



December 12, 2018

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Office of the State Auditor
Local Government Audit Division
1525 Sherman St., 7th Floor
Denver, Colorado 80203

Eagle County Board of County
Commissioners
P.O. Box 850
500 Broadway
Eagle, Colorado 81631-0850

Division of Local Government (via **E-Filing Portal**)
1313 Sherman St., Suite 521
Denver, CO 80203

Re: Eagle River Station Metropolitan District

Dear Sir or Madam:

Pursuant to Section 32-1-104(4), C.R.S., please find enclosed a Notice of Inactive Status for the above-referenced district.

If you have any questions or concerns, please feel free to contact me.

Very truly yours,

McGEADY BECHER P.C.

/s/ SUSAN ASKEW

Susan Askew
Paralegal

Enclosure

cc: Eagle County Assessor (via U.S. Mail)
Eagle County Treasurer (via U.S. Mail)
Eagle County Clerk and Recorder (via U.S. Mail)
Eagle Town Board of Trustees (via U.S. Mail)

STATE OF COLORADO

DEPARTMENT OF LOCAL AFFAIRS

Division of Local Government
1313 Sherman Street, Suite 521
Denver, Colorado 80203
Phone: (303) 866-2156
FAX: (303) 866-4819
TDD: (303) 866-5300



Title 32, Article 1 Special District Notice of Inactive Status


NOTICE IS HEREBY GIVEN by the Board of Directors

of the Eagle River Station Metropolitan District (65804) (LGID)
in Eagle County, Colorado

pursuant to subsection 32-1-104(3)(a) C.R.S., the District is an Inactive Special District having adopted a resolution (attached) describing and affirming the District's qualification for this status as defined by C.R.S. 32-1-103(9.3) and that said district is in compliance with each of the requirements specified in subsection 32-1-104(5) C.R.S. The Board of

Directors adopted such resolution at a public meeting held: October 24, 2018
declaring the District Inactive beginning: January 1, 2019

NOTICE IS FURTHER GIVEN, pursuant to subsection 32-1-104(4), during the period that the District is on inactive status, it shall not issue any debt, impose a mill levy, or conduct any other official business other than to conduct elections and to undertake procedures necessary to implement the district's intention to return to active status.

District Contact Person: Mary Jo Dougherty Phone: 303-592-4380
Contact Signature:  Date: Dec 12, 2018
Contact Email Address: midougherty@specialdistrictlaw.com
District Address: McGeady Becher PC
Address (cont.): 450 E. 17th Avenue, Suite 400
Address City/State/Zip: Denver, CO 80203

Directors		Elected or Appointed	Term Exp. Yr
1. Board Chair:	Chris N. Williams	Elected	2020
2. Director:	Terrill D. Knight	Elected	2022
3. Director:	Vincent A. Riggio	Elected	2022
4. Director:	Cinda P. Riggio	Elected	2022
5. Director:	Roxie Deane	Elected	2020
6. Director:			
7. Director:			

Generally, per C.R.S. 32-1-104(5), Inactive Special Districts shall be exempt from compliance with the provisions of:

- 32-1-104(2) - Annual January 15th Contact Filing;
- 32-1-306 - Annual January 1st Map Filing
- 32-1-809 - Annual January 15th Notice to Electors
- 32-1-903 - Meetings
- Title 29, Art 1, Part 1 - Budget Law
- Title 29, Art 1, Part 2 - List of Contracts
- Title 29, Art 1, Part 6 - Audit Law
- Title 39, Art 1, Part 1 - Notices of Boundary Change, Intent to Levy
- Title 39, Art 5, Part 1 - Annual Mill Levy Certification

PROCEDURAL INSTRUCTIONS

As directed in 32-1-104(3)(b) C.R.S., by *Certified Mail, Return Receipt Requested* except where electronic filing is required by the receiving entity, on or before December 15th file this Notice of Inactive Status and a copy of the resolution adopted pursuant to 32-1-104(3)(a) C.R.S. with:

- the Board of County Commissioners and the City Council/Town Board of each county and municipality that approved the District's service plan pursuant to section 32-1-204 or 32-1-204.5 C.R.S.;
- the Treasurer, Assessor, and the Clerk and Recorder of the county(ies) in which the District is located;
- the district court having jurisdiction over the formation of the special district;
- the Office of the State Auditor; and
- the Division of Local Government. (ELECTRONIC FILING REQUIRED – www.dola.colorado.gov/e-filing -)

RESOLUTION NO. 2018-10-01

**RESOLUTION OF THE BOARD OF DIRECTORS OF EAGLE RIVER STATION
METROPOLITAN DISTRICT DECLARING EAGLE RIVER STATION
METROPOLITAN DISTRICT INACTIVE**

- A. The Eagle River Station Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado.
- B. The District operates under its Service Plan (“**Service Plan**”), and pursuant to the Colorado Revised Statutes.
- C. Section 32-1-104(3)(a), C.R.S. (the “**Inactive Status Law**”), provides that the board of directors of a special district may determine it is inactive by adopting a resolution to affirm that it has met the requirements of the Inactive Status Law and directing that a Notice of Inactive Status be filed as directed in the Inactive Status Law.
- D. The District is in a pre-development stage.
- E. There are no residents within the District boundaries, other than those living there prior to the formation of the District.
- F. There are no business or commercial ventures existing within the District boundaries.
- G. The District has not issued any general obligation or revenue debt.
- H. The District does not have any financial obligations outstanding or contracts in effect that require performance by the District during the time the District is inactive.
- I. The District has imposed a mill levy for tax collection in the current fiscal year, but will not impose a mill levy for tax collection during any fiscal year in which the District is inactive.
- J. The District does not anticipate the receipt of any revenue.
- K. The District has no planned expenditures, except for statutory compliance, in the current fiscal year.
- L. The District has no operation or maintenance responsibility for any facilities.
- M. The District has met the requirements of the Inactive Status Law and desires to affirm its qualifications and direct that required notice of inactive status, in the form provided by the Division of Local Government (the “**Notice of Inactive Status**”), be filed pursuant to the Inactive Status Law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EAGLE RIVER STATION METROPOLITAN DISTRICT, EAGLE, COUNTY, COLORADO:

1. The Board of Directors (the “**Board**”) of the District does hereby affirm that, as stated in the Recitals of this Resolution, it has met the requirements of the Inactive Status Law.
2. The Board hereby directs that a Notice of Inactive Status be sent by certified mail, return receipt requested (except where electronic filing is required by the receiving entity), to be filed with the following entities:
 - (a) The Board of County Commissioners and/or the City Council of each county and/or city that approved its Service Plan;
 - (b) The Treasurer, Assessor and Clerk and Recorder of the county or counties in which the District is located;
 - (c) The District Court having jurisdiction over the formation of the District;
 - (d) The State Auditor; and
 - (e) The Division of Local Government (the “**Division**”).
3. The Notice of Inactive Status shall be filed on or before December 15th of the year in which this Resolution is adopted and the District’s inactive status shall be effective on January 1 of the following year.
4. The District shall be in compliance with Section 32-1-104(5), C.R.S., at the time of filing of the Notice of Inactive Status.
5. The District acknowledges that during the period of inactive status, it is prohibited from:
 - (a) Issuing any debt;
 - (b) Imposing a mill levy; and
 - (c) Conducting any other official business other than to conduct elections and to undertake procedures necessary to implement the District’s intention to continue in inactive status or return to active status.
6. The District acknowledges that during the period of inactive status, it shall be exempt from statutory requirements, including, but not limited to:
 - (a) Adopting and filing an annual budget;
 - (b) Entering into and reporting intergovernmental agreements;
 - (c) Annually filing a certified audit or application for exemption from audit;

- (d) Annually filing a boundary map of the District;
- (e) Annually filing the transparency notice;
- (f) Holding regular meetings; and
- (g) Annually filing District contact information.

7. The District acknowledges that it has certain outstanding financial obligations, which obligations do not require performance during the period of inactivity. The District is in receipt of letters of agreement signed by each of the affected entities acknowledging that the District's outstanding financial obligations to those entities do not require performance during the period of inactivity.

8. The President of the District or, in the event the President is not available, any other member of the Board or their designee (the "**Authorized Officer**"), shall be authorized and is hereby directed by the Board to cause such actions to be taken as may be necessary, including, but not limited to, the adoption of a resolution to conduct regular elections of the District during the period of inactive status and to seek funding for such activities from the developer or owner(s) of property within the District's boundaries, if necessary.

9. The District acknowledges that during the period of inactive status it may still be required to file reports or provide notices under the provisions of its Service Plan, pursuant to any applicable rules or requirements of the jurisdiction(s) that approved the Service Plan, and/or pursuant to other applicable laws ("**Jurisdictional Requirements**"). The Board hereby authorizes and directs the Authorized Officer to comply with, or direct others to comply with, the Jurisdictional Requirements during the period of inactive status and to seek funding for such activities from the developer or owner(s) of property within the District's boundaries, if necessary.

10. The District shall remain in inactive status during the period commencing with the filing of the Notice of Inactive Status until such time as it has filed a Notice of Return to Active Status, as provided in the Inactive Status Law.

11. So long as the District is in inactive status, the Board hereby authorizes and directs the Authorized Officer to poll the members of the Board on or before December 1 of each year regarding the Board's direction regarding inactive status for the upcoming fiscal year.

(a) If the Board informs the Authorized Officer that they desire to remain in inactive status, the Authorized Officer shall have the authority and is directed to cause the notice of continuing inactive status to be filed, in the form provided by the Division (the "**Notice of Continuing Inactive Status**"), for the next fiscal year. The Notice of Continuing Inactive Status shall be filed on or before December 15 of such year with the State Auditor and the Division.

(b) If the Board informs the Authorized Officer that they desire to return to active status, the Authorized Officer shall have the authority to adopt a District resolution (substantially in the form attached hereto as **Exhibit A**) that declares the District's return to active status and authorizes and directs the Authorized Officer to cause to be filed a notice of

return to active status, in the form provided by the Division (the “**Notice of Return to Active Status**”), evidencing the District’s determination to return to active status. The Notice of Return to Active Status shall be filed with the State Auditor and the Division. The Board acknowledges that within ninety (90) days of delivery of the Notice of Return to Active Status, the District is required to be in compliance for the remainder of the fiscal year in which the District returns to active status with all legal requirements from which the District was exempt while on inactive status.

RESOLUTION APPROVED AND ADOPTED on October 24, 2018.

**EAGLE RIVER STATION
METROPOLITAN DISTRICT**



President

Attest:



Secretary