

DISTRICT COURT, PITKIN COUNTY, COLORADO Court Address: 506 East Main, Suite E, Aspen, CO, 81611	DATE FILED: February 24, 2016 1:26 PM CASE NUMBER: 2014CV30173 <p style="text-align: center;">⚠ COURT USE ONLY ⚠</p>
In the Matter of: WOODY CREEK METROPOLITAN DISTRICT	
Case Number: 2014CV30173 Division: 5 Courtroom:	
Order: Proposed Order Establishing the Woody Creek Metropolitan District and Issuing the Certificates of Election	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 2/24/2016



CHRISTOPHER GILES SELDIN
 District Court Judge

<p>DISTRICT COURT, PITKIN COUNTY, COLORADO Court Address: Pitkin County Courthouse 506 E. Main Street Aspen, CO 81611 Phone Number: (970) 925-7635</p> <hr/> <p>In re the Petition of:</p> <p>Woody Creek Metropolitan District</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
	<p>Case Number: 14CV30173 Division 5 Courtroom</p>
<p>ORDER ESTABLISHING THE WOODY CREEK METROPOLITAN DISTRICT AND ISSUING CERTIFICATES OF ELECTION</p>	

Upon the Motion of the Woody Creek Metropolitan District, the Court hereby finds:

1. That a majority of the eligible electors voted for the organization of the Woody Creek Metropolitan District (“District”). The Canvass Board certified the results of the election pursuant to C.R.S. § 1-10-203(1). A copy of the Board of Canvassers Amended Certificate of Election Results for the general held on November 3, 2015, is attached to this Order as Exhibit A.
2. At the election, a majority of the eligible electors elected to office the initial Board of Directors for the District, as identified in the Certificate of Election Results described above. The designated election official has notified the candidates of the election to office pursuant to C.R.S. § 1-10-103(1).
3. After the filing of any required bond or oath, the designated official shall deliver a copy of this Order together with the Certificates of Election to the directors elected.
4. It is further ordered that the designated election official, and as required the Board of Directors of the District, shall take such steps and proceedings as the needs of the District requires including, but not limited to:

- a. Recording with the Pitkin County Clerk and Recorder a certified copy of this Order together with a description of the area concerned pursuant to C.R.S. § 32-1-105.
 - b. Delivering a copy of the approved service plan filed with the Petition for Organization to the Clerk and Recorder of Pitkin County to be retained as a public record for public inspection pursuant to C.R.S. § 32-1-305.
 - c. Filing with the Colorado Secretary of State, Division of Local Affairs a copy of the approved service plan together with the Court's Order pursuant to C.R.S. § 32-1-306.
 - d. Maintaining a current, accurate map of its boundaries and providing for such map to be on file with the County Assessor and Division of Local Affairs on or before January 1 of each year.
5. It is further ordered that said Clerk and Recorder shall notify the County Assessor of such recordation and delivery and shall file a map of the District therewith; it shall also file a certified copy of such notice with the Division of Local Affairs pursuant to C.R.S. § 32-1-105.
 6. All other requirements necessary for the Court to enter its Order establishing the District have been satisfied.
 7. The District shall hold its next regular election for new board members in 2018.

Therefore, the Motion is granted. The Woody Creek Metropolitan District is hereby organized and established with all powers and authority of a quasi-municipal corporation and political subdivision organized and acting under Article 1, Title 32, C.R.S.

Dated this _____ day of _____, 2016.

BY THE COURT:

District Court Judge

**CANVASS BOARD'S
AMENDED CERTIFICATE OF DETERMINATION
(CERTIFICATE OF RESULTS)**

**FOR THE ELECTION HELD ON NOVEMBER 3, 2015
WOODY CREEK METROPOLITAN DISTRICT**

PITKIN COUNTY, COLORADO

1-11-103, 1-13.5-1305, 32-1-104(1), CRS

Each of the undersigned members of the Canvass Board of the Woody Creek Metropolitan District certifies that the following is a true and correct abstract of the votes cast at the election of the Woody Creek Metropolitan District, at which time the eligible electors of the District voted as indicated on the attached Judges' Certificate of Election Returns, and as a result of which the eligible electors elected to the office the following Directors:

Guy Fulfer Name	PO Box 682. Woody Creek CO, 81656 Address	Four	-Year-Term
Colleen Brown Name	405 D AABC Aspen, CO 81611 Address	Four	-Year-Term
Don McAllister Name	PO Box 475 Woody Creek, CO 81656 Address	Four	-Year-Term
Audrey Krill Name	PO Box 143 Woody Creek, CO 81656 Address	Two	-Year-Term
Margaret O'Brien Name	PO Box 235 Woody Creek, CO 81656 Address	Two	-Year-Term

The votes cast for and against each ballot issue and ballot question submitted were as follows:

REFEENDUM 1A: Organization of the Metropolitan District

SHALL THE WOODY CREEK METROPOLITAN DISTRICT BE ORGANIZED?

Number of **YES** votes cast: 54

Number of **NO** votes cast: 10

REFEENDUM 1B: Mill Levy

SHALL THE WOODY CREEK METROPOLITAN DISTRICT BE ORGANIZED?

REFERENDUM 1B: Mill Levy

SHALL THE WOODY CREEK METROPOLITAN DISTRICT'S TAXES BE INCREASED \$88,000.00 ANNUALLY (FOR COLLECTION IN CALENDAR YEAR 2017), AND BY THE ADDITIONAL AMOUNTS THAT ARE RAISED ANNUALLY THEREAFTER BY THE IMPOSITION OF AN AD VALOREM PROPERTY TAX LEVY OF 72.00 MILLS; AND SHALL THE DISTRICT'S TOTAL PROPERTY TAXES THEREAFTER CONSIST OF A MILL LEVY IMPOSED AT A RATE NOT TO EXCEED 72.00 MILLS BUT TO BE DETERMINED, ANNUALLY, BY THE BOARD WITHIN THAT LIMITATION, AT SUCH A RATE AS MAY BE SUFFICIENT TO PRODUCE THE REVENUES NEEDED FOR THE PURPOSE OF PAYING THE DISTRICT'S OPERATIONS AND CAPITAL EXPENSES AND TO CREATE IMPROVEMENT AND REPLACEMENT RESERVES; AND SHALL THE PROCEEDS FROM SUCH TAXES AND INVESTMENT INCOME THERON CONSTITUTE VOTER-APPROVED REVENUE CHANGES AND BE COLLECTED AND SPENT BY THE DISTRICT EACH YEAR, WITHOUT LIMITING IN ANY OTHER YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE DISTRICT, AND WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, TAX REDUCTION OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR)?

Number of YES votes cast: 49

Number of NO votes cast: 13

REFERENDUM 1C: Elimination of Term Limits

SHALL MEMBERS OF THE BOARD OF DIRECTORS OF THE WOODY CREEK METROPOLITAN DISTRICT BE AUTHORIZED TO SERVE WITHOUT LIMITATION ON THEIR TERMS OF OFFICE PUSUANT TO THE RIGHT GRANTED TO VOTERS OF THE DISTRICT IN ARTICLE XVIII, SECTION 11 OF THE COLORADO CONSTITUTION TO LENGHTEN, SHORTEN OR ELIMINATE THE LIMITATIONS ON TERMS OF OFFCE GERNERALLY IMPOSED BY SUCH SECTION?

Number of YES votes cast: 30

Number of NO votes cast: 31

CERTIFIED this 3rd day of November 2015.

Sean Kivitt
[Signature]
Canvasser

Augustus J. Ellis
Designated Election Official
Patricia Hamilton
Patty Hamilton
Canvasser

[Signature]
Kimberly J. Bakker
Canvasser

Janine Guerrero
Canvasser

Contact Person for the District

Rhonda J. Bazil

Business Address for the District

**420E. Main Street, Suite 240
Aspen, CO 81611**

Telephone Number

(970) 925-7171

PROCEDURAL INSTRUCTIONS: The canvassers meet to survey the returns and certify the results. No later than fourteen (14) days after the election, the canvass board shall certify the official abstract of votes cast which the DEO uses to certify the election (results). This form must be filed with the Division of Local Government within 30 days after the election.

The DEO shall notify the candidates of their election with a copy of this certificate.

Please attach Election Judges' Certificate(s) of Election Results as well as any ballot language for record keeping purposes.

**JUDGES' AMENDED CERTIFICATE OF ELECTION RETURNS and
STATEMENT OF BALLOTS**

MAIL BALLOT ELECTION

§1-13.5-613, C.R.S.

IT IS HEREBY CERTIFIED by the undersigned, who conducted the election held in the Woody Creek Metropolitan District, in Pitkin County, Colorado, on the 3rd day of November 2015, that after qualifying by swearing and subscribing to their Oaths of Office, they opened the polls at 7:00 a.m., and that they kept the polls open continuously until the hour of 7:00 p.m. on said date, after which they counted the ballots cast for Directors of said District and for any ballot issues and ballot questions duly submitted.

The votes cast for and against each ballot issue and ballot question submitted were as follows:

REFEENDUM 1A: Organization of the Metropolitan District

SHALL THE WOODY CREEK METROPOLITAN DISTRICT BE ORGANIZED?

<u>54</u>	Yes
<u>10</u>	No

REFEENDUM 1B: Mill Levy

SHALL THE WOODY CREEK METROPOLITAN DISTRICT BE ORGANIZED?

REFERENDUM 1B: Mill Levy

SHALL THE WOODY CREEK METROPOLITAN DISTRICT'S TAXES BE INCREASED \$88,000.00 ANNUALLY (FOR COLLECTION IN CALENDAR YEAR 2017), AND BY THE ADDITIONAL AMOUNTS THAT ARE RAISED ANNUALLY THEREAFTER BY THE IMPOSITION OF AN AD VALOREM PROPERTY TAX LEVY OF 72.00 MILLS; AND SHALL THE DISTRICT'S TOTAL PROPERTY TAXES THEREAFTER CONSIST OF A MILL LEVY IMPOSED AT A RATE NOT TO EXCEED 72.00 MILLS BUT TO BE DETERMINED, ANNUALLY, BY THE BOARD WITHIN THAT LIMITATION, AT SUCH A RATE AS MAY BE SUFFICIENT TO PRODUCE THE REVENUES NEEDED FOR THE PURPOSE OF PAYING THE DISTRICT'S OPERATIONS AND CAPITAL EXPENSES AND TO CREATE IMPROVEMENT AND REPLACEMENT RESERVES; AND SHALL THE PROCEEDS FROM SUCH TAXES AND INVESTMENT INCOME THERON CONSTITUTE VOTER-APPROVED REVENUE CHANGES AND BE COLLECTED AND SPENT BY THE DISTRICT EACH YEAR, WITHOUT LIMITING IN ANY OTHER YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE DISTRICT, AND WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, TAX REDUCTION OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR)?

<u>49</u>	Yes
<u>13</u>	No

REFERENDUM 1C: Elimination of Term Limits

SHALL MEMBERS OF THE BOARD OF DIRECTORS OF THE WOODY CREEK METROPOLITAN DISTRICT BE AUTHORIZED TO SERVE WITHOUT LIMITATION ON THEIR TERMS OF OFFICE PUSUANT TO THE RIGHT GRANTED TO VOTERS OF THE DISTRICT IN ARTICLE XVIII, SECTION 11 OF THE COLORADO CONSTITUTION TO LENGHTEN, SHORTEN OR ELIMINATE THE LIMITATIONS ON TERMS OF OFFCE GERNERALLY IMPOSED BY SUCH SECTION?

30 Yes
31 No

That the votes cast for Director of the District for a 4-year term were as follows:

BALLOT ISSUE 1: Election of Board of Directors

Vote for not more than THREE (3) Directors, Four-Year Term(s)

35 Guy Fulfer
39 Colleen Brown
29 Don McAllister
Augustus Filiss

That the votes cast for Director of the District for a 2-year term were as follows:

Vote for not more than TWO (2) Directors, Two-Year Term(s)

19 John Edwards
40 Audrey Krill
46 Margaret O'Brien

CERTIFIED this 3rd day of November, 2015.

Sean Kivitt
Sean Kivitt

Judge

Patty Hamilton
Patricia Hamilton

Judge

Kimberly J. Bakker
KIMBERLY J. BAKKER

Judge

Janine Guerrero
Janine Guerrero

Judge