

UPDATED AND REVISED

January 10, 2018

Did you know?...

The Board of Directors of Fossil Ridge Metropolitan District No. 1 was seated per Order of the Jefferson County District Court dated November 13, 2017. The Order specified that the three resident members of the original Boards for District 2 and District 3, Tom Waterman, Kathleen Kelley, and John Corbett, plus two more members of the current Boards for District 2 and District 3 be appointed to the District 1 Board. Terry Larson and Craig Brown were appointed from the existing Board members. All five were sworn in and signed the necessary paperwork during a properly noticed special meeting of the Boards on Sunday, November 19, 2017, making them the current Board members of District 1.

While this is great news, it is better for the community to have duly elected Directors sitting on all three Boards. Moreover, the Court's Order only appointed the five residents to the District 1 Board until the next special district election, which, as discussed below, is on May 8, 2018. Therefore, it is critical that the community be in a position to elect Directors to the District 1 Board during the election.

All special districts within the State of Colorado are required to conduct elections on the first Tuesday after the first Monday in May of every even numbered year in order to elect Directors whose terms have expired or become vacant. Accordingly, the next regular special district elections will be held on May 8, 2018. At that election, all three of the Districts will conduct their Director elections. Four of the Directors from District 2 will be up for election, as will all five of the Directors from District 3. **All five of the Directors from District 1 will also be up for election; however, because there are currently no residents and no individually owned properties within the boundaries of District 1, it is necessary to include some Solterra residences into District 1 in order to create an eligible elector pool from which Director candidates can be nominated and elected.**

While the ultimate goal remains to merge all three Districts into a single District, doing so is a complex process which will take time and is not possible to complete before election day on May 8, 2018. At this time, the goal is to conduct a second election in November 2018 in order to seek voter approval to "consolidate" (the legal term for combining) Districts 1, 2, and 3 together into a single District. However, the consolidation process cannot be completed without the participation of District 1, through its Board of Directors. Accordingly, the process outlined below for seating a duly elected District 1 Board is also an essential first step in the consolidation process.

Please note that you must be an "eligible elector" of District 1 in order to become a candidate for the District 1 Board of Directors or to vote in the District 1 election. In general, the requirements for being an "eligible elector" are:

- 1. You are a human person (*i.e.*, not a trust, LLC, or other corporation) who is registered to vote anywhere in the State of Colorado; **AND** you meet one of the following requirements:
 - 2a. You or your spouse owns property which is included in the District, **OR**
 - 2b. You live in property which is included in the District as your primary residence.

Accordingly, although no one is required to include their property into District 1, anyone who wants to run for the District 1 Board or vote in the District 1 election must include their property in order to meet the requirements in 2a or 2b, above. "Including" property into District 1 is a statutory process that is analogous to "annexations" of properties by cities and towns. If you want to include (annex) your property into District 1, below is the anticipated inclusion and election schedule, and a brief summary of each task.

Please note that there will also be other scheduled events related to the District 1 property inclusions and the May 8th election to be scheduled in early 2018, including a date for announcement of the candidates and a public forum

to be held before the election where candidates can present their qualifications to the community. The communications subcommittee will work diligently to keep residents informed throughout the process.

Anticipated Schedule:

1. January 16: Open house to collect signatures on the Petition for Inclusion of Property into District 1.

Under Colorado law, if you want to include your property into District 1, you must sign a "Petition for Inclusion of Property". Copies of the Petition will be available to sign at a public open house held at The Retreat on January 16, from 10:00 a.m. until 9:00 p.m. District 1's legal counsel and a notary will be available to answer questions, collect documents, and notarize signatures. In order to sign the Petition at the open house, please ensure that:

- Everyone who is listed as an owner of the property on the property deed comes to sign the Petition, though they do not have to all come at the same time. If your property is held in trust or a corporate entity like an LLC, the Petition must be signed by the trustee or co-trustees, or the authorized agents of the corporate entity.

Please note that while it originally was believed residents of properties held in a trust or LLC would not be eligible to vote or become candidates for Director even if the properties were included in District 1, this information has changed since the January 2 public information session. In fact, any person who lives in a property that is included in District 1 as their primary residence may be eligible to vote or become a candidate for Director, even if the property is owned by a trust or LLC. This includes anyone living in the home, who may be the individuals who purchased the home as their own primary residence, or may be renters or other occupants of the home, such as adult children.

- You bring a copy (NOT the original) of your property deed to attach to the Petition. The purpose of the deed is only to confirm property ownership and to verify the complete legal description of the property. Property tax records ordinarily do not include a complete legal description.
- Everyone signing the Petition brings a government issued photo ID to show the notary.

If you are not able to attend the open house event on January 16, you may download the Petition on solterra-connect.com and complete it on your own. Please carefully read and follow all instructions for completing the Petition, as there will not be time to correct any Petition returned with errors and those Petitions will not be processed. **Petitions downloaded from solterra-connect.com must be received in-hand with District 1's legal counsel by 9:00 p.m. on January 16 in order to be processed.** Petitions may be mailed to legal counsel at the address provided in the instructions to the Petition, or dropped off by hand on January 16.

2. January 24: District 1 Board public hearing to consider approval of the Petitions.

At the regular District 1 Board meeting held on January 24, 2018, the District 1 Board will conduct a public hearing to consider approval of the fully completed and legally sufficient Petitions For Inclusion it received. This meeting is open to the public and will be noticed at least 72 hours in advance of the meeting.

3. January 25 (estimated) – February 19 (estimated): Receive an "Order of Inclusion" from the Jefferson County District Court.

After the January 24 public hearing, the District will file the approved Petitions with the Jefferson County District Court. The District Court will examine the approved Petitions to see whether they meet all of the legal requirements for inclusion petitions. If they do, then the District Court will issue an "Order of Inclusion". Some judges require a brief Court hearing on inclusion petitions, while other judges simply approve them without a hearing.

4. February 20 (estimated): File the Order of Inclusion with the Jefferson County Clerk & Recorder.

As soon as practical after receiving the Order of Inclusion from the District Court, the District will record the Order with the Jefferson County Clerk & Recorder. The inclusion is final and all properties are included into District 1 as of the date and time of recording.

5. No later than February 22: Publish a "Call for Nominations" in the newspaper.

The District will publish a notice of the upcoming May 8th election in the newspaper, along with a "call for nominations" for any eligible elector of District 1 who would like to be a candidate for the District 1 Board. **Any eligible elector of District 1 who wants to be a candidate for the District 1 Board must complete a Self-Nomination and Acceptance Form.** Further information regarding obtaining and turning in the Self-Nomination and Acceptance Form will be made available in February.

6. March 2: Deadline to turn in the Self-Nomination and Acceptance Form.

In addition to completing the Self-Nomination and Acceptance Form by March 2, an eligible elector of District 1 may run as a candidate for Director by submitting an affidavit of intent to run as a write-in candidate by March 5. The names of any write-in candidate will not appear on the ballot.

If, at the close of business on March 5, there are five or fewer Self-Nomination and Acceptance Forms and affidavits of intent to be a write-in candidate, then the election will be cancelled and all individuals who submitted a Self-Nomination and Acceptance Form or an affidavit of intent to be a write-in candidate will be elected by acclamation. If there are more than five Self-Nomination and Acceptance Forms and affidavits of intent to be a write-in candidate, then the election will be held on **May 8, 2018.**

Other Information:

- A property can be in both District 1 and in either District 2 or District 3 at the same time. Including your property into District 1 does not remove it from District 2 or District 3.
- Ordinarily, lenders and mortgage companies are not involved in the inclusion of properties into a special district. **However, the District cannot speak to any individual homeowner's relationship with his/her lender or mortgage company, or the requirements of any deed of trust or other personal legal documents.** Any resident with concerns regarding the effect of inclusion on his/her mortgage or deed of trust should speak directly with the lender or mortgage company, and/or his/her personal legal counsel.
- Only District 1 eligible electors can run for the District 1 Board and vote in the Board election.
- District 1 does not have to have contiguous boundaries. It is okay if the included properties are not next to one another.
- District 1 currently does not assess any property tax (mill levy), so there will be no additional taxes assessed on a residence as the result of including into District 1. The future District 1 Board could seek to impose special assessments or fees on properties in District 1, or could ask for District 1 voter approval to assess a property tax.
- The long term goal of the current Boards for Districts 1, 2, and 3 is to consolidate all of the Districts together into just one District. This is a long and complex process governed by Colorado law. It will require the agreement and cooperation of all of the Boards, and a vote of each Districts' residents and property owners to accomplish. The hope is to conduct the consolidation election in November 2018, barring any unexpected delays or complications.