

661670
C

Received
MAR 29 2010
Dept. of Local Affairs
§1-5-208(1.5), C.R.S.

**NOTICE OF CANCELLATION OF REGULAR ELECTION
BY THE DESIGNATED ELECTION OFFICIAL**

NOTICE IS HEREBY GIVEN by the Norwood Park and Recreation District, City of Norwood, San Miguel County, Colorado, that, at the close of business on the sixty-third (63rd) day before the election, there were not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates. Therefore, pursuant to §1-5-208 (1.5), C.R.S., the election to be held on May 4, 2010 is hereby cancelled.

The following candidates are declared elected by acclamation:

- James Thorneycroft Four (4) year term
- John Mansfield Four (4) year term
- Jen Dabal Four (4) year term
- Charles Bausch Four (4) year term

By: /s/ Barbara K. Stindt
Designated Election Official
Norwood Park and Recreation District

Publish In: Norwood Post
Publish On: March 10, 2010

**NORWOOD PARK AND RECREATION DISTRICT
ANNUAL ADMINISTRATIVE RESOLUTION – 2010
2009-9**

CERTIFIED COPY OF RESOLUTION

STATE OF COLORADO)
) *ss.*
COUNTY OF SAN MIGUEL)

At the special meeting of the Board of Directors of the Norwood Park and Recreation District, Town of Norwood, County of San Miguel, Colorado, held at 7:00 P.M. on Monday, November 9, 2009, at the Lone Cone Building, 1120 Summit Avenue, Norwood, Colorado, there were present:

Ken Watt
Jim Wells
John Herndon
John Mansfield
Julia Thorneycroft
Jen Dabal

Also present was Monica Rosenbluth, Miller Rosenbluth, LLC, via telephone.

When the following proceedings, were had and done, to wit:

It was moved by Director Mansfield to adopt the following Resolution:

WHEREAS, Norwood Park and Recreation District (the “District”) was organized as a special district pursuant to an Order of the District Court in and for the County of San Miguel, Colorado (the “County”) and is located entirely within the County; and

WHEREAS, the Board of Directors of the District (the “Board”) has a duty to perform certain obligations in order to assure the efficient operation of the District; and

WHEREAS, § 32-1-306, C.R.S., requires the District to file a current, accurate map of its boundaries with the Division of Local Government (the “Division”) and the County Assessor on or before January 1 of each year; and

WHEREAS, § 32-1-104(2), C.R.S., requires that the District, on or before January 15, notify the Board of County Commissioners, the County Assessor, the County Treasurer, the County Clerk and Recorder, and the Division of the name of the chairman of the Board, the contact person, the telephone number and the business address of the District; and

WHEREAS, the Local Government Budget Law of Colorado, §§ 32-1-101, *et seq.*, C.R.S., requires the Board to hold a public hearing on proposed budgets and amendments thereto, to adopt budgets and to file copies of the budgets and amendments thereto with the Division; and

WHEREAS, § 39-5-128, C.R.S., requires the District to certify its mill levy with the Board of County Commissioners on or before December 15; and

WHEREAS, § 29-1-205, C.R.S., requires the District to prepare an informational listing on an annual basis of all contracts in effect with other political subdivisions and submit said list to the Division on or before February 1; and

WHEREAS, in accordance with the Public Securities Information Reporting Act, §§ 11-58-101, *et seq.*, C.R.S., issuers of non-rated public securities must file an annual report with the Department of Local Affairs within sixty (60) days of the close of the fiscal year; and

WHEREAS, pursuant to § 29-1-604(1), C.R.S., any local government where neither revenues nor expenditures exceed One Hundred Thousand Dollars (\$100,000) in any fiscal year commencing on or after January 1, 1998, may, with the approval of the State Auditor, be exempt from the provisions of the Colorado Local Government Audit Law, §§ 29-1-601, *et seq.*, C.R.S.; and

WHEREAS, pursuant to § 29-1-604(2), C.R.S., any local government where revenues or expenditures for any fiscal year commencing on or after January 1, 2004, are least One Hundred Thousand Dollars (\$100,000) but not more than Five Hundred Thousand Dollars (\$500,000), may, with the approval of the State Auditor, be exempt from the provisions of the Colorado Local Government Audit Law, §§ 29-1-601, *et seq.*, C.R.S.; and

WHEREAS, pursuant to § 29-1-606(7), C.R.S., if the District has authorized but unissued general obligation debt as of the end of the fiscal year, the District shall submit its audit report or a copy of its application for exemption from audit to the Board of County Commissioners or governing body of the municipality that has adopted a resolution of approval of the District pursuant to §§ 32-1-204.5 or 32-1-204.7, C.R.S.; and

WHEREAS, the Unclaimed Property Act, §§ 38-13-101, *et seq.*, C.R.S., requires that political subdivisions, if applicable, file an annual report listing unclaimed property with the State Treasurer; and

WHEREAS, § 32-1-101, C.R.S., *et seq.* requires the District to publish certain legal notices in a newspaper of general circulation in the District; and

WHEREAS, the Directors may receive compensation for their services subject to the limitations imposed by §§ 32-1-902(3)(a)(I) & (II), C.R.S.; and

WHEREAS, pursuant to § 32-1-902(1), C.R.S., the Board shall elect officers of the District; and

WHEREAS, the Directors are governed by § 32-1-902(3)(b), C.R.S., which requires a Director to disqualify himself or herself from voting on an issue in which s/he has a conflict of interest, unless the Director has properly disclosed such conflict in compliance with law and files said conflict disclosure statements at least seventy-two (72) hours prior to any regular or special meeting of the District; and

WHEREAS, § 24-6-402(2)(c), C.R.S., specifies the duty of the Board to designate a posting place for notices of meetings which are not otherwise posted under Title 32, C.R.S., as regular or special meetings; and

WHEREAS, § 32-1-903, C.R.S., requires that the Board shall meet regularly at a time and in a place to be designated by the Board and requires that notice of such meetings be posted in at least three (3) public places within the boundaries of the District and in the County Clerk and Recorder's Office at least seventy-two (72) prior to said meeting; and

WHEREAS, elections may be held pursuant to the Special District Act, §§ 32-1-101, *et seq.*, C.R.S., and the Uniform Election Code of 1992, §§ 1-1-101, *et seq.*, C.R.S., for the purpose of: (1) electing members of the Board; (2) presenting certain ballot issues to the eligible electors of the District as required by Article X Section 20 of the Colorado Constitution; and (3) presenting certain ballot issues and questions to the eligible electors of the District; and

WHEREAS, § 1-5-102, C.R.S., specifies that the Board shall designate polling places for nonpartisan elections, other than coordinated elections, no later than twenty-five (25) days prior to an election, and, in accordance with § 1-5-102.5, C.R.S., no later than ninety (90) days prior to a coordinated election, the County Clerk and Recorder, in consultation with the other Designated Election Officials of each political subdivision, shall assure one (1) polling place be designated; and

WHEREAS, § 1-11-103(3) and §32-1-1101.5, C.R.S., require the District to notify the Division of the results of any elections held by the District within thirty (30) days after the election and to certify results of any election to incur general obligation indebtedness via certified mail to the Board of County Commissioners or the governing body of a municipality that has adopted a resolution of approval of the District within forty-five (45) days after the election; and

WHEREAS, §§ 32-1-1604, C.R.S., requires the Board to record a notice of authorization of or notice to incur general obligation debt with the County Clerk and Recorder within thirty (30) days of authorizing or incurring said indebtedness; and

WHEREAS, in accordance with §§ 32-1-1101.5(1.5) and (2), C.R.S., the Board of County Commissioners or the governing body of the municipality that has adopted a resolution of approval of the District may require the District to file an application for quinquennial finding of reasonable diligence; and

WHEREAS, pursuant to § 32-1-207(3)(c), C.R.S., the District, if requested by the County, may be required to file an annual report with the Division, the State Auditor, the County Clerk and Recorder and any interested parties entitled to notice pursuant to § 32-1-204(1), C.R.S.; and

WHEREAS, in accordance with the Colorado Governmental Immunity Act, §§ 24-10-101, *et seq.*, C.R.S., the Board is given authority to obtain insurance; and

WHEREAS, in accordance with the Workers' Compensation Act of Colorado, §§ 8-40-101 – 8-47-101, *et seq.*, C.R.S., the District is required to carry workers' compensation coverage for its employees, but the Board members may opt out of such coverage by the methods prescribed in the Workers' Compensation Act of Colorado; and

WHEREAS, in accordance with Senate Bill 09-087, the District is required to prepare and disseminate a transparency notice annually between November 16 and January 15, and to file the same with the County Clerk and Recorder prior to January 15, and to maintain a copy of the same on file at the District's principal office.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF NORWOOD PARK AND RECREATION DISTRICT AS FOLLOWS:

1. The Board (or its designee) will make arrangements for the preparation of an accurate map as specified by the Division for filing with the Division and County Assessor on or before January 1.
2. The Board (or its designee) will notify the Board of County Commissioners, the County Assessor, the County Treasurer, the County Clerk and Recorder, and the Division of the name of the chairman of the Board, the contact person, telephone number and business address of the District on or before January 15.
3. The Board (or its designee) will submit a proposed budget to the Board by October 15, and will prepare a final budget, including any amendments thereto, if necessary, and will schedule a public hearing on the proposed budget, prepare all budget resolutions, and file the budget resolution with the Division on or before January 30.
4. The Board (or its designee) will certify the mill levy with the Board of County Commissioners on or before December 15.
5. The Board (or its designee) will prepare and file with the Division an informational listing of all contracts in effect with other political subdivisions on or before February 1.
6. The Board (or its designee) will prepare and file with the Department of Local Affairs the annual public securities report for nonrated public securities issued by the District within sixty (60) days of the close of the fiscal year.

7. The Board will contract with an accountant skilled in governmental accounting to prepare an audit of the financial statements and submit such draft audit to the Board before June 30; further, the Board directs that the accountant file the final audit with the State Auditor by July 31. If the District is eligible for an audit exemption under applicable law, then the Board directs that the accountant apply for and obtain an audit exemption from the State Auditor on or before March 31.
8. If the District has authorized but unissued general obligation debt as of the end of the fiscal year, the Board shall contract with an accountant skilled in governmental accounting and an auditor to perform the following tasks: (1) if the District is eligible for an audit exemption pursuant to §§ 29-1-604(1) or (2), C.R.S., then, pursuant to § 29-1-606(7), C.R.S., the accountant shall submit a copy of the District's application for exemption to the Board of County Commissioners or the governing body of the municipality that has adopted a resolution of approval of the District pursuant to §§ 32-1-204.5 or 32-1-204.7, C.R.S.; and (2) if the District is required to submit an annual audit pursuant to §§ 29-1-601, *et seq.*, C.R.S., then, pursuant to § 29-1-606(7), C.R.S., the auditor shall submit its audit report to the Board of County Commissioners or the governing body of the municipality that has adopted a resolution of approval of the District pursuant to §§ 32-1-204.5 or 32-1-204.7, C.R.S..
9. The Board (or its designee) shall prepare the Unclaimed Property Act report and submit the same to the State Treasurer, if applicable.
10. The Board designates the Norwood Post as a newspaper of general circulation within the boundaries of the District or in the vicinity of the District if none is circulated within the District, and directs that all legal notices shall be published in accordance with applicable statutes in the Norwood Post.
11. The Board determines that each Director shall not receive compensation for services as Directors in accordance with §§ 32-1-902(3)(a)(I) & (II), C.R.S.
12. The District hereby elects the following officers for the District:

President:	Ken Watt
Secretary:	John Mansfield
Treasurer:	John Herndon
Assistant Secretary:	Jim Wells
Assistant Secretary:	Julie Thorneycroft
Assistant Secretary:	Charlie Bausch
Assistant Secretary:	Jen Dabal
13. The District hereby determines that, if applicable, each present and future member of the Board shall complete conflict disclosure forms and directs legal counsel to file the conflict disclosure forms with the Secretary of State at least seventy-two (72) hours prior to every regular and special meeting of the Board.

14. The Board designates Norwood Town Hall as the District's 24-hour posting place for notices of meetings which were not otherwise posted under §§ 32-1-101, *et seq.*, C.R.S.
15. The Board determines to hold regular meetings on the second Monday of every month at 7:00 p.m. at the Lone Cone Building at 1120 Summit Avenue, Norwood, Colorado. In addition, regular and special meeting notices shall be posted at the following three (3) locations: In addition, regular and special meeting notices shall be posted at three (3) locations within the District's boundaries: the Post Office, U.S. Bank, Norwood Town Hall, and also in the County Clerk and Recorder's office at least seventy-two (72) hours prior to said meeting.
16. Barbara Stindt is hereby appointed as the "Designated Election Official" of the Board for any elections to be held during 2010 and any subsequent year. The Board hereby grants all powers and authority for the proper conduct of the election to the Designated Election Official, including, but not limited to, appointing election judges, appointing a canvass board and cancellation, if applicable, of the election.
17. The Board deems it expedient for the convenience of the electors that it shall establish a polling place for all regular and special elections of the District. There shall be one (1) polling place for the elections. This polling place shall be used for any regular or special elections to be held in 2010, and in each fiscal year thereafter until such polling place is changed by duly adopted resolution of the Board. Such polling place shall be located at Norwood Town Hall/Norwood Community Center. All voters for the District shall vote at the designated polling place. Disabled and nonresident voters shall vote at the same polling place. A map showing the District's boundaries is on file at Norwood Town Hall/Norwood Community Center, and is available for examination by all interested persons.
18. In accordance with § 1-11-103(3) and § 32-1-1101.5, C.R.S., the District directs the Designated Election Official to notify the Division of the results of any elections held by the District within thirty (30) days after the election and to certify results of any election to incur general obligation indebtedness to the Board of County Commissioners or the governing body of the municipality that has adopted a resolution of approval of the District within forty-five (45) days after the election.
19. If applicable, in accordance with § 32-1-1604, C.R.S., the Board (or its designee) shall record a notice of authorization of or notice to incur general obligation debt with the County Clerk and Recorder within thirty (30) days of authorizing or incurring any indebtedness.
20. If applicable, the Board (or its designee) shall prepare and file with the Board of County Commissioners or the governing body of the municipality that has

adopted a resolution of approval of the District, the quinquennial finding of reasonable diligence in accordance with §§ 32-1-1101.5(1.5) and (2), C.R.S.

21. If applicable, the Board (or its designee) shall prepare and file, with the Board of County Commissioners, the special district annual report.
22. The Board (or its designee) shall obtain proposals for insurance to insure the District against all or any part of the District's liability for injury; to insure the Directors acting within the scope of employment by the Board against all or any part of such liability for an injury; to insure against the expense of defending a claim for injury against the District or its Board. The Board will annually review all insurance policies in effect.
23. In accordance with § 8-40-202(1)(a)(I)(B), C.R.S., the Board hereby waives workers' compensation coverage for individual Board members by opting that the individual Board members not be deemed employees as that term is defined in the Workers' Compensation Act of Colorado, and shall file (or direct its designee to file) a statement with the Division of Workers' Compensation in the Department of Labor and Employment for the State of Colorado at least forty-five (45) days before the start of the policy year in order to effect such waiver of coverage.
24. In accordance with Senate Bill 09-087, the Board (or its designee) shall prepare and disseminate a transparency notice annually between November 16 and January 15, and to file the same with the County Clerk and Recorder prior to January 15, and to maintain a copy of the same on file at the District's principal office.

Whereupon, the motion was seconded by Director Herndon, and upon vote, unanimously carried.

ADOPTED AND APPROVED THIS 9th DAY OF NOVEMBER, 2009.

NORWOOD PARK AND RECREATION
DISTRICT

By: _____
Ken Watt, President

ATTEST:

By: _____
John Mansfield, Secretary

CERTIFICATION

I, John Mansfield, Secretary of the Board of Norwood Park and Recreation District, do hereby certify that the annexed and foregoing resolution is a true copy from the records of the proceedings of the Board of said District on file with Miller Rosenbluth, LLC, general counsel to the District.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of November, 2009.

John Mansfield, Secretary