

TOWN OF GYPSUM, COLORADO

RESOLUTION NO. 14 (SERIES 2021)

**A RESOLUTION APPOINTING DIRECTORS TO FILL VACANCIES ON THE
SIENA LAKE METROPOLITAN DISTRICT BOARD OF DIRECTORS**

WHEREAS, the Town of Gypsum (“**Town**”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982; and

WHEREAS, Siena Lake Metropolitan District (the “**District**”) is duly created pursuant to statute, and the Second Amended and Restated Service Plan for the District (the “**Service Plan**”) was approved by the Town Council (the “**Town Council**”) on September 25, 2018; and

WHEREAS, the District is located entirely within the boundaries of the Town;
and

WHEREAS, the property upon which the directors of the District held interests sufficient to constitute their positions as eligible electors of the District was conveyed from Red Table Ventures LLC to Siena Lake LLC, but the purchase contracts qualifying the directors serving on the Board were not also transferred, resulting in the District’s Board of Directors (the “**Board**”) being vacated; and

WHEREAS, pursuant to Section 32-1-808(2)(a)(I), C.R.S., a notice of vacancy was published in the February 25, 2021 edition of the *Eagle Valley Enterprise*, providing notice that any qualified, eligible elector of the District desiring to be considered for appointment to the Board of the District was to file a letter of interest within ten (10) days of publication of the notice; and

WHEREAS, no qualified, eligible electors submitted a letter of interest; and

WHEREAS, pursuant to Section 32-1-905(2.5), C.R.S., if there are no duly elected Directors of the District and the ongoing services provided by the District will be interrupted as a result thereof, the governing body of the municipality which approved the organization petition may appoint all directors from the pool of duly qualified, willing candidates; and

WHEREAS, Siena Lake LLC has identified the following three individuals who are duly qualified and willing to serve on the District’s Board of Directors: George Roberts, David Young, and Alison Perry (the “**Proposed Directors**”); and

WHEREAS, the Proposed Directors are willing to serve on the Board of the District and provide continuity in its governance as to ongoing matters, including ongoing construction of public improvements and the imminent issuance of debt as contemplated under the Service Plan; and

WHEREAS, pursuant to Section 32-1-905(2.5), C.R.S., if there are no duly elected directors, the Town Council has the authority to appoint individuals to fill vacancies from the pool of duly qualified, willing candidates; and

WHEREAS, appointment of the Proposed Directors is necessary in order for the Board to carry out its various powers and responsibilities under Article 1 of Title 32, C.R.S. (the “Special District Act”), and Article 13.5 of Title 1, C.R.S. (the “Election Code”); and

WHEREAS, the Town Council of the Town of Gypsum, having been advised of the need to make such appointments and having been advised that the candidates are duly qualified and willing to serve as members of the Board of Directors, has agreed to appoint such elector candidates to the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Gypsum, Colorado as follows:

Section 1. Appointment of Directors. The Town Council of the Town of Gypsum, in accordance with Section 32-1-905(2.5), C.R.S., hereby appoints the following qualified and willing eligible electors of the District to the Board of Directors to be effective immediately, to serve until their successors are duly elected or appointed as provided by statute:

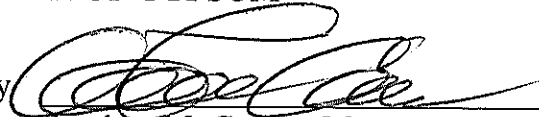
George Roberts
David Young
Alison Perry

Section 2. Special Election. Pursuant to Section 32-1-905(2.5), C.R.S., the Board of Directors of the Siena Lake Metropolitan District shall call for an election within six (6) months hereof for the purpose of electing members to the Board of Directors in accordance with all statutory requirements.

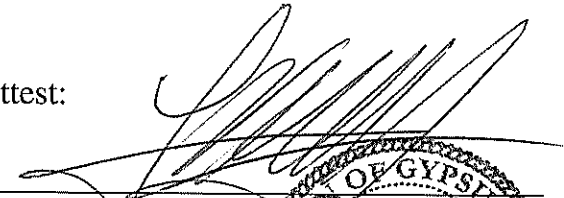
Section 3. Board Action Required. A copy of this Resolution shall be delivered to each Director appointed hereunder. The Board of Directors and each member thereof shall take all other actions in connection with this matter as may be required under the Special District Act and the Election Code.

ADOPTED this 23 day of March, 2021.

TOWN OF GYPSUM

By 
Stephen M. Carver, Mayor

Attest:


Lily Ludewig, Interim Town Clerk

