

**DANIELS SANITATION DISTRICT
ANNUAL ADMINISTRATIVE RESOLUTION
2024**

CERTIFIED COPY OF RESOLUTION

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

At the regular meeting of the Board of Directors of Daniels Sanitation District, Jefferson County, Colorado, held at 6:00 p.m. on Monday, December 18, 2023.

Present were the following members of the Board:

Rex L. Johnson
Vern Luoma
Floyd Shafer
Scott Paschal
Patrick Morgan

Also present were:

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

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

RESOLUTION NO. 2023-12-___

DANIELS SANITATION DISTRICT
JEFFERSON COUNTY, COLORADO

A RESOLUTION OF THE BOARD OF DIRECTORS
CONCERNING ANNUAL ADMINISTRATIVE MATTERS (2024)

WHEREAS, Daniels Sanitation District (the "District") was organized as a special district pursuant to an Order of the District Court in and for the County of Jefferson, Colorado (the "County"); and

WHEREAS, the Board of Directors of the District (the "Board") has a duty to perform certain obligations on a recurring basis 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"), the County Assessor and County Clerk and Recorder 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, file a copy of the notice required pursuant to § 32-1-809(1), C.R.S., with the County Board of County Commissioners (the "Board of County Commissioners"), the County Assessor, the County Treasurer, the County Clerk and Recorder, the governing body of the municipality in which the District is located, if applicable, and the Division, post the notice as required and make a copy of the notice available for public inspection at the District's business office; and

WHEREAS, in accordance with § 32-1-809(1), C.R.S., not more than sixty (60) days prior to and not later than January 15 of each year, the District shall provide the transparency notice to the District's eligible electors in the manner set forth in § 32-1-809(2), C.R.S.; and

WHEREAS, pursuant to § 32-1-104.8(1), C.R.S., the District is required to record a public disclosure document and map of the boundaries of the District with the County Clerk and Recorder, such public disclosure document shall contain certain information pertaining to the District as further described in § 32-1-104.8(1), C.R.S., and, pursuant to § 32-1-104.8(2), C.R.S., such public disclosure document and map shall be recorded with the County Clerk and Recorder and such public disclosure document(s) and map(s) shall be recorded with the County Clerk and Recorder at the same time of any decree or order confirming the inclusion of any real property into the boundaries of the District is recorded pursuant to § 32-1-105, C.R.S.; and

WHEREAS, the Local Government Budget Law of Colorado, §§ 29-1-101 to 29-1-115, 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, 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, in accordance with §§ 29-1-603 and 29-1-606, C.R.S., an annual audit of the financial statements for each fiscal year shall be prepared and submitted to the Board before June 30 and filed with the State Auditor by July 31; 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)(b), C.R.S., any local government where revenues or expenditures for any fiscal year commencing on or after January 1, 2015, are least One Hundred Thousand Dollars (\$100,000) but not more than Seven Hundred and Fifty Thousand Dollars (\$750,000), 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 the governing body of the municipality that adopted a resolution of approval of the special 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, *et seq.*, C.R.S., 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's participation is necessary to establish a quorum and 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 posting place may be website, social media account, or other official online presence of the District), and requires that notice of such meetings be posted at least twenty-four (24) hours prior to said meeting; 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 accordance with § 24-6-402(2); and

WHEREAS, elections may be held pursuant to the Colorado Local Government Election Code, §§ 1-13.5-101, *et seq.*, C.R.S., Special District Act, §§ 32-1-101, *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 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 of each county in which the District is located or to the governing body of the municipality 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 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, may be required to file an annual report with the Board of County Commissioners or the governing body of the municipality in which the District is located, 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, pursuant to § 24-72-201, all public records of the District are open for inspection by any person requesting same, and the District Board desires to establish a policy regarding charges for supplying public records; and

WHEREAS, from time to time, authorization is needed for emergency repairs or unanticipated services occurring or needed outside of regularly scheduled Board meetings, and the District Board desires to establish a policy regarding interim expenditure authorization.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DANIELS SANITATION DISTRICT AS FOLLOWS:

1. The Board directs legal counsel and the District's manager to keep accurate maps on file with the Division of Local Government, County Assessor and County Clerk and Recorder and to submit any changes to the maps on or before January 1 of each calendar year. If there have been boundary changes, the Board directs the District's engineer to prepare an accurate map as specified by the Division of Local Government.
2. The Board directs the District's manager to file a copy of the notice otherwise required by § 32-1-809(1), C.R.S., with the Board of County Commissioners, the County Assessor, the County Treasurer, the County Clerk and Recorder, the governing body of the municipality in which the District is located, if applicable, and the Division on or before January 15. The Board hereby names the District's manager, as the contact person for the District. The contact person is authorized, under § 24-10-109(3)(b), C.R.S., to accept notices of claims against the District, and, if any such claim is received must promptly notify the President of the Board and the attorney for the District of such receipt.
3. In accordance with § 32-1-809(1), C.R.S., the Board hereby directs the District's manager, not more than sixty (60) days prior to and not later than January 15 of each year, to provide the transparency notice to the District's eligible electors in the manner set forth in § 32-1-809(2), C.R.S.
4. Pursuant to § 32-1-104.8(1), C.R.S., the Board hereby directs the District's legal counsel to prepare and record any amended public disclosure document(s) and map(s) with the County Clerk and Recorder pursuant to § 32-1-105, C.R.S., should any property be included into the boundaries of the District.

5. The Board directs the District's manager to submit a proposed budget to the Board by October 15, to prepare a final budget, including any amendments thereto, if necessary, and directs the District's manager to schedule a public hearing on the proposed budget, to prepare all budget resolutions and to file the certified copy of the adopted budget with budget message, and all resolutions adopting the budget, appropriating moneys and fixing the rate of any mill levy with the Division on or before January 30.
6. The Board directs the District's manager to certify the mill levy with the Board of County Commissioners on or before December 15, unless otherwise extended by statute.
7. The Board directs the District's manager to 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.
8. The Board directs the District's auditor 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 auditor file the final audit with the State Auditor by July 31. In the event that the timetable will not be met, the District's auditor and District's accountant are directed to request extensions of time to file the audit as needed. If the District is eligible for an audit exemption under applicable law, then the Board directs that the District's accountant apply for and obtain an audit exemption from the State Auditor on or before March 31.
9. The Board directs the District's accountant and auditor, if the District has authorized but unissued general obligation debt as of the end of the fiscal year, as follows: (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 District's 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, 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 District's auditor shall submit its audit report to the Board of County Commissioners or the governing body of the municipality.
10. The Board directs the District's manager to prepare the Unclaimed Property Act report and submit the same to the State Treasurer.
11. The Board designates the Golden Transcript 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 Golden Transcript.
12. Pursuant to § 32-1-901, C.R.S., the District determines that each present and future member of the Board shall have in the District files, with annual

confirmation thereof by the District's custodian of public records, a complete and executed Certificate of Appointment (if such Board member is appointed), current Oath of Office and applicable Surety Bond or equivalent, and that copies of each be submitted to the Division of Local Government and the District Court as necessary and as may be requested.

13. The Board of Directors of the District determines that each director shall receive compensation for services as directors, at the maximum rate allowed by law, in accordance with 32-1-902(3)(a)(I) & (II), C.R.S. The Board recognizes that the Internal Revenue Service has determined that directors of special districts are considered employees of the district and as such will pay federal employment taxes on the compensation if it is determined at a future date that the Directors will be compensated. The Board, therefore, directs the District's accountant to withhold federal employment taxes from the amount that the directors receive in compensation (if applicable) and to furnish each director with an annual IRS W-2 form.
14. The Board designates the District's website as the official posting place for notices of meetings and agendas, pursuant to § 24-6-402(2)(c), C.R.S.:

<https://highviewdaniels.org/>

In the event the website is unavailable, the Board will post in the alternative physical location of 1002 Kipling Street, Lakewood, CO 80215.
15. The Board determines to hold regular meetings on the second Monday of each month at 6:00 p.m. The District's manager shall revise the notices when the Board intends to make a final determination to issue or refund general obligation indebtedness, to consolidate the District, to dissolve the District, to file a plan for adjustment of debt under federal bankruptcy law, or to enter into a private contract with a director, or not to make a scheduled bond payment.
16. AJ Beckman of Public Alliance, is hereby appointed as the "Designated Election Official" of the Board for any elections to be held during 2024 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. Independent Mail Ballot Elections. Unless otherwise determined by the Board, subject to the adoption of this Resolution, the Board deems it expedient for the convenience of the electors that all regular and special elections of the District shall be conducted as an independent mail ballot election in accordance with Section 1-13.5-1101, C.R.S., or a polling place election, whichever is deemed most appropriate and to so state in the election resolution.

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 within forty-five (45) days after the election.
19. In accordance with § 32-1-1604, C.R.S., the Board directs legal counsel 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 any indebtedness.
20. The Board directs the District's manager to prepare and file with the governing body of the municipality in which the District is located, if requested, the quinquennial finding of reasonable diligence in accordance with §§ 32-1-1101.5(1.5) and (2), C.R.S.
21. The Board directs the District's manager to prepare and file, if requested, the special district annual report.
22. The Board directs the District's Manager and Accountant to provide continuing disclosure service if and as applicable to the bonds and other financial obligations of the District.
23. Pursuant to the provisions of the Colorado Public Deposit Protection Act, §11-10.5-101, *et seq.*, C.R.S., the Board appoints the District Treasurer as the official custodian of public deposits.
24. The Board directs the District's manager to 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.
25. In accordance with §8-40-202(1)(a)(I)(B), C.R.S., the Board hereby accepts workers' compensation coverage for individual Board Members.
26. In accordance with Section 32-1-809, C.R.S., the Board directs the District's manager to post the required notice on the Colorado Special District Association's website, which posting is at no cost to the District since the District is a member of the Association.
27. In accordance with Section 24-72-205(6)(a), the District may charge a fee not to exceed twenty-five cents per standard page for a copy of a public record or a fee not to exceed the actual cost of providing a copy, printout, or photograph of a

public record in a format other than a standard page. In addition, following one hour of free time, the District may charge a reasonable fee of \$33.58 per hour, or the maximum amount allowed by the Executive Committee of the State Legislative Council, whichever is greater, for research and retrieval of the requested documents.

28. The Board hereby directs the District's President or President's Designee to authorize emergency repairs or unanticipated services in an amount not to exceed \$1,000 without Board consent. Such authorization will be ratified by the Board at the next scheduled Board meeting.

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

ADOPTED AND APPROVED this 18th day of December 2023.

DANIELS SANITATION DISTRICT

Rex L. Johnson
Rex L. Johnson, President

ATTEST:

Scott Paschal
Scott Paschal, Secretary

CERTIFICATION

I, Scott Paschal, Secretary of the Board of Directors of Daniels Sanitation 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 Public Alliance, manager to the District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District this 18th day of December 2023.

A handwritten signature in cursive script that reads "Scott Paschal". The signature is written in black ink and is positioned above a horizontal line.

Scott Paschal, Secretary