

**NOTICE OF CANCELLATION OF REGULAR ELECTION  
BY THE DESIGNATED ELECTION OFFICIAL  
THE PEAKS INDUSTRIAL METROPOLITAN DISTRICT**

§1-13.5-513, C.R.S.

NOTICE IS HEREBY GIVEN by the The Peaks Industrial Metropolitan District, Weld County, Colorado, that at the close of business on the sixty-third (63<sup>rd</sup>) day before the election there were not more candidates for director than offices to be filled at the election, including candidates filing affidavits of intent to be write-in candidates; therefore, the election to be held on May 2, 2023 is hereby cancelled pursuant to §1-13.5-513, C.R.S. No self-nomination and acceptance form nor affidavit of intent to be write-in candidates were filed; therefore, no candidates are declared elected by acclamation and offices to be filled at the May 2, 2023 election shall be vacant.

By: /s/ Dianne Miller  
Designated Election Official

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RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE PEAKS INDUSTRIAL METROPOLITAN DISTRICT  
CALLING AN ELECTION FOR MAY 2, 2023

WHEREAS, The Peaks Industrial Metropolitan District (the “District”) was created pursuant to and in accordance with the provisions of §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, elections may be held pursuant to the Special District Act, §§ 32-1-801, *et seq.*, C.R.S. (the “Act”), and the Uniform Election Code of 1992, §§ 1-1-101, *et seq.*, and 1-13.5, 101, *et seq.*, C.R.S. (collectively, the “Code”), for the purpose of: (1) electing members of the Board of Directors of the District (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, the terms of office of Director Robert Benitez are due to expire after their successors are elected and three vacant positions that can be filled at the next regular election for the District, which is scheduled to be held on May 2, 2023 (the “Election”).

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

1. The Election of the eligible electors of the District shall be held on May 2, 2023, between the hours of 7:00 A.M. and 7:00 P.M. pursuant to the Act and the Code and any other applicable laws. The Election shall be conducted as a mail-in ballot election in accordance with all relevant provisions of the Act and the Code. All mail ballots shall be returned to the office of the Designated Election Official (as defined below in Section 2). Eligible electors who have registered as “Permanent Mail-In Voters” shall receive mail ballots.

2. Dianne Miller, of the law firm of Miller Law pllc, is hereby appointed as the “Designated Election Official” of the Board for the Election. The Board hereby grants all powers and authority for the proper conduct of the Election required pursuant to the Act and the Code to the Designated Election Official, including, but not limited to, appointing election judges, appointing a canvass board and cancellation, if applicable, of the Election.

3. If the only matter before the electors is the election of directors of the District and if, by 3:00 P.M. on the 63<sup>rd</sup> day before the Election, which date is February 28, 2023, or any time thereafter, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent to be a write-in candidate, the Designated Election Official shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with C.R.S. § 1-13.5-513(6), as amended.

4. In the event that legislation is passed and enacted into law that impacts or changes the methods or procedures for elections conducted by the District, the Board hereby directs its legal counsel and the Designated Election Official, without any further action taken by the Board unless otherwise required by applicable law, to take all actions necessary and appropriate to

conduct the Election in compliance with any applicable laws including, but not limited to, coordinating the Election with any political subdivision with appropriate jurisdiction over the District and adjusting any Election-related deadlines.

5. If any part or provision of this Resolution is adjudicated to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provision or provisions of this Resolution, it being the intent of the Board that the various provisions are severable.

6. All acts, orders and resolutions, or parts thereof, of the Board that are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

APPROVED AND ADOPTED ON NOVEMBER 18, 2022, to be immediately effective.

THE PEAKS INDUSTRIAL METROPOLITAN  
DISTRICT

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*Dianne L Benitez*

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Dianne Benitez, President

ATTEST:

DocuSigned by:

*Robert James Benitez*

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Robert Benitez, Secretary/Treasurer