

**TOWN COUNCIL
TOWN OF GYPSUM, STATE OF COLORADO**

RESOLUTION NO. 16 (SERIES 2022)

**A RESOLUTION CONCERNING ANNUAL REPORTING AND APPLICATION
FOR QUINQUENNIAL FINDING OF REASONABLE DILIGENCE FOR
VALAGUA METROPOLITAN DISTRICT**

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

WHEREAS, the members of the Town Council (“**Council**”) have been duly elected, chosen and qualified; and

WHEREAS, by Resolution No. 2003-___, the Town approved the Service Plan for Valagua Metropolitan District (“**District**”); and

WHEREAS, the Colorado Department of Local Affairs, Division of Local Government (“**DLG**”) has notified the Town that the District is in financial distress and has failed to file required reports; and

WHEREAS, pursuant to Section 32-1-207(3)(c), C.R.S., by October 1 of each year, the District shall file an annual report with the Town; and

WHEREAS, pursuant to the District’s Service Plan, the District will submit an annual report to the Town within 120 days of receipt of the request; and

WHEREAS, pursuant to Sections 32-1-1101.5(1.5) and (2), C.R.S., the Town may require the District to file an application for quinquennial finding of reasonable diligence; and

WHEREAS, no annual report and no application for quinquennial finding of reasonable diligence has been filed with the Town.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Gypsum, Colorado, as follows:

1. Recitals Incorporated. The foregoing Recitals are incorporated herein by reference and specifically set forth as findings and determinations of the Town Council.

2. Annual Report. Pursuant to Section 32-1-207(3)(c), C.R.S., the District shall file an annual report with the Town within 120 days of receipt of a copy of this Resolution and thereafter by October 1 of each year. The report shall include:

- (a) Boundary changes made;
- (b) Intergovernmental agreements entered into or terminated with other governmental entities;
- (c) Access information to obtain a copy of rules and regulations adopted by the board;
- (d) A summary of litigation involving public improvements owned by the District;
- (e) The status of the construction of public improvements by the District;
- (f) A list of facilities or improvements constructed by the District that were conveyed or dedicated to the Town;
- (g) The final assessed valuation of the District as of December 31 of the reporting year;
- (h) A copy of the current year's budget;
- (i) A copy of the audited financial statements;
- (j) Notice of any uncured defaults existing for more than ninety days under any debt instrument of the District; and
- (k) Any inability of the District to pay its obligations as they come due under any obligation which continues beyond a ninety-day period.

3. Quinquennial Finding of Reasonable Diligence. Every five years beginning on January 30, 2023, the District shall file an Application for Quinquennial Finding of Reasonable Diligence. The application shall set forth the amount of the District's authorized and unissued general obligation debt, any current or anticipated plan to issue such debt, a copy of the District's last audit or application for exemption from audit, the principal and interest amounts of any uncured defaults existing for more than ninety days under any debt instrument of the District, the payment schedule and list of payments actually made by principal and interest amounts for all unpaid debt instruments of the District, a proposed plan identifying measures being taken or to be taken by the District to bring current any existing default of more than ninety days under any debt instrument of the District including the amount, dates and source of future payments, actions the


District may take if it is unable to bring current any existing default of more than ninety days under any debt instrument of the District, and any other information as may be required by the Town relevant to making determinations regarding the District's reasonable discharge of general obligation debt.

4. Effective Date. This Resolution shall become effective immediately upon adoption by the Town Council.

5. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Approved and Resolved this 27 day of September, 2022 at a regular meeting of the Town Council of the Town of Gypsum, Colorado by a vote of 4 in favor and 0 against.

TOWN OF GYPSUM

By: 
~~Steven Carver, Mayor~~
Tom Edwards, Mayor Pro Tem

ATTEST:

By: 
Becky Close, Town Clerk

