily responsible for ensuring the proper conduct of the Election including, but not limited to, appointing election judges as necessary, appointing the Board of Canvassers, arranging for the required notices of the election and printing of ballots, and directing that all other appropriate actions be accomplished. The Board hereby directs the District's General Counsel to oversee the general conduct of the Election.

3. The Board hereby directs the Designated Election Official to provide notice by publication of a call for nominations for the Election in accordance with the requirements of § 1-13.5-501, C.R.S., which shall include information regarding the director offices to be voted upon at the Election, where a self-nomination and acceptance form or letter may be obtained, the deadline for submitting the self-nomination and acceptance form or letter to the Designated Election Official, and information on obtaining an absentee ballot. The notice shall be published one time in *The Commerce City Sentinel Express*, which is a newspaper of a general circulation in the District, between seventy-five (75) and one hundred (100) days before the Election. The notice shall also be made by mailing the notice, at the lowest cost option, to each address at which one or more active registered electors of the District resides as specified in the registration list provided by the county clerk and recorder as of the date that is one hundred fifty days prior to the date of the Election.

4. Pursuant to Section 1-13.5-1002(1)(b), C.R.S., applications for absentee voter's ballots may be filed at the Designated Election Official's office (at such address noted in Paragraph 5 below), between the hours of 8:00 a.m. and 5:00 p.m., until the close of business on the Tuesday immediately preceding the Election (April 26, 2022).

5. Pursuant to Section 1-13.5-303, C.R.S., any person who desires to be a candidate for the office of director in the District must file a self-nomination and acceptance form or letter, signed by the candidate and by an eligible elector of the State as a witness to the signature of the candidate, with the Designated Election Official no later than 5:00 P.M. on the day that is sixty-seven (67) days prior to the Election (February 25, 2022). On the date of signing the self-nomination and acceptance form or letter a candidate for director shall be an eligible elector of the District. Pursuant to Section 32-1-103(5), C.R.S., an "eligible elector" means a person who, at the designated time or event, is registered to vote in the State of Colorado and (i) who is a resident of the special district; or (ii) who, or whose spouse or civil union partner, owns taxable real or personal property situated within the boundaries of the special district, whether said

person resides within the special district or not. A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the special district is considered an “owner” for purposes of this definition. Self-nomination and acceptance forms are available at the Designated Election Official’s office located at 4725 S. Monaco St., Suite 360, Denver, Colorado 80237.

6. Pursuant to Sections 1-13.5-513(1)&(6), C.R.S., the Board hereby authorizes and directs the Designated Election Official to cancel the Election and declare the candidates elected if, at the close of business on the sixty-third (63rd) day before the Election (March 1, 2022), 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 file cancellation notices with the Adams County Clerk and Recorder’s Office and with the Colorado Division of Local Government, to post notice of the cancellation in the office of the Designated Election Official, and to provide notice by publication of the cancellation of the election. The Designated Election Official also shall notify the candidates that the Election was cancelled and that they were elected by acclamation.

7. In accordance with §§ 1-11-103(3) & 32-1-104(1), C.R.S., the District directs the Designated Election Official to notify the Division of the results of any elections held by the District, including the District’s business address, telephone number, and contact person within thirty (30) days after the Election (June 2, 2022).

8. The Designated Election Official and the officers, agents, consultants, and employees, if any, of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

9. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board, the Designated Election Official, and the officers, agents, consultants, and employees, if any, of the District, and directed toward holding the Election for the purposes stated herein are hereby ratified, approved, and confirmed.

10. All prior acts, orders, or resolutions, or parts thereof, by the District in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order, or resolution, or part thereof, heretofore repealed.

11. If any section, paragraph, clause, or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.


12. The District shall be responsible for the payment of any and all costs associated with the conduct of the Election, including its cancellation, if necessary, and those costs incurred pursuant to the terms and conditions of an election agreement with the County, if any.

13. This Resolution shall take effect on the date and at the time of its adoption.

Whereupon, a motion was made and seconded, and upon a majority vote, this Resolution was approved by the Board.

ADOPTED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2021.

BOX ELDER WATER AND SANITATION DISTRICT


By: Mark D. Campbell
Its: President