

RECORD OF PROCEEDINGS

MINUTES OF THE COORDINATED REGULAR MEETING OF SOUTHSHORE METROPOLITAN DISTRICT NOS. 1 AND 2 HELD DECEMBER 14, 2021

A Coordinated Regular Meeting of the Boards of Directors of the Southshore Metropolitan District No. 1 (“**District No. 1**”) and Southshore Metropolitan District No. 2 (“**District No. 2**” and collectively with District No. 1, the “**Districts**”) was held on December 14, 2021 at 3:00 p.m. Due to public health concerns, the Meeting was held by virtual attendance on Zoom at <https://us02web.zoom.us/j/86943680229>, (669) 900-9128 or (346) 248-7799 or (646) 558-8656 or (253) 215-8782 or (301) 715-8592 or (312) 626-6799.

ATTENDANCE

Directors in Attendance were:

Aaron L. Clutter, Vice President/Assistant Secretary/Treasurer,

District No. 1

Kevin Stadler, Vice President/Secretary, **District Nos. 1 and 2**

Kurtis W. Williams, Vice President/Assistant Secretary/Treasurer,

District No. 1

P. Joseph Knopinski, Vice President/Secretary/Treasurer, **District No. 1** * *arrival where noted*

Nathan Kennedy, Vice President/Assistant Secretary/Treasurer,

District No. 2

Ryan Zent, Vice President/Assistant Secretary/Treasurer,

District No. 2

Absent (excused):

Jerry B. Richmond, III, Chairman, **District Nos. 1 and 2**

Nathan Fogg, Vice President/Treasurer, **District No. 2**

Cathy Hamilton of Simmons & Wheeler

David A. Greher of Collins Cockrel & Cole, P.C.

Doug Richter of Earnweald Consulting Services, LLC

A member of the public

CONFLICTS OF INTEREST

Director Knopinski disclosed that he provides consulting services to Southshore Recovery Acquisition, LLC, which has significant ownership and/or investment interests in the property within the Districts

None of the other Directors have advised of any potential current conflict of interest for this meeting. A statements of related interests has previously been filed with the Board and Secretary of State for Director Knopinski. All disclosures of potential conflict of interest statements previously filed are deemed continuing for all purposes and are incorporated into the record of the meeting.

NOTICE

Mr. Greher stated that Notice had been properly posted at least 24-hours prior to the meeting on the Districts' website. Mr. Greher confirmed that such Notice was also placed at the entrance of the Lakehouse, Lighthouse and sent to the City of Aurora Clerk. The certification of posting is attached hereto. The notice also included the agenda items.

OCTOBER 12, 2021 MINUTES

The Boards of District Nos. 1 and 2 considered the Minutes of the October 12, 2021 Coordinated Regular Board meeting. After discussion and upon motion duly made, seconded and unanimously carried, the Minutes of District Nos. 1 and 2 Joint Board meeting were approved as presented.

NOVEMBER 9, 2021 MINUTES

The Boards of District Nos. 1 and 2 considered the Minutes of the November 9, 2021 Coordinated Regular Board meeting. After discussion and upon motion duly made, seconded and unanimously carried, the Minutes of District Nos. 1 and 2 Joint Board meeting were approved as presented.

PUBLIC COMMENT

None.

STATUS REPORT

Tabled.

ACCOUNTANTS
REPORT

Ms. Hamilton presented a list of checks to ratify and invoices to be approved.

Following discussion, motions were made, seconded and unanimously carried, the Board of District No. 1 (a) approved and confirmed the disbursements as presented and (b) approved the checks.

REQUISITION
NO. 13

Ms. Hamilton presented to the Board of District No. 1 Requisition No. 13, for payment under the Series 2020A-1, Series 2020A-2, and Series 2020B Subordinate Bonds, in the aggregate amount of \$78,258.81 payable to the following parties in the corresponding amounts:

- Environmental Landworks Company, Inc. - \$29,524.03
- Environmental Landworks Company, Inc. - \$26,895.11
- Environmental Landworks Company, Inc. - \$4,150.17
- Consolidated Divisions, Inc. - \$4,500.00
- Powell Restoration, Inc. – \$3,367.00
- JR Engineering, LLC - \$3,100.000
- Earnweald Consulting Services, LLC - \$4,875.00
- CMS Environmental Solutions, LLC - \$1,847.50

Following discussion, a motion was made and seconded, and the Board of District No. 1 approved the Requisition as presented.

RESOLUTION
ACCEPTING
ENGINEER
REPORT AND
REQUESTING
REQUISITION
NO. 13

Following discussion, a motion was made, seconded and unanimously carried, the Board ratified the Resolution of District No. 1 Requesting District No. 2 to Approve Requisitions, a copy of which is attached hereto and incorporated herein by this reference.

REQUISITION
REQUESTS FOR
DISTRICT NO. 1

Following discussion, a motion was made, seconded and unanimously carried, the Board of District No. 2 approved the Resolution of District No. 2 Requesting District No. 1 to Approve Requisition No. 13, in the amount of approximately \$78,258.81 upon final review of invoices by Director Stadler.

RESOLUTIONS
CALLING MAY
2022 ELECTION

Mr. Greher reviewed the May 2022 Election Resolution with the Boards of District Nos. 1 and 2 for their regular biennial election on May3, 2022 and discussed the board members' terms. After discussion and upon motion duly made, seconded and unanimously carried, the Election Resolutions, copies of which is attached hereto and incorporated herein by reference, were adopted as presented.

WORKERS
COMPENSATION
RESOLUTIONS

Mr. Greher advised the Board of District No. 1 of the requirements of the Workers' Compensation Act and noted that because Board members are not compensated, the Act allows the District to exclude them from the definition of "employees" and from workers' compensation insurance coverage. Upon motion duly made, seconded, and unanimously carried, the Board of District No. 1 approved the Resolution Determining Not to Provide Worker's Compensation Insurance Coverage for Uncompensated Members of the Board of Directors and legal counsel was directed to file the exclusion forms with the State Division of Workers' Compensation, a copy of which is attached hereto and incorporated herein by this reference.

Mr. Greher then advised the Board of District No. 2 of the same requirements stated above. Upon motion duly made, seconded, and unanimously carried, the Board of District No. 2 approved the Resolution Determining Not to Provide Worker's Compensation Insurance Coverage for Uncompensated Members of the Board of Directors and legal counsel was directed to file the exclusion forms with the State Division of Workers' Compensation, a copy of which is attached hereto and incorporated herein by this reference.

EXECUTIVE
SESSION

Deferred.

ENGAGEMENT
OF COCKREL
ELA GLESNE
GREHER &
RUHLAND, PC

**Director Knopinski then arrived at the meeting.*

Mr. Greher discussed the engagement of Cockrel Ela Glesne Greher & Ruhland, PC as the Districts' legal counsel. After discussion and upon motion duly made, seconded and unanimously carried, the engagement of Cockrel Ela Glesne Greher & Ruhland, PC, was approved.

ADJOURNMENT

There being no other matters to come before the Board, the meeting was adjourned.

Respectively submitted,



David A. Greher, Secretary for the meeting

APPROVED

Aaron Clutter

Aaron L. Clutter

[Handwritten Signature]

Kevin Stadler

Nathan Kennedy

Nathan Kennedy

Kurtis Williams

Kurtis Williams

Joe Knopinski

Joe Knopinski

Ryan Zent

Ryan Zent

AGENDA
OF THE COORDINATED
REGULAR MEETING OF
SOUTHSHORE METROPOLITAN DISTRICT NO. 1
AND
SOUTHSHORE METROPOLITAN DISTRICT NO. 2

Time: Tuesday, December 14, 2021, 3:00 p.m.

Location:

Due to the risk posed by COVID 19, this meeting will be held via Zoom and may be joined using the following link:

<https://us02web.zoom.us/j/86943680229>

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 253 215 8782 or +1
346 248 7799 or +1 669 900 9128

Webinar ID: 869 4368 0229

AGENDA

1. Disclosures of any potential conflicts of interest.
2. Approval of Minutes of October 12, 2021 and November 9, 2021 Regular Meetings. **(District Nos. 1 and 2)**
3. Public Comment.
4. Status report by Board Chairman. **(District Nos. 1 and 2)**
5. Accountant's Report and review of financials and claims payable. **(District Nos. 1 and 2)**
6. Accountant's Report and review and consideration of District construction and operating expenditures including one or more construction requisition requests in the aggregate approximate amount of \$73,383.81 **(District No. 1)**
7. Resolutions Accepting Engineer's Report and Requesting Requisition of Funds. **(District No. 1)**
8. Review Requisition requests from District No. 1 and adopt Resolutions accepting Request to Requisition of Funds. **(District No. 2)**

9. Review and Adopt Resolutions Calling May 2022 Election. **(District Nos. 1 and 2)**
10. Adopt Resolution Determining not to Provide Workers' Compensation Insurance for Uncompensated Members of the Board of the Directors. **(District Nos. 1 and 2)**
11. Executive Session under Section 24-6-402(4)(b), C.R.S., to confer with District Counsel to obtain legal advice regarding the Districts' budget, improvements, inclusions, District fees, Service Plan implementation, Aurora Water reimbursements, current litigation matters and related issues. **(District Nos. 1 and 2)**
12. Possible action on matters discussed in Executive Session. **(District Nos. 1 and 2)**
13. Discuss Engagement Letters of Cockrel Ela Glesne Greher & Ruhland. **(District Nos. 1 and 2)**
14. Any other matter that may come before the Board.

This meeting is open to the public.

SOUTHSHORE METROPOLITAN DISTRICT NO. 1

SOUTHSHORE METROPOLITAN DISTRICT NO. 2

By /s/ Jerry B. Richmond, III

Jerry B. Richmond, III, Chairman

I hereby certify that a copy of the foregoing Agenda of Regular Meeting of Southshore Metropolitan District No. 1 and Regular Meeting of Southshore Metropolitan District No. 2 was, by me personally, posted on the Districts' website at least 24 hours prior to the meeting.



SOUTHSHORE METROPOLITAN DISTRICT NO. 1

A RESOLUTION CALLING FOR THE 2022 REGULAR DISTRICT ELECTION AND APPOINTING A DESIGNATED ELECTION OFFICIAL

WHEREAS, the Southshore 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.; and

WHEREAS, the terms of office of Directors Richmond, Stadler and Williams shall expire after their successors are elected at the regular special district election to be held on May 3, 2022 (“**Election**”) and have taken office; and

WHEREAS, in accordance with the provisions of the Special District Act (the “**Act**”) and the Colorado Local Government Election Code (the “**Code**”) (the Act and the Code being referred to jointly as the “**Election Laws**”), the Election must be conducted to elect three (3) Directors to serve for a term of three (3) years pursuant to Section 1-13.5-111, C.R.S., which moves the regular special district elections to May of each odd-numbered years commencing in May, 2023 and, in connection therewith, adjusts the length of terms served by Directors elected in 2020 and 2022 in order to implement the new election schedule.

NOW, THEREFORE, be it resolved by the Board of Directors of the Southshore Metropolitan District in the County of Arapahoe, State of Colorado that:

1. The regular election of the eligible electors of the District shall be held on May 3, 2022, 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, three (3) Directors will be elected to serve a three-year term.
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’s office, located at 4662 W. Oxford Avenue, Denver, Colorado 80236.
3. The Board of Directors hereby designates Sarah H. Luetjen 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 publish the call for nominations, 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. Self-Nomination and Acceptance forms are available at the Designated Election Official’s office located at the above address or email sluetjen@cccfirm.com. All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no earlier than January 1, 2022, nor later than the close of business on Friday, February 25, 2022.

5. If the only matter before the electors is the election of Directors of the District and if, at the close of business on March 1, 2022, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent no later than February 28, 2022, 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.

6. 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.


7. 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.

8. 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.

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

ADOPTED this 14th day of December, 2021.

SOUTHSHORE
METROPOLITAN DISTRICT NO. 1

DocuSigned by:
By  _____
5895B8A2D15A45B...
Vice Chairman

ATTEST:

DocuSigned by:
By  _____
A3783376F5654F8...
Assistant Secretary

SOUTHSHORE METROPOLITAN DISTRICT NO. 2

A RESOLUTION CALLING FOR THE 2022 REGULAR DISTRICT ELECTION AND APPOINTING A DESIGNATED ELECTION OFFICIAL

WHEREAS, the Southshore 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.; and

WHEREAS, the terms of office of Directors Richmond, Fogg and Zent shall expire after their successors are elected at the regular special district election to be held on May 3, 2022 (“**Election**”) and have taken office; and

WHEREAS, in accordance with the provisions of the Special District Act (the “**Act**”) and the Colorado Local Government Election Code (the “**Code**”) (the Act and the Code being referred to jointly as the “**Election Laws**”), the Election must be conducted to elect two (2) Directors to serve for a term of three (3) years and one (1) Director to serve a term of one (1) year pursuant to Section 1-13.5-111, C.R.S., which moves the regular special district elections to May of each odd-numbered years commencing in May, 2023 and, in connection therewith, adjusts the length of terms served by Directors elected in 2020 and 2022 in order to implement the new election schedule.

NOW, THEREFORE, be it resolved by the Board of Directors of the Southshore Metropolitan District in the County of Arapahoe, State of Colorado that:

1. The regular election of the eligible electors of the District shall be held on May 3, 2022, 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, two (2) Directors will be elected to serve a three-year term and one (1) Director will be elected to serve a one-year term.

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’s office, located at 4662 W. Oxford Avenue, Denver, Colorado 80236.

3. The Board of Directors hereby designates Sarah H. Luetjen 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 publish the call for nominations, 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. Self-Nomination and Acceptance forms are available at the Designated Election Official’s office located at the above address or email sluetjen@cccfirm.com. All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no earlier than January 1, 2022, nor later than the close of business on Friday, February 25, 2022.

5. If the only matter before the electors is the election of Directors of the District and if, at the close of business on March 1, 2022, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent no later than February 28, 2022, 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.

6. 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.


7. 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.

8. 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.

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

ADOPTED this 14th day of December, 2021.

SOUTHSHORE
METROPOLITAN DISTRICT NO. 2

DocuSigned by:

By _____
5895B8A2D15A45B...
Vice Chairman

ATTEST:

DocuSigned by:

By _____
885E00F1BE51480...
Assistant Secretary

SOUTHSHORE METROPOLITAN DISTRICT NO. 1

A RESOLUTION DETERMINING NOT TO PROVIDE WORKERS' COMPENSATION INSURANCE COVERAGE FOR UNCOMPENSATED MEMBERS OF THE BOARD OF DIRECTORS

WHEREAS, the Southshore Metropolitan District No. 1 (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado duly organized and existing pursuant to Article 1 of Title 32, Colorado Revised Statutes; and

WHEREAS, the members of the Board of Directors (the “**Board**”) of the District are not compensated for their service on the Board, except for reimbursement of actual out-of-pocket expenses related to Board service; and

WHEREAS, pursuant to Section 8-40-202(1)(a)(I)(B), C.R.S., the Board may annually determine that it is in the best interest of the District not to provide workers' compensation insurance coverage to its uncompensated elected officials; and

WHEREAS, the Board has determined that its policy period for purposes of this election shall commence on March 1 and end on the last day of February of every year; and

WHEREAS, pursuant to Section 8-40-202(1)(a)(I)(B), C.R.S., the District must notify the Colorado Department of Labor & Employment, Division of Workers' Compensation (the “**Division**”), in writing of the decision not to provide workers' compensation coverage and such notification must be filed with the Division not less than 45 days before the start of the policy period; and

WHEREAS, the Division has requested that the Board annually adopt a formal Resolution and complete Division Form WC44 to acknowledge its decision not to provide workers' compensation insurance; and

WHEREAS, the Board hereby finds and determines that it is in the public interest and is an appropriate fiscal policy to exercise the option not to provide workers' compensation insurance coverage for its uncompensated elected officials.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Southshore Metropolitan District No. 1 as follows:

1. **No Workers' Compensation Insurance Coverage.** Because members of the Board are not compensated for their service, except for reimbursement of actual expenses incurred on behalf of the District, the Board finds and determines that its members shall not be regarded as “employees” of the District for purposes of the Workers' Compensation Act of Colorado (Section 8-40-101, C.R.S. et seq.), and that the

Southshore Metropolitan District No. 1
Page 2

District shall not purchase workers' compensation insurance coverage for members of the Board for the policy year commencing on March 1, 2022.

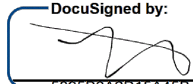
2. **Direction to File with the Division.** In addition to a copy of this Resolution, legal counsel to the District is directed and authorized to file Form WC44, "Exclusion of Uncompensated Public Officials," with the Division no later than 45 days prior to March 1.

3. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

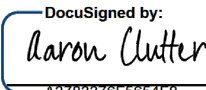
4. **Effective Date.** Notwithstanding the application of this Resolution to a certain specified plan year, this Resolution shall take effect and be enforced immediately upon its approval by the District Board.

ADOPTED this 14th day of December, 2021.

SOUTHSHORE METROPOLITAN
DISTRICT NO. 1

By  _____
Vice Chairman

Attest:

 _____
Assistant Secretary

Department of Labor and Employment
Division of Workers' Compensation
633 17th St., Suite 400, Denver, CO 80202-3626
Telephone: 303.318.8640 Fax: 303.318.8739

EXCLUSION OF UNCOMPENSATED PUBLIC OFFICIALS

Name of Agency: Southshore Metropolitan District No. 1

Federal Employer Identification # (FEIN): 33-1046693 Business Phone #: (303) 986-1551

Mailing Address: c/o Collins Cockrel & Cole, 390 Union Boulevard, Suite 400
Street or P.O. Box / Suite #

Denver CO 80228
City State Zip

If Self-Insured Employer, enter the Permit Number: N/A

If not Self-Insured, enter the workers' compensation insurance carrier name and policy number:
N/A, which is the reason for submittal of this form
Insurance Carrier Name Policy Number

Upcoming Policy Period: From: 03/22 To: 03/23
Month / Year Month / Year

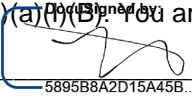
List the Governing Body for the Agency, Category of uncompensated officials (i.e. board, commission, etc.) or any combination of categories of such officials that you are opting to exclude from coverage for the upcoming policy year and Names of Officials (Attach additional pages if needed):

Name of Governing Body: Board of Directors

Category	Name of Official
All Directors	<u>Jerry Richmond</u>
	<u>J. Paul Knopinski</u>
	<u>Aaron Clutter</u>
	<u>Kurtis Williams</u>
	<u>Kevin Stadler</u>

C.R.S. section 8-40-202(1)(a)(I)(B) provides an option to exclude from workers' compensation insurance coverage uncompensated elected or appointed officials. You must promptly notify each official of your exercise of the option to exclude them. This form must be filed with the Division of Workers' Compensation not less than forty-five (45) days before the start of the policy period for which the option is to be exercised. Attach governing body's resolution.

By signing this form, you are certifying that the above-named uncompensated, elected or appointed public officials are designated to be excluded from worker's compensation coverage for the upcoming policy year, pursuant to C.R.S. section 8-40-202(1)(a)(I)(B). You are also certifying that these officials have been notified of this exclusion.

Signature: 
5895B8A2D15A45B...

Print Name: Kevin Stadler

Date: 12/20/2021 Title: Vice Chairman

Submit this form with the Governing Body's Resolution to: Division of Workers' Compensation, Coverage Enforcement Unit, 633 17th St., Suite 400, Denver, CO 80202-3626. If insured, please make a copy of this completed form and send it to your insurance carrier. If you have any questions, contact the Division of Workers' Compensation Customer Service Unit at 303.318.8700.

C.R.S. section 10-1-128(6)(a) states: " It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies."

Department of Labor and Employment
Division of Workers' Compensation

SOUTHSHORE METROPOLITAN DISTRICT NO. 2

A RESOLUTION DETERMINING NOT TO PROVIDE WORKERS' COMPENSATION INSURANCE COVERAGE FOR UNCOMPENSATED MEMBERS OF THE BOARD OF DIRECTORS

WHEREAS, the Southshore Metropolitan District No. 2 (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado duly organized and existing pursuant to Article 1 of Title 32, Colorado Revised Statutes; and

WHEREAS, the members of the Board of Directors (the “**Board**”) of the District are not compensated for their service on the Board, except for reimbursement of actual out-of-pocket expenses related to Board service; and

WHEREAS, pursuant to Section 8-40-202(1)(a)(I)(B), C.R.S., the Board may annually determine that it is in the best interest of the District not to provide workers' compensation insurance coverage to its uncompensated elected officials; and

WHEREAS, the Board has determined that its policy period for purposes of this election shall commence on March 1 and end on the last day of February of every year; and

WHEREAS, pursuant to Section 8-40-202(1)(a)(I)(B), C.R.S., the District must notify the Colorado Department of Labor & Employment, Division of Workers' Compensation (the “**Division**”), in writing of the decision not to provide workers' compensation coverage and such notification must be filed with the Division not less than 45 days before the start of the policy period; and

WHEREAS, the Division has requested that the Board annually adopt a formal Resolution and complete Division Form WC44 to acknowledge its decision not to provide workers' compensation insurance; and

WHEREAS, the Board hereby finds and determines that it is in the public interest and is an appropriate fiscal policy to exercise the option not to provide workers' compensation insurance coverage for its uncompensated elected officials.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Southshore Metropolitan District No. 2 as follows:

1. **No Workers' Compensation Insurance Coverage.** Because members of the Board are not compensated for their service, except for reimbursement of actual expenses incurred on behalf of the District, the Board finds and determines that its members shall not be regarded as “employees” of the District for purposes of the Workers' Compensation Act of Colorado (Section 8-40-101, C.R.S. et seq.), and that the

District shall not purchase workers' compensation insurance coverage for members of the Board for the policy year commencing on March 1, 2022.

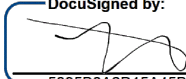
2. **Direction to File with the Division.** In addition to a copy of this Resolution, legal counsel to the District is directed and authorized to file Form WC44, "Exclusion of Uncompensated Public Officials," with the Division no later than 45 days prior to March 1.

3. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

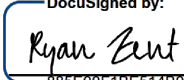
4. **Effective Date.** Notwithstanding the application of this Resolution to a certain specified plan year, this Resolution shall take effect and be enforced immediately upon its approval by the District Board.

ADOPTED this 14th day of December, 2021.

SOUTHSHORE METROPOLITAN
DISTRICT NO. 2

By  _____
5895B8A2D15A45B
Vice Chairman

Attest:

 _____
885E00F1BE514B0...
Assistant Secretary

633 17th St., Suite 400, Denver, CO 80202-3626
Telephone: 303.318.8640 Fax: 303.318.8739

EXCLUSION OF UNCOMPENSATED PUBLIC OFFICIALS

Name of Agency: Southshore Metropolitan District No. 2

Federal Employer Identification # (FEIN): 33-1046696 Business Phone #: (303) 986-1551

Mailing Address: c/o Collins Cockrel & Cole, 390 Union Boulevard, Suite 400
Street or P.O. Box / Suite #

Denver CO 80228
City State Zip

If Self-Insured Employer, enter the Permit Number: N/A

If not Self-Insured, enter the workers' compensation insurance carrier name and policy number:
N/A, which is the reason for submittal of this form
Insurance Carrier Name Policy Number

Upcoming Policy Period: From: 03/20 To: 03/21
Month / Year Month / Year

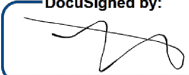
List the Governing Body for the Agency, Category of uncompensated officials (i.e. board, commission, etc.) or any combination of categories of such officials that you are opting to exclude from coverage for the upcoming policy year and Names of Officials (Attach additional pages if needed):

Name of Governing Body: Board of Directors

Category	Name of Official
<u>All Directors</u>	<u>Jerry Richmond</u>
<u> </u>	<u>Kevin Stadler</u>
<u> </u>	<u>Nate Fogg</u>
<u> </u>	<u>Nathan Kennedy</u>
<u> </u>	<u>Ryan Zent</u>

C.R.S. section 8-40-202(1)(a)(I)(B) provides an option to exclude from workers' compensation insurance coverage uncompensated elected or appointed officials. You must promptly notify each official of your exercise of the option to exclude them. This form must be filed with the Division of Workers' Compensation not less than forty-five (45) days before the start of the policy period for which the option is to be exercised. Attach governing body's resolution.

By signing this form, you are certifying that the above-named uncompensated, elected or appointed public officials are designated to be excluded from worker's compensation coverage for the upcoming policy year, pursuant to C.R.S. section 8-40-202(1)(a)(I)(B). You are also certifying that these officials have been notified of this exclusion.

DocuSigned by:
Signature: 
5895B8AZD15A45B...

Print Name: Kevin Stadler

Date: 12/20/2021 Title: Vice Chairman

Submit this form with the Governing Body's Resolution to: Division of Workers' Compensation, Coverage Enforcement Unit, 633 17th St., Suite 400, Denver, CO 80202-3626. If insured, please make a copy of this completed form and send it to your insurance carrier. If you have any questions, contact the Division of Workers' Compensation Customer Service Unit at 303.318.8700.

C.R.S. section 10-1-128(6)(a) states: " It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies."