

**BEEBE DRAW FARMS MD Nos. 1 & 2
8390 E. CRESENT PKWY., SUITE 300
GREENWOOD VILLAGE, CO 80111
Tel: 303-779-5710 Fax: 303-779-0348**

**A copy of the agenda/meeting packet is available at the Beebe Draw Farms website at
www.colorado.gov/beebedrawfarms**

NOTICE OF JOINT WORK SESSION / SPECIAL MEETING AND AGENDA

Beebe Draw Farms MD No. 1

| <u>Board of Directors:</u> | <u>Office:</u> | <u>Term Expires:</u> |
|----------------------------|---------------------|----------------------|
| William Caldwell | President | June 2023 |
| Brenda Lewis | Vice President | June 2025 |
| Catrena Rosentreader | Secretary | June 2025 |
| Sharon Dillon | Treasurer | June 2025 |
| Eric Wernsman | Assistant Secretary | June 2023 |

Beebe Draw Farms MD No. 2

| <u>Board of Directors:</u> | <u>Office:</u> | <u>Term Expires:</u> |
|----------------------------|-----------------|----------------------|
| Christine Hethcock | President | May 2025 |
| Diane Mead | Treasurer | May 2023 |
| Paul Joseph Knopinski | Asst. Secretary | May 2023 |
| Vacant | Asst. Secretary | May 2025 |
| Vacant | Asst. Secretary | May 2025 |
| Lisa A. Johnson | Secretary | |

DATE: February 27, 2023
TIME: 5:00 P.M.
PLACE: Hybrid Meeting
Sales & Info Center
16502 Beebe Draw Farms Pkwy.
Platteville, CO

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NWU4Nzc2YWEtNjE4NC00MTBILtkwNzltNjVhOTg4ZWVmNmVI%40thread.v2/0?context=%7b%22id%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22oid%22%3a%22d42bab28-fbd8-4e65-a395-965cf9ef152f%22%7d

Or call in (audio only)

[+1 720-547-5281](tel:+17205475281), Phone Conference ID: 902 035 502#

1. WORK SESSION – 5:00 pm to 6:30 pm
 - A. Discuss finance plan related to broadband services.

2. SPECIAL MEETING AGENDA TO BEGIN AT 6:30 pm

3. ADMINISTRATIVE MATTERS

- A. Present disclosures of potential conflicts of interest.
- B. Call to Order, approval of Agenda.
- C. Confirm quorum, location of meeting and posting of meeting notices.

4. PUBLIC COMMENT

Members of the public may express their views to the Board on matters that affect the District that are otherwise not on the agenda. Comments will be limited to three (3) minutes per person.

5. LEGAL MATTERS

- A. Discuss financing plan to fund the extension of Broadband Services.
 - 1. Discuss possible use of Authority funds on hand to be advanced to provide the matching funds for a State Grant for the extension of Broadband Services to Filing No. 1.
 - 2. Discuss possible imposition of an Additional Operations and Maintenance Mill Levy by District No. 1 over time to replenish Authority funds advanced to fund the extension of Broadband Services to Filing No. 1.
 - 3. Discuss possible imposition of a Broadband Expansion Fee to Fund future extensions of Broadband Services to future Filings.
- B. Discuss and approve proceeding with ballot questions required to implement the previously discussed financing plan.
- C. Discuss and Consider adoption of Resolution Calling A Regular Directors Election on May 2, 2023, and Submitting to the Eligible Electors of the District Ballot Questions Relating to the Provision of Broadband Services and Facilities and Required to Implement the Previously Discussed Financing Plan (deadline for Designated Election Official to certify ballot content is March 3, 2023). (enclosures).

6. OTHER MATTERS

- A. Discuss the need for additional work session/special meetings.

7. ADJOURNMENT

**SECOND AMENDED RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 1
CONCERNING REGULAR ELECTION TO BE HELD MAY 2, 2023**

WHEREAS, the Beebe Draw Farms Metropolitan District No. 1 of Weld County, State of Colorado (the "District"), is a duly organized and existing quasi-municipal corporation and political subdivision of the State of Colorado, existing and operating under and by virtue of the Constitution and laws of the State of Colorado, including but not limited to Parts 1 through 16 of Article 1 of Title 32, C.R.S., as amended (the "Special District Act"); and

WHEREAS, a regular election is to be held on the Tuesday succeeding the first Monday of May in every odd-numbered year, for the purpose of electing members to the Board of Directors of the Beebe Draw Farms Metropolitan District No. 1 (the "Board"); and

WHEREAS, two (2) four-year terms and zero (0) two-year terms shall be open at the regular election to be held on May 2, 2023, by the District; and

WHEREAS, accordingly, the Board of Directors of the District has determined to submit to the electors of the District, at the regular biennial local district election to be held on May 2, 2023, the election of directors and up to three ballot questions: (1) regarding the District's authority to provide, purchase, lease, construct, maintain and operate facilities related to telecommunication services and cable television services, including high bandwidth/highspeed internet services, and (2) regarding approval by the electorate of a mill levy increase to pay for a portion of the cost of such facilities and services; and (3) regarding approval by the electorate of proceeding with amendments to the agreement establishing the Beebe Draw Farms Authority related to the provision of and financing for such facilities and services; 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 Beebe Draw Farms Metropolitan District No. 1 of Weld County, State of Colorado:

1. That a regular election to be conducted by mail ballot be called and held within the District on Tuesday, the 2nd day of May, 2023, at which election the electors shall vote for up to two (2) Directors;

2. That the terms of office for William Caldwell and Eric Wernsman shall expire following the regular election to be held on the 2nd day of May, 2023, and there are zero vacancies on the Board;

3. That as part of the regular election to be conducted by mail ballot and held within the District on Tuesday, the 2nd of May, 2023, at which election the electors shall vote on a ballot question as to whether the District should be authorized to provide, purchase, lease, construct, maintain and operate facilities related to telecommunication services and cable television services, including high bandwidth/highspeed internet services, and separate ballot questions seeking approval by the electorate of a plan for a mill levy increase to pay a portion of the cost of such

facilities and services, and for approval of proceeding with amendments to the agreement establishing the Beebe Draw Farms Authority related to the provision of and financing for such facilities and services;

4. That Robin A. Navant of Spencer Fane LLP is hereby appointed to serve as the Designated Election Official for the conduct of the election. The Designated Election Official is hereby granted the authority to undertake all reasonable actions that are necessary or convenient for the conduct of the election;

5. That the election shall be held and conducted in accordance with the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S., as supplemented by Const. Colo. Art. X, Sec. 20, the Uniform Election Code of 1992 as amended, the applicable Current Rules and Regulations Governing Election Procedures of the Secretary of State of the state of Colorado, and Title 32, Article 1, Part 8, Colorado Revised Statutes, C.R.S. 32-1-305.5, and other relevant Colorado and federal law (collectively, hereafter all such law and rules shall be referred to as the "Relevant Law");

6. 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 and that an affidavit of intent to be a write-in candidate for Director to serve for any designated vacancy shall be filed with the Designated Election Official not less than sixty-four (64) days prior to the date of said election;

7. That pursuant to the provisions of Section 1-13.5-513, 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 or any time thereafter, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent, the Designated Election Official is authorized and instructed to cancel the election and declare the candidates elected. If the election is canceled, the Board of Directors by delegation to the Designated Election Official herein shall: (a) provide notice by publication of the cancellation of the election; (b) post a copy of the published notice at each polling location within the District, at the office of the Designated Election Official, and at the office of the clerk and recorder for each county in which the District is located; and (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 Certificate of Election and shall indicate which candidates were elected by acclamation;

8. That no person will receive a ballot in this election unless the person is an eligible elector of the District, as defined in Section 32-1-103(5), Colorado Revised Statutes;

9. That the Designated Election Official shall file within 30 days after the election, the results of election, including the business address, the telephone number, and the name of the contact person of the District with the Division of Local Government. (C.R.S. 1-11-103(3), 32-1-104(1))

10. That should any part or provision of this Resolution be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this

Resolution, it being the intention that the various provisions hereof are severable;

11. That all acts, orders, resolutions, or parts thereof, of the District that are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict;

12. That the provisions of this Resolution shall take effect immediately and it replaces in all respects Resolution No. 2022-11-03 passed on November 9, 2022, and Resolution No. 2023-02-01 passed on February 8, 2023;

13. That all past actions taken by the District, its Board members individually and collectively, 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.

14. That in the event of a conflict between this Resolution and Relevant Law, the Relevant Law shall control.

ADOPTED AND APPROVED this 27th day of February, 2022.

BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 1

By: _____
President

ATTEST:

Secretary

RESOLUTION NO. 2023-02-_____

A RESOLUTION OF THE BOARD OF DIRECTORS OF
BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 2

CALLING A REGULAR ELECTION FOR DIRECTORS ON MAY 2, 2023, AND
SUBMITTING TO THE ELIGIBLE ELECTORS OF THE DISTRICT BALLOT
QUESTIONS RELATING TO THE
PROVISION OF BROADBAND SERVICES AND FACILITIES AND REQUIRED TO
IMPLEMENT THE FINANCING PLAN FOR SAME

A. Beebe Draw Farms Metropolitan District No. 2 (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado organized and operating pursuant to the provisions of the Special District Act (the “**Act**”).

B. The term of the office of Directors Knopinski and Mead shall expire upon the election of their successors at the regular election, to be held on May 2, 2023 (the “**Election**”), and upon such successor taking office.

C. Vacancies currently exist on the Board of Directors (the “**Board**”) of the District.

D. In accordance with the provisions of the Act and the Uniform Election Code (“**Code**”), the Election must be conducted to elect two (2) Directors to serve until the next regular election, to occur May 6, 2025, and one (1) Director to serve until the second regular election, to occur May 4, 2027.

E. The District previously adopted that certain Resolution No. 2022-11-06, *A Resolution of the Board of Directors of Beebe Draw Farms Metropolitan District No. 2 Calling a Regular Election for Director’s on May 2, 2023*, and that certain Resolution No. 2023-02-01, *Resolution of the Board of Directors of Beebe Draw Farms Metropolitan District No. 2 Calling a Regular Election for Directors on May 2, 2023, and Submitting to the Eligible Electors of the District a Ballot Question Relating to “Advanced Services,” “Telecommunications Services” and “Cable Television Services”* (together, the “**Original Election Resolutions**”), pursuant to which the District called the Election.

F. Since the adoption of the Original Election Resolutions, the Board has determined that it is in the best interests of the District and its users and residents to also submit additional ballot issues related to the provision of broadband services and facilities and required to implement the financing plan for same to the eligible electors of the District during the Election.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Beebe Draw Farms Metropolitan District No. 2 of the County of Weld, Colorado:

1. **Date and Time of Election.** The Election shall be held on May 2, 2023, between the hours of 7:00 A.M. and 7:00 P.M. pursuant to and in accordance with the Act, Code, and other applicable laws.

2. Election of Directors. During the Election, two (2) Directors shall be elected to serve until the next regular election, to occur May 6, 2025, and one (1) Director shall be elected to serve until the second regular election, to occur May 4, 2027.

3. Submission of Ballot Issues and Titles. During the Election, there shall be submitted to the eligible electors of the District certain ballot issues, in substantially the form as shown on Exhibit A, attached hereto and made a part hereof by this reference, with only such changes as may be necessary to comply with applicable law. The numbering and headings for the ballot issues and titles are for ease of reference only, and are not part of the ballot issues and titles.

4. Precinct. The District shall consist of one (1) election precinct for the convenience of the eligible electors of the District.

5. Conduct of Election. The Election shall be conducted as an independent mail ballot election in accordance with all relevant provisions of the Code. The Designated Election Official shall have on file, no later than fifty-five (55) days prior to the Election, a plan for conducting the independent mail ballot Election.

6. Designated Election Official. Jessie Stamper shall be the Designated Election Official and is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Act, Code or other applicable laws. The Election shall be conducted in accordance with the Act, Code and other applicable laws. Among other matters, the Designated Election Official shall appoint election judges as necessary, arrange for the required notices of election (either by mail or publication) and printing of ballots, and direct that all other appropriate actions be accomplished.

7. Call for Nominations. The Designated Election Official shall provide Call for Nominations as required under Section 1-13.5-501, C.R.S., as applicable.

8. Absentee Ballot Applications. NOTICE IS FURTHER GIVEN, pursuant to Section 1-13.5-1002, C.R.S., that applications for and return of absentee ballots may be filed with the Designated Election Official of the District, c/o McGeady Becher, 450 E. 17th Avenue, Suite 400, Denver, Colorado 80203, 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 25, 2023).

9. Self-Nomination and Acceptance Forms. Self-Nomination and Acceptance Forms are available and can be obtained from the Designated Election Official for the District, c/o McGeady Becher P.C., 450 E. 17th Avenue, Suite 400, Denver, Colorado 80203, (303) 592-4380, and on the District's website at www.colorado.gov/beebedrawfarms.

10. Cancellation of Election. If the only matter before the electors is the election of Directors of the District and if, at 5:00 P.M. on February 28, 2023, the sixty-third day prior to the regular election, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent, 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 law.

11. Severability. 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 of Director’s intention that the various provisions hereof are severable.

12. Repealer. 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. The Board hereby acknowledges that with the adoption of this Resolution, the Original Election Resolutions are hereby rescinded in their entirety.

13. Effective Date. The provisions of this Resolution shall take effect as of the date adopted and approved by the Board.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO RESOLUTION CALLING A REGULAR ELECTION FOR DIRECTORS ON MAY 2, 2023, AND SUBMITTING TO THE ELIGIBLE ELECTORS OF THE DISTRICT BALLOT QUESTIONS RELATING TO THE PROVISION OF BROADBAND SERVICES AND FACILITIES AND REQUIRED TO IMPLEMENT THE FINANCING PLAN FOR SAME]

RESOLUTION APPROVED AND ADOPTED on February _____, 2023.

BEEBE DRAW FARMS METROPOLITAN DISTRICT NO. 2

By: _____
President

Attest:

Secretary

EXHIBIT A

Form of Ballot Issues