

INDEPENDENCE COMMERCIAL METROPOLITAN DISTRICT

A RESOLUTION CALLING FOR THE 2026 SPECIAL DISTRICT ELECTION, AUTHORIZING AN ELECTION ON THE QUESTION OF A REFERRED MEASURE AND APPOINTING A DESIGNATED ELECTION OFFICIAL

WHEREAS, the Independence Commercial Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Article 1, C.R.S. (the “**Act**”); and

WHEREAS, the Board of Directors (the “**Board**”) of the District has determined and hereby determines and declares that the interest of the District and the public interest and necessity require that the District obtain voter approval to waive the 5.25% property tax limit for the property tax year commencing January 1, 2026 and all future property tax years as set forth in Title 29, Part 17 of Article 1, C.R.S. (the “**Statutory Limitations**”) in order to carry out the objects and purposes of the District; and

WHEREAS, it is necessary to submit to the eligible electors of the District the question of waiving, receiving and spending all revenues received by the District from its general operating mill levy as a permanent waiver of all Statutory Limitations for the property tax collection year commencing on January 1, 2026 and all future property tax collection years, until repealed at an election of the District’s eligible electors, and the Board hereby determines that such question should be presented to the District’s eligible electors at the Election consistent with and in accordance with the Statutory Limitations, the Act, and the Colorado Local Government Election Code (the “**Code**”) (the Statutory Limitations, the Act and the Code being referred to jointly as the “**Election Laws**”).

NOW, THEREFORE, be it resolved by the Board of Directors of the Independence Commercial Metropolitan District in Elbert County, State of Colorado that:

1. The special election of the eligible electors of the District shall be held on May 5, 2026, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Election Laws, and other applicable laws. At that time, the ballot title for the waiver of the Statutory Limitations shall be in substantially the form shown on Exhibit A attached hereto and incorporated herein by this reference. Changes in the form of the ballot title may be made to conform with all legal requirements, provided that the President and Secretary of the Board have approved any such changes as confirmed by the District’s general counsel.

2. The Election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Election Laws. The Designated Election Official shall prepare the Plan for conducting the mail ballot Election. There shall be no election precinct or polling place. All mail ballots shall be returned to the Designated Election Official at the address designated in the Mail Ballot Plan.

3. The Board hereby designates Kristin Z. Herndon as the Designated Election Official for the conduct of the Election on behalf of the District and she is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Election Laws or other applicable laws. Among other matters, the Designated Election Official shall appoint election judges as necessary, appoint the Canvass Board, arrange for the required notices of election, printing of ballots, and direct that all other appropriate actions be accomplished.

4. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five (5) days after the title of the ballot issue or ballot question is set.

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

6. Any and all actions previously taken by the Designated Election Official, the Secretary of the Board of Directors, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws, are hereby ratified and confirmed.

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

8. The provisions of this Resolution shall take effect immediately.

ADOPTED this 3rd day of March, 2026.

INDEPENDENCE COMMERCIAL
METROPOLITAN DISTRICT

Signed by:
By: Tim Craft
Chair
5DD616C1FEAA464...

ATTEST:

Signed by:
Jjm YATES
Secretary
81EEB6D306F8403...

EXHIBIT A

**INDEPENDENCE COMMERCIAL METROPOLITAN DISTRICT BALLOT
QUESTION__:**

Shall the Independence Commercial Metropolitan District waive the 5.25% property tax limit established in Section 29-1-1702, C.R.S, for the property tax year commencing January 1, 2026 and all future property tax years?