

**NOTICE OF CANCELLATION OF REGULAR ELECTION
BY THE DESIGNATED ELECTION OFFICIAL**

§§ 1-11-103(3), 1-13.5-513, C.R.S.

PORTEOS BUSINESS IMPROVEMENT DISTRICT

NOTICE IS HEREBY GIVEN by the Porteos Business Improvement District, Adams County, Colorado, that at or after the close of business on the sixty-third day before the election to be conducted on May 2, 2023, there were not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates; therefore, the election was canceled pursuant to Section 1-13.5-513, C.R.S.

The following candidates were declared elected by acclamation:

Yuriy Gorlov, (4) Year Term until May 2027
Vacant, (4) Year Term until May 2027
Vacant, (4) Year Term until May 2027

PORTEOS BUSINESS IMPROVEMENT DISTRICT

/s/ Stacie L. Pacheco
Stacie L. Pacheco, Designated Election Official

Contact Person for the District:

Alan D. Pogue, Esq.
ICENOGLE SEAVER POGUE, P.C.
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**RESOLUTION FOR CANCELLATION OF ELECTION,
DECLARATION DEEMING CANDIDATES ELECTED, AND
CERTIFICATE OF ELECTION RESULTS**

§§ 1-11-103(3), 1-13.5-513(1) and 32-1-104(1), C.R.S.

**PORTEOS BUSINESS IMPROVEMENT DISTRICT
ADAMS COUNTY, COLORADO**


WHEREAS, Stacie L. Pacheco, the Designated Election Official (“DEO”) for the Porteos Business Improvement District (the “District”) has been duly authorized by a resolution of the Board of Directors of the District to cancel and declare candidates elected at or after the close of business on the sixty-third day before the special election to be conducted on May 2, 2023 (“Election”) if there are not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, there were not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, at the close of business on the sixty-third day before the Election.

NOW THEREFORE, the DEO hereby certifies that at the close of business on the sixty-third day before the Election there were not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates. Therefore, the DEO hereby cancels the Election pursuant to Section 1-13.5-513(1), C.R.S. and declares the following candidates elected by acclamation for the following terms of office:

<u>Name:</u>	<u>Address:</u>	<u>Terms:</u>
Yuriy Gorlov	19512 E. Lasalle Place, Aurora, CO 80013	May 2027
Vacant		May 2027
Vacant		May 2027

PORTEOS BUSINESS IMPROVEMENT DISTRICT


Stacie L. Pacheco, Designated Election Official

Contact Person for the District:

Alan D. Pogue, Esq.
ICENOGLE SEAVER POGUE, P.C.
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EXHIBIT A

**2023 REGULAR SPECIAL DISTRICT
ELECTION RESOLUTION**

**RESOLUTION OF
THE BOARD OF DIRECTORS OF
PORTEOS BUSINESS IMPROVEMENT DISTRICT
2023 ELECTION RESOLUTION**

WHEREAS, the Porteos Business Improvement District (the “District”) was formed pursuant to the Business Improvement District Act, Part 12 of Article 25 of Title 31, C.R.S. (the “Act”) and pursuant to Ordinance No. 2016-43 adopted by the City Council of the City of Aurora; and

WHEREAS, pursuant to Section 31-25-1209(1)(d) of the Act, elections for the purpose of electing members of the Board of Directors of the District (the “Board”) must be held in accordance with the provisions of part 8 of article 1 of title 32, C.R.S., and accordingly, may be held pursuant to the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S. (the “Uniform Code”) and the Colorado Local Government Election Code, Article 13.5 of Title 1, C.R.S. (the “Local Government Election Code”) (the Act, part 8 of article 1 of title 32, C.R.S., Uniform Code, and Local Government Election Code are collectively referred to herein as the “Election Laws”); and

WHEREAS, pursuant to Sections 31-25-1209(1)(d) and 32-1-305.5(3)(a), C.R.S., the term of office of members of the Board is four (4) years; and

WHEREAS, the Board currently includes five (5) members elected to serve on the Board; and

WHEREAS, the term of office for three (3) members of the Board shall expire after their successors are elected at the next regular election for the District scheduled to be held on the Tuesday succeeding the first Monday of May in accordance with Section 1-13.5-111(1), C.R.S., which is May 2, 2023; and

WHEREAS, in accordance with the Election Laws, an election must be conducted to elect three (3) directors to the Board to serve terms of office of four years; and

WHEREAS, the number of directors to be elected to the Board of the District may increase following the adoption of this Resolution should a director’s office be deemed vacant prior to the election; and

WHEREAS, pursuant to Sections 31-25-1209(1)(d) and 32-1-804(1), C.R.S., the Board shall govern the conduct of the election and shall render all interpretations and make all decisions as to controversies or other matters arising in the conduct of the election; and

WHEREAS, Sections 1-1-111(2), 1-13.5-108, and 32-1-804(2), C.R.S. provide that all powers and authority granted to the Board for the conduct of regular and special elections, including making all initial decisions as to controversies or other matters arising in the operation

of the Local Government Election Code, may be exercised by a “Designated Election Official” designated by the Board; and

WHEREAS, Sections 1-13.5-501(1) & -(1.7), C.R.S., require that, between seventy-five (75) and one hundred (100) days before a regular election, the Designated Election Official shall provide public notice of a call for nominations for the election by two methods: (1) by emailing the notice to each active registered elector of the District as specified in the registration list provided by the county clerk and recorder as of the date that is one hundred fifty (150) days prior to the election or, if no email address is on file, by mail as provided in Section 1-13.5-501(1.7), C.R.S., and (2) by any one of the following means: publication, as defined in Section 1-13.5-501(2), C.R.S.; including the notice as a prominent part of an informational mailing sent by the District to the eligible electors of the District; posting the information on the official website of the District; or, if permitted under Section 1-13.5-501(1.7)(b)(IV), C.R.S., posting the notice in at least three public places within the boundaries of the District and, in addition, in the office of the Clerk and Recorder of Adams County; and

WHEREAS, Section 1-13.5-1104(2), C.R.S. requires the Designated Election Official to supervise the distributing, handling, and counting of ballots and the survey of returns, and to take the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election; and

WHEREAS, Section 1-7.5-107(4)(b)(II), C.R.S. specifies that the Designated Election Official shall designate a secure drop-off location that is under his or her supervision, and Section 1-5-102(1), C.R.S. requires that the Designated Election Official divide the jurisdiction into as many election precincts as he or she deems expedient for the convenience of eligible electors of the jurisdiction and designate the polling place for each precinct; and

WHEREAS, Section 1-13.5-1004(1), C.R.S. provides that the Designated Election Official shall keep a list of names of eligible electors who have applied for absentee voters’ ballots and those permanent absentee voters placed on the list pursuant to Section 1-13.5-1003(2), C.R.S., which list must contain certain other information as set out by statute; and

WHEREAS, Section 1-13.5-513(1), C.R.S. provides that if the only matter before the electors in an election is the election of persons to office and if, at the close of business day on the sixty-third (63rd) day before the election or at any time thereafter, there are not more candidates than offices to be filled at the election, the Designated Election Official shall cancel the election and declare the candidates elected if so instructed by resolution of the governing body; and

WHEREAS, Section 1-11-103(3), C.R.S. provides that if an election is cancelled pursuant to Section 1-13.5-513(1), C.R.S., the District shall file notice and a copy of the resolution of such cancellation with the Colorado Division of Local Government (the “Division”); and

WHEREAS, Sections 1-11-103(3) & 32-1-104(1), C.R.S. require the District to certify to the Division the results of any elections held by the District and include the District’s business address, telephone number, and contact person; and

WHEREAS, the Board desires to call an election and set forth herein the procedures for conducting such election as authorized by the Election Laws.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PORTEOS BUSINESS IMPROVEMENT DISTRICT THAT:

1. The Board hereby calls a regular election of the eligible electors of the District to be held between the hours of 7:00 A.M. and 7:00 P.M. on the Tuesday succeeding the first Monday of May pursuant to and in accordance with Section 1-13.5-111(1), C.R.S., the Election Laws, and other applicable laws (May 2, 2023), for the purpose of electing three (3) directors to each serve a four-year term on the Board (the “Election”), as such numbers may change due to one or more vacancies arising on the Board after the adoption of this Resolution and prior to the Election. The Election shall be conducted as an independent mail ballot election, pursuant to Part 11 of the Local Government Election Code.

2. Pursuant to Section 32-1-804(2), C.R.S., the Board hereby names Stacie Pacheco of Icenogle Seaver Pogue, P.C., as the Designated Election Official for the Election. The Board hereby directs the District’s general counsel to oversee the general conduct of the Election and authorizes the Designated Election Official to take all other action necessary for the proper conduct thereof. The Designated Election Official shall act as the primary contact with the Clerk and Recorder of Adams County, Colorado (the “County”) and shall be primarily responsible for ensuring the proper conduct of the Election, including, but not limited to, distributing, handling, and counting of ballots and the survey of returns, taking the necessary steps to protect the confidentiality of the ballots cast and the integrity of the Election, appointing election judges as necessary, appointing the board of canvassers, arranging for the required notices of the Election and printing of ballots, maintaining a permanent absentee voter list, and directing that all other appropriate actions be accomplished.

3. The Board hereby directs the Designated Election Official to provide public notice of a call for nominations for the Election in accordance with the requirements of Section 1-13.5-501, C.R.S., which shall include information regarding the director offices to be voted upon at the Election, where a self-nomination and acceptance form or letter may be obtained, the deadline for submitting the self-nomination and acceptance form or letter to the Designated Election Official, and information on obtaining an absentee ballot. The notice shall be emailed to each active registered elector of the District as specified in the registration list provided by the Adams County Clerk and Recorder as of the date that is one hundred fifty (150) days prior to the date of the Election or, if no email address is on file, by mail as provided in Section 1-13.5-501(1.7), C.R.S. In addition, public notice shall be provided by posting the information on the official website of the District.

4. The Board deems it expedient for the convenience of the electors that it shall establish a polling place & drop-off location for all regular and special elections of the District. There shall be one (1) polling place & drop-off location for the elections. This polling place & drop-off location shall be used for any regular or special elections to be held in 2023 and in each year thereafter until such polling place & drop-off location is changed by duly adopted resolution of the Board. Such polling place & drop-off location shall be located at 4725 S Monaco St, Ste. 360, Denver, Colorado 80237. All voters for the District, including handicapped and nonresident voters unless otherwise

permitted by law, shall return their ballots to the designated polling place & drop-off location by mail or delivery. All eligible electors may also obtain a replacement ballot from the polling place & drop-off location until 7:00 P.M. on election day in accordance with Section 1-13.5-1105(4), C.R.S. A map showing the District's boundaries is on file at the offices of Icenogle Seaver Pogue, P.C., 4725 S Monaco St, Ste. 360, Denver, Colorado 80237, and is available for examination by all interested persons.

5. Applications for an absentee voter's ballot or for permanent absentee voter status may be filed with the Designated Election Official, Stacie Pacheco of Icenogle Seaver Pogue, P.C., 4725 S Monaco St, Ste. 360, Denver, Colorado 80237, between the hours of 8:00 A.M. and 5:00 P.M., until the close of business on the Tuesday immediately preceding the Election (April 25, 2023).

6. Pursuant to Section 1-13.5-303, C.R.S., all candidates must file a self-nomination and acceptance form or letter signed by the candidate and by an eligible elector of the District as a witness to the signature of the candidate with the Designated Election Official no later than 5:00 P.M. on the day that is sixty-seven (67) days prior to the Election (February 24, 2023). Self-nomination and acceptance forms are available at the Designated Election Official's office located at the above address.

7. Pursuant to Section 1-13.5-513, C.R.S., the Board hereby authorizes and directs the Designated Election Official to cancel the Election and declare the candidates elected if, at or after the close of business on the sixty-third (63rd) day before the Election (February 28, 2023), there are not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, and so long as the only matter before the electors is the election of persons to office. Under these circumstances, the Board further authorizes and directs the Designated Election Official to provide notice of the cancellation by publication in accordance with Section 1-13.5-501, C.R.S. and to post notice of the cancellation at each polling location, the office of the Designated Election Official, the Adams County Clerk and Recorder's Office, and with the Division. The Designated Election Official shall also file notice and a copy of this Resolution authorizing the cancellation of the Election with the Division pursuant to Section 1-11-103(3), C.R.S. The Designated Election Official shall also notify the candidates that the Election was canceled and they were elected by acclamation.

8. In accordance with Section 1-11-103(3) & 32-1-104(1), C.R.S., the District directs the Designated Election Official to notify the Division of the results of any elections held by the District, including the District's business address, telephone number, and contact person within thirty (30) days after the Election (June 1, 2023).

9. The Designated Election Official and the officers, agents, consultants, and employees, if any, of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

10. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board, the Designated Election Official, and the officers, agents,

consultants, and employees, if any, of the District, and directed toward holding the Election for the purposes stated herein are hereby ratified, approved, and confirmed.

11. All prior acts, orders, or resolutions, or parts thereof, by the District in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order, or resolution, or part thereof, heretofore repealed.

12. If any section, paragraph, clause, or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

13. The District shall be responsible for the payment of any and all costs associated with the conduct of the Election, including its cancellation, if necessary, and those costs incurred pursuant to the terms and conditions of an election agreement with Adams County, if any.

14. This Resolution shall take effect on the date and at the time of its adoption.

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ADOPTED AND APPROVED THIS 8th DAY OF DECEMBER 2022.

**PORTEOS BUSINESS IMPROVEMENT
DISTRICT**

DocuSigned by:

Seth Rollert

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Seth C. Rollert, President