




CERTIFICATION OF COPY OF RECORD

State of Colorado)
) ss
County of Douglas)

I, Lisa Anderson, Town Clerk of the Town of Castle Rock, in said county and state, do hereby certify that on October 18, 2017, I carefully compared with the original executed document the attached copy of that document of the Town of Castle Rock, Resolution No. 2017-086, and the memo that accompanied it in the October 17, 2017 Town Council packet I now hold in my possession. They are complete, full, true, and exact copies of the document they purport to reproduce.

Given under my hand and official seal this 18th day of October, 2017.





Lisa Anderson
Town Clerk
Town of Castle Rock
100 Wilcox Street
Castle Rock, CO 80104

RESOLUTION NO. 2017-086

**A RESOLUTION APPOINTING DIRECTORS TO THE BOARD OF DIRECTORS OF
THE BELLA MESA METROPOLITAN DISTRICT**

WHEREAS, the Bella Mesa Metropolitan District f/k/a Vistas at Rock Canyon Metropolitan District (“District”) is a special district located wholly within the boundaries of the Town of Castle Rock, Colorado (“Town”); and

WHEREAS, the District operates pursuant to the District’s service plan, including the provision of services and facilities related to water, sewer, storm drainage, and streets; and

WHEREAS, the board of directors for the District is entirely vacant and the District is unable to take any formal action, which has resulted in the interruption of services provided by the District; and

WHEREAS, the Town Council is authorized to appoint directors to a district’s board of directors if the district’s board of directors is entirely vacant and the failure to appoint a new board will result in the interruption of services that are provided by the district, pursuant to § 32-1-905(2.5), C.R.S.; and

WHEREAS, the Town Council has received requests for appointment to the District’s board of directors from qualified individuals within the District; namely John V. Hill, Scott Green and Anna Maria Ray (“Proposed Directors”); and

WHEREAS, the Town Council finds that appointment of the Proposed Directors will facilitate the District’s compliance with local government laws, and allow the District to resume services as contemplated by the District’s service plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

1. **Necessity of Appointment.** The Town Council determines that failure to appoint qualified individuals to the board of directors for Bella Mesa Metropolitan District f/k/a Vistas at Rock Canyon Metropolitan District (the “District”) will result in the continued interruption of District services and the continued District noncompliance with certain state laws pertaining to local governments.

2. **Appointment of Directors.** Pursuant to § 32-1-905(2.5), C.R.S., the Town Council hereby appoints the following qualified individual to serve as a director for the District for the terms stated herein:

Scott Green

Appointed to fill vacancy and to serve until the next regular election described in paragraph 3 herein.

Anna Maria Ray

Appointed to fill vacancy and to serve until the next regular election described in paragraph 3 herein.

John V. Hill

Appointed to fill vacancy and to serve until the next regular election described in paragraph 3 herein.

3. **Election.** The District's board of directors shall hold the regular special district election to be held on May 8, 2018 to elect directors pursuant to the Special District Act, Article 1 of Title 32, C.R.S., the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S.; and the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S.

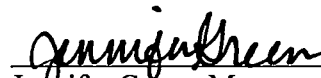
PASSED, APPROVED AND ADOPTED this 17th day of October, 2017 by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of 6 for and 0 against.

ATTEST:

TOWN OF CASTLE ROCK

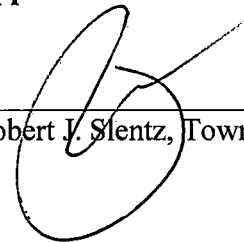


Lisa Anderson, Town Clerk



Jennifer Green, Mayor

Approved as to form:



Robert J. Slentz, Town Attorney



Agenda Memorandum

Agenda Date: 10/17/2017

Item #: 13. File #: RES 2017-086

To: Honorable Mayor and Members of Town Council

From: Robert J. Slentz, Town Attorney

Resolution Appointing Directors to the Board of Directors of the Bella Mesa Metropolitan District [East side of Founders]

Executive Summary

This Resolution appoints the Boards of Directors to the Bella Mesa Metropolitan District f/k/a Vistas at Rock Canyon Metropolitan District ("District") in accordance with the Special District Act, which authorizes the Town Council to take such remedial action where there are no duly elected Directors.

Background

Town Council approved the District Service Plan in August 2004, and the District organized shortly thereafter. The District consists of approximately 325 acres to be developed for residential and retail purposes, however no development has taken place to date. Fourth Investment USA, LLC recently acquired all of the property within the District. Due to the property conveyance, the existing board of directors were disqualified and the entire District Board is now vacant. The Town Council is authorized to appoint qualified individuals to the District Board because the Board is entirely vacant and failure to appoint directors to the Board would result in the interruption of services to be provided by the District. Upon reappointment to the Board, the proposed directors will schedule an election to be held in May, 2018. It is anticipated that at the election, both the proposed directors will be required to seek election of their appointed positions, as well as the three remaining vacant positions.

Staff Recommendation

Staff recommends approval of the Resolution as presented, appointing John V. Hill, Scott Green and Anna Maria Ray to the Bella Mesa Metropolitan District Board of Directors.

Proposed Motion

I move to approve Resolution No. 2017-___, appointing Directors to the Board of Directors of the Bella Mesa Metropolitan District.

Attachments

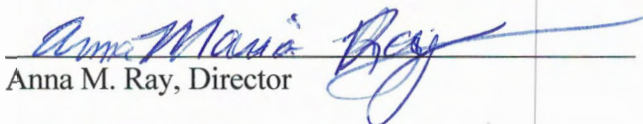
Item #: 13. File #: RES 2017-086

Attachment A: Resolution

DISTRICT COURT COUNTY OF DOUGLAS, COLORADO Court Address: 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 Telephone No.: (303) 663-7200	<p style="text-align: center;">▲Court Use Only▲</p>
Petitioners: Bella Mesa Metropolitan District f/k/a Vistas at Rock Canyon Metropolitan District, Town of Castle Rock, County of Douglas, State of Colorado	
Attorney for Petitioners: Jennifer L. Ivey ICENOGL SEAVER POGUE A Professional Corporation 4725 South Monaco Street, Suite 360 Denver, Colorado 80237 Telephone: 303.292.9100 Facsimile: 303.292.9101 E-mail: JIvey@ISP-Law.com Atty. Reg. #37851	Case Number: 2004CV1340 Div.: 2 Ctrm: 2
OATH OF DIRECTOR AND EVIDENCE OF BOND IN THE MATTER OF BELLA MESA METROPOLITAN DISTRICT	

OATH OF DIRECTOR

I, Anna M. Ray, will faithfully support the Constitution of the United States and of the State of Colorado, and the laws made pursuant thereto, and will faithfully perform the duties of the office of Director of the Bella Mesa Metropolitan District into which I am about to enter.

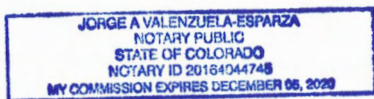

 Anna M. Ray, Director


Subscribed and sworn to before me this 18 day of October, 2017.

WITNESS my hand and official seal.

My commission expires: Dec 5th 2020

(SEAL)




 Notary Public

EVIDENCE OF BOND

The Bella Mesa Metropolitan District hereby provides evidence of an individual, schedule or blanket surety bond for the above named director in satisfaction of the requirements of Section 32-1-901(2), C.R.S., attached hereto as **Exhibit A** and incorporated herein by this reference.

EXHIBIT A
Evidence of Bond



Deferral Program

Colorado Special Districts Property and Liability Pool Comprehensive Crime Certificate Holder Declaration

Master Coverage Policy Number: CCP0037259

Certificate Number: 30C60501-1135

Coverage Period: 1/1/2017 Until Cancelled

Billing Period: 1/1/2017 to 1/1/2018

Named Member:

Bella Mesa Metropolitan District
c/o Seter & Vander Wall, P.C.
7400 E. Orchard Rd., Suite 3300
Greenwood Village, CO 80111

Broker of Record:

Covered ERISA Plan:

Covered Designated Agent(s):

Coverage, Limits of Insurance and Deductibles

Limits

Public Employee Dishonesty Coverage:

\$5,000

- Limit is Per Loss
- Faithful Performance of Duty
- Officers, Directors, and Trustees
- Welfare and Pension Plan ERISA Compliance
if Covered Plan is shown on application
- Volunteer Workers as Employees

Forgery or Alteration Coverage:

\$5,000

Theft, Disappearance, and Destruction Coverage:

Inside Premises

\$5,000

Outside Premises

\$5,000

Computer and Funds Transfer Fraud Coverage:

\$5,000

Debit, Credit or Charge Card Forgery Coverage:

\$5,000

Money Orders and Counterfeit Paper Currency Coverage:

\$5,000

Fraudulent Impersonation Coverage:

\$5,000

Crime Deductible: \$100

Fraudulent Impersonation Deductible: 20% of Fraudulent Impersonation Limit

Contribution: \$133.31

Policy Forms:

- CR 00260506 Government Crime Policy
- CR 25070300 Include Specified Directors or Trustees on Committee as Employees
- CR 25080300 Include Specified Non-Compensated Officers as Employees
- CR 25090300 Include Volunteer Workers as Employees
- CR 25190506 Add Faithful Performance of Duty
- CR 25120300 Include Treasurers or Tax Collectors as Employees
- CR 02151104 Colorado Changes
- CR 25200300 Debit, Credit or Charge Card Forgery
- CR 25020506 Include Designated Agents as Employees, when listed
- CR 04171115 Fraudulent Impersonation

This Certificate Holder Declaration is made and is mutually accepted by the CSD Pool and the Named Member subject to all terms which are made a part of the Master Comprehensive Crime Policy. This Certificate represents only a brief summary of coverages. Please refer to the Master Policy Document for actual coverage, terms, conditions, and exclusions.

Countersigned by: _____


Authorized Representative

Wednesday, December 07, 2016

Entity ID#: 60501