

EAGLE BEND METROPOLITAN DISTRICT #2 ("District")  
PROCEDURE FOR FILLING BOARD VACANCIES

Vacancies may occur on the District Board for any of the reasons indicated in Colorado Revised Statutes section 32-1-905, attached hereto and incorporated by reference.

1. When a vacancy occurs, the President of the District shall appoint, as soon as possible, a Director Nomination Committee consisting of two of the remaining Directors to: a. cause an application for appointment to board vacancy to be published on the District website; b. accept applications from interested qualified parties; c. interview applicants within ten days following the first District Board Meeting after the vacancy occurs; d. rank the applicants for recommendation to the entire District Board; and e. forward to the ranking report and applications to the remainder of the Board.

2. At the second District Board Meeting following the creation of the vacancy, the Board shall appoint one of the applicants to serve in the vacated Board position until the date of the next regular election of the District.

Failure to appoint a qualified individual to fill the vacancy may cause the vacancy to be filled by the Arapahoe County board of Commissioners.

This procedure was approved by the Board of Directors of the District at its meeting held on April 28, 2011.

### **32-1-905. Vacancies.**

(1) A directors office shall be deemed to be vacant upon the occurrence of any one of the following events prior to the expiration of the term of office:

(a) If for any reason a properly qualified person is not elected to a director's office by the electors as required at a regular election;

(b) If a person who was duly elected or appointed fails, neglects, or refuses to subscribe to an oath of office or to furnish the bond in accordance with the provisions of section 32-1-901;

(c) If a person who was duly elected or appointed submits a written resignation to the board;

(d) If the person who was duly elected or appointed ceases to be qualified for the office to which he was elected;

(e) If a person who was duly elected or appointed is convicted of a felony;

(f) If a court of competent jurisdiction voids the election or appointment or removes the person duly elected or appointed for any cause whatsoever, but only after his right to appeal has been waived or otherwise exhausted;

(g) If the person who was duly elected or appointed fails to attend three consecutive regular meetings of the board without the board having entered upon its minutes an approval for an additional absence or absences; except that such additional absence or absences shall be excused for temporary mental or physical disability or illness;

(h) If the person who was duly elected or appointed dies during his term of office.

(2)(a) Any vacancy on the board shall be filled by appointment by the remaining director or directors, the appointee to serve until the next regular election, at which time, the vacancy shall be filled by election for any remaining unexpired portion of the term. If, within sixty days of the occurrence of any vacancy, the board fails, neglects, or refuses to appoint a director from the pool of any duly qualified, willing candidates, the board of county commissioners of the county which approved the organizational petition may appoint a director to fill such vacancy. The remaining director or directors shall not lose their authority to make an appointment to fill any vacancy unless and until the board of county commissioners which approved the organizational petition has actually made an appointment to fill that vacancy.

(b) No board of county commissioners shall make an appointment pursuant to paragraph (a) of this subsection (2) unless it provides thirty days\* notice of its intention to make such appointment to the remaining members of the board and the vacancy remains open at the time the board of county commissioners makes its appointment. If the organizational petition was approved by more than one board of county commissioners, then the appointment shall be made by the boards of the county commissioners which approved the petition, sitting jointly. Such an appointment shall be made at an open public meeting.

(2.5) If there are no duly elected directors and if the failure to appoint a new board will result in the interruption of services that are being provided by the district, then the board of county commissioners of the county or counties which approved the organizational petition may appoint all directors from the pool of duly qualified, willing candidates. The board appointed pursuant to this subsection (2.5) shall call a special election within six months after their appointment, which special election is to be held in accordance with the provisions of section

32-1-305.5 and articles 1 to 13 of title 1, C.R.S.; except that the question of the organization shall not be presented at the election. In the event a district is wholly within the boundaries of a municipality, the governing body of the municipality may appoint directors.

(3) All appointments shall be evidenced by an appropriate entry in the minutes of the meeting, and the board shall cause a notice of appointment to be delivered to the person so appointed. A duplicate of each notice of appointment, together with the mailing address of the person so appointed, shall be forwarded to the division.

Source: L. 81: Entire article R&RE, p. 1587, § 1, effective July 1. L. 87: (2.5) added, p. 1237, § 2, effective May 16. L. 92: (2) and (2.5) amended, p. 970, § 12, effective June 1; (2.5) amended, p. 885, §

<http://www.michie.com/cofo^^>

EAGLE BEND METROPOLITAN DISTRICT #2 ("District")  
APPLICATION FOR APPOINTMENT TO BOARD VACANCY

The District is a governmental subdivision of the State of Colorado organized within Arapahoe County and the City of Aurora to perform several governmental functions among which are operating a non-potable water system to provide irrigation water to its customer(s), maintain landscaping materials in certain public areas within the District, communicate with District taxpayers through periodic written and electronic media forms, retire public debt which was used to provide infrastructure construction during the development of the District, prepare financial budgets and reports covering its fiscal activities, levy taxes for the support of its functions. The District does not retain employees or general management companies for the supervision of the District's activities and individual Director/Officers perform those functions with each Director/Officer being responsible for one or more of the above functions.

Directors are generally elected for four year terms in a general election held each even numbered year in May. Two Directors seats are for four year periods of time beginning in those years in which US Presidential elections are held, and three Directors seats are for four year periods of time beginning in those years in which US presidential elections are not held. Appointed Directors serve until the next regular election of the District, regardless of the normal expiration date of the term of the seat to which the Director is appointed.

The District currently compensates its Directors for attendance at meetings of the District to the extent permitted by Colorado Revised Statutes.

Please complete the form below, sign where indicated and deliver it to

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ no later than \_\_\_\_\_

A resume which adequately answers any of the questions below may be attached in lieu of completing that portion of the application.

EAGLE BEND METROPOLITAN DISTRICT #2 ("District")  
APPLICATION FOR APPOINTMENT TO BOARD VACANCY

Name \_\_\_\_\_ of \_\_\_\_\_ Applicant

Address \_\_\_\_\_ of \_\_\_\_\_ Applicant

Location of Property owned by Applicant within the District if Different than Address Above  
\_\_\_\_\_  
\_\_\_\_\_

Phone number (H) \_\_\_\_\_ C) \_\_\_\_\_  
(W) \_\_\_\_\_

(add space in each area as necessary)

Employment History:

Explain specific District area of operations or administration in which you have competence:

**I affirm that I am an eligible elector of the Eagle Bend Metropolitan District No. 2 and am an eligible elector at the date of signing this APPLICATION FOR APPOINTMENT TO BOARD VACANCY**

I am an eligible elector because I am registered to vote in Colorado and am (mark one):

\_\_\_\_\_ A resident of the District, or area to be included in the district, for not less than 30 days; or

\_\_\_\_\_ The owner (or spouse of owner) of taxable real or personal property situated within the boundaries of the District,

Spouse's Name, if property is in spouse's name: \_\_\_\_\_

\_\_\_\_\_ A person who is obligated to pay taxes under a contract to purchase taxable property within the District.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**WITNESSED** by the following registered elector:

\_\_\_\_\_

(Signature of Applicant)

\_\_\_\_\_

(Printed Full Name of Applicant)

\_\_\_\_\_

(Telephone Number)

\_\_\_\_\_

(Email Address)

\_\_\_\_\_

(Signature of Witness)

\_\_\_\_\_

(Printed Full Name of Witness)

\_\_\_\_\_

(Residence Street Name and Number)

\_\_\_\_\_

(City or Town, Zip Code)

\_\_\_\_\_

(Telephone Number)