

LA PLATA ARCHULETA WATER DISTRICT

A RESOLUTION CALLING FOR THE 2010 REGULAR DISTRICT ELECTION

WHEREAS, the terms of office of Directors Marvin L. Conrad, Daniel R. Lynn, III, and Mark D. Williams shall expire after their successors are elected at the regular special district election to be held on May 4, 2010 ("Election") and have taken office; and

WHEREAS, in accordance with the provisions of the Special District Act ("Act") and the Uniform Election Code of 1992 ("Code"), the Election must be conducted to elect one (1) Director to serve for a term of four (4) years in each of Director District No. 2 and Director District No. 4, and one (1) Director to serve for a term of two (2) years in Director District No. 1; and

WHEREAS, the Board of Directors of the La Plata Archuleta Water District ("District") has determined and hereby determines and declares that the interest of the District and the public interest and necessity require that the District increase its property tax levy and collect, retain and spend all revenues generated from such property tax levy and any other source, as an exemption to the provisions and restrictions set forth in Article X, Section 20 of the Colorado Constitution ("TABOR"), Section 29-1-301, C.R.S., or any other law to carry out the objects and purposes of District; and

WHEREAS, it is necessary to submit to the eligible electors of the District the question of increasing its tax levy and receiving and spending all revenues received by the District from such property tax levy rate and any other source, and the Board hereby determines that such question should be presented to District's eligible electors at the Election, in accordance with the Code and TABOR.

NOW, THEREFORE, be it resolved by the Board of Directors of the La Plata Archuleta Water District in the County of La Plata, State of Colorado that:

1. The regular election of the eligible electors of District shall be held on May 4, 2010, between the hours of 7:00 A.M. and 7:00 P.M. pursuant to and in accordance with the Act, the Code, and other applicable laws. At that time, one (1) Director will be elected to serve a four-year term in each of Director District No. 2 and Director District No. 4, and one (1) Director will be elected to serve a two-year term in Director District No. 1. The ballot title for the tax levy increase and revenue and spending authorization shall be in substantially the form shown on Exhibit A attached hereto and incorporated herein by this reference.

2. The Election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Code and other relevant laws. The Designated Election Official shall notify the Colorado Secretary of State of the District's determination and submit a Plan for conducting the mail ballot Election, which shall be based on the

standard plan adopted by the Secretary of State. There shall be no election precinct or polling place. All mail ballots shall be returned to the Designated Election Official's office.

3. The Board of Directors hereby designates Amy Kraft as the Designated Election Official of the District, who is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Act, the Code, TABOR or other applicable laws. The Election shall be conducted in accordance with the Act, the Code, TABOR and other applicable laws. Among other matters, the Designated Election Official shall publish the call for nominations, appoint election judges as necessary, appoint the Canvass Board; arrange for the required notices of election, including the TABOR Notice, and printing of ballots; and direct that all other appropriate actions be accomplished.

4. If other special districts with overlapping boundaries of the District are conducting ballot issue elections on the Election day, the District is required to enter into an intergovernmental agreement with such special districts concerning the preparation and mailing of the TABOR Notice to the registered electors within the overlapping area. The Designated Election Official is authorized to enter into such agreement on behalf of the District.

5. Self-Nomination and Acceptance forms are available at the Designated Election Official's office located at 954 East Second Avenue, Suite 202, Durango, Colorado, 81301. All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no later than the close of business on Friday, February 26, 2010.

6. If the only matter before the electors is the election of Directors of the District and if, at the close of business on March 2, 2010, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent no later than March 1, 2010, the Designated Election Official shall cancel the Election and declare the candidates elected. Notice of such cancellation shall be published and posted in accordance with the Code.

7. 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.

8. 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.

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

10. 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.

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

ADOPTED AND APPROVED this 11th day of February, 2010.

LA PLATA ARCHULETA WATER
DISTRICT

By _____
Richard Lunceford, Chairman

ATTEST:

By _____
Cheryl Lynn, Secretary

EXHIBIT A TO ELECTION RESOLUTION

LA PLATA ARCHULETA WATER DISTRICT BALLOT ISSUE A:

SHALL LA PLATA ARCHULETA WATER DISTRICT TAXES BE INCREASED \$5,100,642 ANNUALLY IN 2011, AND BY SUCH AMOUNT AS MAY BE RAISED ANNUALLY IN EACH YEAR THEREAFTER BY THE IMPOSITION OF A PROPERTY TAX LEVY OF NOT MORE THAN 5.0 MILLS (WITH THE ACTUAL MILL LEVY RATE FOR ANY FISCAL YEAR TO BE ADJUSTED DOWNWARDS OR UPWARDS BY THE BOARD OF DIRECTORS IN ITS DISCRETION SO LONG AS THE MILL LEVY DOES NOT EXCEED 5.0 MILLS) COMMENCING IN LEVY YEAR 2010 AND CONTINUING THEREAFTER, FOR THE PURPOSE OF PAYING THE DISTRICT'S CAPITAL IMPROVEMENT COSTS OF CONSTRUCTING A RURAL DOMESTIC WATER SYSTEM AND FOR OPERATIONS, MAINTENANCE, ADMINISTRATION AND OTHER EXPENSES WITHOUT LIMITATION; AND SHALL THE DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE PROCEEDS OF SUCH TAXES AND ANY AND ALL OTHER AMOUNTS RECEIVED ANNUALLY FROM ANY REVENUE SOURCES WHATSOEVER AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, SECTION 29-1-301, C.R.S., OR ANY OTHER LAW?