

**ANNUAL RESOLUTION OF
THE BOARD OF DIRECTORS OF THE
DONALA WATER & SANITATION DISTRICT
RESOLUTION NO. 2023-1**

At a regular meeting of the Board of Directors of the Donala Water & Sanitation District (the District), El Paso County, Colorado, held at 1:30 P.M., on Thursday, January 19, 2023, at 15850 Holbein Drive, Colorado Springs, Colorado 80921, at which a quorum was present, the following resolution was adopted:

WHEREAS, the Board of Directors of the District (collectively referred to as the “Board” or individually as “Director(s)”) has a duty to perform certain obligations in order to assure the efficient operation of the District; and

WHEREAS, § 32-1-809, C.R.S., requires that the Board provide notice containing certain information about the District, to the eligible electors of the District, each year; and

WHEREAS, the Local Government Budget Law of Colorado, §§ 29-1-101 *et seq.*, 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; and

WHEREAS, in accordance with the Public Securities Information Reporting Act, §§ 11-58-101 *et seq.*, C.R.S., issuers of nonrated public securities shall make public within sixty (60) days following the end of each of such issuer's fiscal year, an annual information report or reports with respect to any of such issuer's nonrated public securities which are outstanding as of the end of each such fiscal year; and

WHEREAS, the Unclaimed Property Act, §§ 38-13-101 *et seq.*, C.R.S., requires that governmental subdivisions, if applicable, file an annual report listing unclaimed property with the State Treasurer; and

WHEREAS, pursuant to § 32-1-103(15), C.R.S., the legal notices of the District must be published in one newspaper of general circulation in the District, and if there is not one such newspaper of general circulation, then in one newspaper in each county in which the District is located; and

WHEREAS, § 32-1-903, C.R.S., requires that notice of the time and place for all regular and special meetings of the Board of Directors be provided in accordance with § 24-4-402, C.R.S.; and

WHEREAS, § 32-1-903(1), C.R.S., requires that the Board shall meet regularly at a time and place to be designated by the Board that is within the boundaries of the District or within the boundaries of any county in which the District is located, in whole or in part, or in any county so long as the meeting location does not exceed twenty miles from the District boundaries, unless the proposed change of location for meetings appears on a Board agenda and a resolution is adopted stating the reason for meeting in the desired location; and

WHEREAS, pursuant to § 32-1-904, C.R.S., the office of the District shall be at some fixed place to be determined by the Board; and

WHEREAS, pursuant to § 32-1-902(1), C.R.S., the Board shall elect one of its Directors as chairman of the Board and president of the District and one of its Directors as a treasurer/secretary of the Board; and

WHEREAS, Directors are governed by § 32-1-902(3)(b), C.R.S., in effect since 1981, which requires any Director to disqualify himself or herself from voting on an issue in which he or she has a conflict of interest, unless the Director has properly disclosed such conflict in compliance with law; 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, the Colorado Open Meetings Law at § 24-6-402(2)(d.5)(II)(A), C.R.S., specifies that discussions that occur in an executive session of a local public body shall be electronically recorded; and

WHEREAS, pursuant to § 24-6-402(2)(d.5)(II)(E), C.R.S., such electronic recording of executive sessions shall be retained for at least ninety (90) days after the date of the executive session.

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

1. The Board directs office staff to notify the Board of County Commissioners, Assessor, Treasurer, Clerk and Recorder in each county in which the District is located and the Division of the name of the Chairman of the Board, the contact person, telephone number and business address of the District.
2. The Board directs that it shall prepare a proposed budget by October 15, to schedule a public hearing on the proposed budget and any proposed action to set or increase fees, rates, tolls, penalties or charges for domestic water or sanitary sewer services, to prepare a final budget, budget resolutions, including certification of mill levies, amendments to the budget if necessary, to certify the mill levies on or before December 15 and directs office staff to file the approved budgets and amendments thereto with the proper governmental entities in accordance with the Local Government Budget Law of Colorado.
3. The Board directs office staff to prepare and provide, if requested by the Division of Local Government, an informational listing of all contracts in effect with other political subdivisions to the Division within thirty days of such request.

4. The Board directs that either an audit exemption application be filed with the State Auditor by March 31 or an audit of the financial statements be prepared and submitted to the Board before June 30. Further, the Board directs that the Audit be filed with the State Auditor by July 31.
5. The Board designates the Gazette (or the Tri-Lakes Tribune as a back-up) 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 Gazette (or in the Tri-Lakes Tribune as a back-up).
6. The Board determines that regular and special meeting notices shall be posted on the District's website: www.donalawater.org, at least 24 hours in advance of the meeting.
7. The Board designates 15850 Holbein Drive, Colorado Springs, CO 80921 as the physical posting place for notices of meetings in the event it is unable to post the notice online.
8. The Board determines to hold regular meetings the third Thursday of every month, at 1:30 P.M. at 15850 Holbein Drive, Colorado Springs, CO 80921, unless otherwise announced.
9. The District has elected officers and hereby reaffirms the following officers for the District. Elections will be held on odd years, and new officers will be elected at the first meeting following the election.

President: Wayne Vanderschuere
Vice President: William George
Treasurer/Secretary: Kevin Deardorff
Director: Ed Miller
Director: Kenneth Judd

10. In accordance with §§ 32-1-1604 and 1101.5(1), C.R.S., the Board directs office staff to issue notice of indebtedness to the Board of County Commissioners and to record such notice with the County Clerk and Recorder in each county in which the District is located within thirty (30) days of incurring or authorizing of any general obligation indebtedness.
11. The Board directs office staff to prepare and file with the Board of County Commissioners, if requested, the quinquennial finding of reasonable diligence in accordance with §§ 32-1-1101.5(1.5) and (2), C.R.S.
12. The Board directs legal counsel to prepare and file, if requested, the special District annual report, in accordance with §§ 32-1-207(3)(c) and 32-1-207(3)(d),

C.R.S.

13. The Board directs office staff to retain all electronic recordings of executive sessions for purposes of the Colorado Open Meetings Law for ninety (90) days after the date of the executive session. The Board further directs office staff to systematically delete all recordings of executive sessions made for purposes of the Colorado Open Meetings Law at its earliest convenience after the ninetieth (90th) day after the date of the executive session.

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Whereupon, a motion was made and seconded, and upon a majority vote this Annual Resolution was approved by the Board.

ADOPTED AND APPROVED THIS 19TH DAY OF JANUARY, 2023.

DONALA WATER & SANITATION DISTRICT



Wayne Vanderschuere, President

ATTEST:



Kevin Deardorff, Treasurer/Secretary