

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

**RESOLUTION NO. 17 (SERIES 2022)**

**A RESOLUTION CONCERNING ANNUAL REPORTING AND APPLICATION  
FOR QUINQUENNIAL FINDING OF REASONABLE DILIGENCE FOR  
BUCKHORN VALLEY METROPOLITAN DISTRICT NOS. 1 AND 2**

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. 2009-30, the Town approved the Amended and Restated Consolidated Service Plan for Buckhorn Valley Metropolitan District Nos. 1 and 2 (District No. 1 and District No. 2 jointly being referred to as the “**Buckhorn Districts**”); and

WHEREAS, the Colorado Department of Local Affairs, Division of Local Government (“**DLG**”) has notified the Town that the Buckhorn Valley Metropolitan District No. 2 (“**District #2**”) is in financial distress and has failed to file required reports; and

WHEREAS, the Buckhorn Valley Metropolitan District No. 1 (“**District #1**”) is governed by the same service plan as District #2 and involved in the matters associated with the debt issued by District #2 and has also failed to file annual reports with the Town; and

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

WHEREAS, pursuant to Sections 32-1-1101.5(1.5) and (2), C.R.S., the Town may require the Buckhorn Districts 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 by the Buckhorn Districts 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 Buckhorn Districts shall annually file individual reports or a consolidated report with the Town by October 1 of each year. For 2022 the deadline for filing the annual report is extended to December 31, 2022. 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 Buckhorn Districts;
- (e) The status of the construction of public improvements by the Buckhorn Districts;
- (f) A list of facilities or improvements constructed by the Buckhorn Districts that were conveyed or dedicated to the Town;
- (g) The final assessed valuation of the Buckhorn Districts 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 Buckhorn Districts; and
- (k) Any inability of the Buckhorn Districts to pay their 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 Buckhorn Districts shall file an Application for Quinquennial Finding of Reasonable Diligence. The application shall set forth the amount of the Buckhorn Districts' authorized and unissued general obligation debt, any current or anticipated plan to issue such debt, a copy of the Buckhorn Districts' 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 Buckhorn

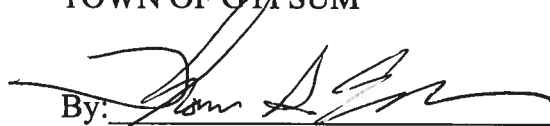
Districts, the payment schedule and list of payments actually made by principal and interest amounts for all unpaid debt instruments of the Buckhorn Districts, a proposed plan identifying measures being taken or to be taken by the Buckhorn Districts to bring current any existing default of more than ninety days under any debt instrument of the Buckhorn Districts including the amount, dates and source of future payments, actions the Buckhorn Districts may take if it is unable to bring current any existing default of more than ninety days under any debt instrument of the Buckhorn Districts, and any other information as may be required by the Town relevant to making determinations regarding the Buckhorn Districts' 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, Maya ProTem

ATTEST:

By:   
\_\_\_\_\_  
Becky Close, Town Clerk

