

SILVER PEAKS EAST METROPOLITAN DISTRICT

141 Union Boulevard, Suite 150
Lakewood, Colorado 80228-1898
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NOTICE OF A SPECIAL MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Bryan Reid	President	2025/May 2025
Lars Monson	Treasurer	2025/May 2025
Troy Hazel	Assistant Secretary	2023/May 2023
David B. Jack	Assistant Secretary	2023/May 2023
Ryan Harvey	Assistant Secretary	2023/May 2023

DATE: December 20, 2022

TIME: 2:00 P.M.

PLACE: **THIS MEETING WILL BE HELD BY VIDEO/TELEPHONIC MEANS.**

Join Zoom Meeting

<https://us02web.zoom.us/j/86267550643?pwd=V3RnRGRtWkRyUIZZc1VMWTJFZjFHdz09>

Meeting ID: 862 6755 0643

Passcode: 987572

Dial In: 1-719-359-4580

I. ADMINISTRATIVE MATTERS

A. Present Conflict Disclosures.

B. Approve Agenda, and confirm quorum; confirm location of the meeting and posting of meeting notices.

II. PUBLIC COMMENT. Matters not specifically included on the Agenda may be addressed. As a courtesy to others, comments shall be limited to three minutes per person.

III. LEGAL MATTERS

A. Review and consider approval of the Resolution Imposing Operations Fees Upon Property within the District (enclosure).

IV. ADJOURNMENT **THERE ARE NO MORE REGULAR MEETINGS SCHEDULED FOR 2022.**

RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
SILVER PEAKS EAST METROPOLITAN DISTRICT
IMPOSING OPERATIONS FEES UPON PROPERTY WITHIN THE DISTRICT

WHEREAS, the Silver Peaks East Metropolitan District, Town of Lochbuie, Weld County, Colorado (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and was duly organized pursuant to §§32-1-101, *et seq.*, C.R.S., as amended;

WHEREAS, the Board of Directors of the District (the “**Board**”) is the governing body of the District;

WHEREAS, the District provides and maintains numerous services and facilities on behalf of the residents and taxpayers of the District (the “**Operations Services**”);

WHEREAS, pursuant to §32-1-1001(1)(j), C.R.S., as amended, the Board is empowered to fix and, from time to time, to increase or decrease fees, rates, tolls, penalties or charges for services, programs or facilities furnished by the District;

WHEREAS, pursuant to §32-1-1001(1)(j)(I), C.R.S., as amended, until paid, all such fees, rates, tolls, penalties or charges shall constitute a perpetual lien on and against the property served and any such lien may be foreclosed in the same manner as provided by the laws of Colorado for the foreclosure of mechanics’ liens;

WHEREAS, the Operations Services to be provided by the District will benefit the District, and the property owners, residents and taxpayers of the District;

WHEREAS, the establishment of a monthly operations fee upon each Developed Lot (as defined below) within the District to provide a source of funding to pay for the costs associated with Operations Services of the District (the “**Operations Fee**”), which costs are generally attributable to the property subject to such Operations Fee, is necessary to provide for the common good and for the prosperity and general welfare of the District and its residents and taxpayers, and for the orderly and uniform administration of the District’s affairs;

WHEREAS, the District has determined that the Operations Fee, as set forth herein, is reasonably related to the overall costs of providing the Operations Services, and that imposition thereof is necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SILVER PEAKS EAST METROPOLITAN DISTRICT AS FOLLOWS:

1. OPERATIONS FEE. The District, through its Board, hereby imposes a monthly Operations Fee in the amount of \$70.00 per month upon each Developed Lot within the District.

For purposes of this Resolution, a “**Developed Lot**” means a lot located within the boundaries of the District designated and approved by plat for a residential structure, which a residential structure has been constructed and a certificate of occupancy has been issued as of 1st day of the month in which the Operations Fee is due and imposed. Lots that cannot be utilized for a residential structure because they are not approved on the plat for such structures shall not be considered a Developed Lot hereunder and shall not be subject to this Operations Fee.

The Operations Fee is effective as of the Effective Date, defined below, with the initial monthly fee to be collected in a quarterly payment due on April 30, 2023; thereafter, each monthly fee to be collected in quarterly payments due on the 30th day of January, April, July and October. For example, Operations Fees imposed for April, May and June of each year shall be due on or before April 30th; July, August and September of each year shall be due on or before July 30th; and so on. The District may impose such penalties for non-compliance herewith as may be permitted by applicable law. Without limiting the foregoing, any Operations Fee that is not paid in full within five days after the scheduled due date shall be assessed a late charge of \$15.00, pursuant to §29-1-1102(3), C.R.S.

All Operations Fees received by the District shall be deposited into the District’s General Fund and shall be dedicated exclusively to the costs related to the Operations Services. Operations Fees shall not be transferred to any other District fund.

2. MODIFICATION AND FUTURE EVENTS. The Operations Fee is based upon projected budgetary requirements of the District using various assumptions. Actual costs may differ from the projections and the District may, in its sole discretion, determine to modify, increase or decrease the Operations Fee imposed hereunder based upon actual circumstances.

3. NOTIFICATION AND COLLECTION. The Operations Fee is applicable to the property located within the District as the same is shown in Exhibit A (the “**Property**”), attached hereto and set forth herein. The appropriate officers, agents and/or employees of the District are hereby authorized to establish a system for collection of amounts due under this Resolution and collection of amounts due hereunder.

4. STATUS OF LIEN AND FORECLOSURE. As of the date of this Resolution and pursuant to § 32-1-1001(1)(j)(I), C.R.S., as may be amended, the Operations Fee established herein shall, until paid, constitute a perpetual lien against the Property so charged. In the event of non-payment of the Operations Fee, the District may foreclose on the lien related to such Operations Fee in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics’ liens, which lien amount may include interest and any costs of collection of the Operations Fee, including, without limitation, reasonable attorney’s fees and costs.

5. SEVERABILITY. If any portion of this Resolution is declared by any court of competent jurisdiction to be void or unenforceable, such decision shall not affect the validity of any remaining portion of this Resolution, which shall remain in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this

Resolution a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

6. INQUIRIES REGARDING FEES. Any inquiries regarding the imposition and the collection of the Operations Fee may be directed to the District's Manager at: Special District Management Services, Inc., 141 Union Boulevard, Suite 150, Lakewood, Colorado, 80228, 303-987-0835, Attention, Peggy Ripko.

7. RECORDING. This Resolution, or any amendments thereto, shall be recorded in the official records of the Clerk and Recorder in and for Weld County, State of Colorado; however, any failure to record this Resolution, or any amendments thereto, in the official records of the Clerk and Recorder in and for the County of Weld, State of Colorado, shall in no way affect the validity of this Resolution or the District's ability to enforce the terms and provisions contained herein.

8. EFFECTIVE DATE. The terms and conditions of this Resolution shall be effective as of April 1, 2023 (the "**Effective Date**") and until the Effective Date, the Original Resolution shall remain in full force and effect.

ADOPTED AND APPROVED this 20th day of December, 2022.

SILVER PEAKS EAST METROPOLITAN
DISTRICT

Name: _____
Title: _____

ATTEST:

Name: _____
Title: _____

EXHIBIT A

The Property