

ELK CREEK FIRE PROTECTION DISTRICT

RESOLUTION 2023 - _8-8__

A RESOLUTION CALLING FOR AN ELECTION ON REFERRED MEASURES REGARDING THE CONSOLIDATION OF ELK CREEK FIRE PROTECTION DISTRICT, INTER-CANYON FIRE PROTECTION DISTRICT, AND NORTH FORK FIRE PROTECTION DISTRICT AND A RELATED INCREASE TO THE ELK CREEK FIRE PROTECTION DISTRICT'S MILL LEVY AND THE APPOINTMENT OF A DESIGNATED ELECTION OFFICIAL

WHEREAS, the Board of Directors (the "Board") of the Elk Creek Fire Protection District, (the "District"), has previously adopted Resolution 2023-5-1 ("Consolidation Resolution") as well as that certain Pre-Consolidation Intergovernmental Agreement effective as of April 12, 2023 ("IGA") proposing the consolidation of the District with Inter-Canyon Fire Protection District ("Inter-Canyon") and North Forth Fire Protection District ("North Fork") into a single fire protection district, to be known as the Conifer Fire Protection District ("Consolidated District"); and

WHEREAS, Inter-Canyon and North Fork have both confirmed their respective desires to proceed with the consolidation process through each filing a concurring resolution with the District pursuant to § 32-1-602(2)(c), C.R.S.; and

WHEREAS, the Consolidation Resolution and IGA both require the approval by the citizens of the District of a mill levy increase as a contingency to the consolidation question, to ensure that the Consolidated District can collect a mill levy up to 16 mills; and

WHEREAS, pursuant to the provisions of Article X, Section 20 of the Colorado Constitution, voter approval is required for the District to increase its mill levy and to exempt the District from the revenue limitations of Article X and § 29-1-301, C.R.S.; and

WHEREAS, the Board has determined that it is in the best interest of the District and its citizens to seek voter approval for the proposed consolidation and the related mill levy increase in order to meet the growing demands for service across the proposed Consolidated District and to provide additional funds to meet the obligations of the Consolidated District; and

WHEREAS, pursuant to § 1-1-111(2). C.R.S., the Board is authorized to designate election officials to exercise the statutory authority of the Board in conducting an election pursuant to the Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT, THAT:

Section 1. At the general election to be held on Tuesday, November 7, 2023, there shall be submitted to the electors of the District, in substantially the same form, the following ballot measure and ballot issue seeking approval of the proposed consolidation and voter permission for the ability to increase the District's mill levy:

ELK CREEK FIRE PROTECTION DISTRICT BALLOT MEASURE __:

SHALL THE ELK CREEK FIRE PROTECTION DISTRICT, THE INTER-CANYON FIRE PROTECTION DISTRICT, AND THE NORTH FORK FIRE PROTECTION DISTRICT BE CONSOLIDATED TO FORM THE CONIFER FIRE PROTECTION DISTRICT AS A SINGLE CONSOLIDATED FIRE PROTECTION

DISTRICT, AS FURTHER SET FORTH IN THE PRE-CONSOLIDATION INTERGOVERNMENTAL AGREEMENT BETWEEN THE DISTRICTS EFFECTIVE APRIL 12, 2023, AND CONTINGENT UPON THE VOTERS OF EACH DISTRICT APPROVING THE RELATED MILL LEVY INCREASE FOR EACH DISTRICT TO PERMIT THE CONIFER FIRE PROTECTION DISTRICT TO COLLECT A MILL LEVY UP TO 16 MILLS?

ELK CREEK FIRE PROTECTION DISTRICT BALLOT ISSUE __:

SHALL ELK CREEK FIRE PROTECTION DISTRICT TAXES BE INCREASED UP TO \$1,170,000 ANNUALLY, AND BY WHATEVER ADDITIONAL AMOUNTS ARE ANNUALLY RAISED THEREAFTER, BY AN ADDITIONAL PROPERTY TAX LEVY OF 3.5 MILLS, AND SHALL ELK CREEK FIRE PROTECTION DISTRICT BE PERMITTED TO CONTINUE COLLECTION OF THE 2.5 MILLS EXPIRING AS OF 2023, FOR A TOTAL APPROVED MILL LEVY OF UP TO 16 MILLS, COMMENCING IN TAX YEAR 2023 (FOR COLLECTION IN CALENDAR YEAR 2024), AND CONTINUING THEREAFTER BY THE CONIFER FIRE PROTECTION DISTRICT AS PROVIDED BY LAW, WITH SUCH TAX PROCEEDS TO BE USED FOR THE OPERATIONS AND CAPITAL EXPENSES OF THE CONIFER FIRE PROTECTION DISTRICT, IF THE CONSOLIDATION MEASURE IS ALSO APPROVED BY VOTERS, INCLUDING BUT NOT LIMITED TO:

- HIRING ADDITIONAL PAID CAREER FIREFIGHTERS, PARAMEDICS, AND EMERGENCY MEDICAL TECHNICIANS DUE TO INCREASING CALL VOLUME AND WILDLAND FIRE THREAT;
- REPLACING AGING FIRE ENGINES AND AMBULANCES;
- REMODELING AND REBUILDING OUTDATED STATIONS AND FACILITIES THROUGHOUT THE CONSOLIDATED DISTRICT; AND
- INCREASING VOLUNTEER RECRUITMENT, TRAINING, AND RETENTION;

AND SHALL SUCH TAX PROCEEDS BE COLLECTED AND SPENT BY THE CONIFER FIRE PROTECTION DISTRICT AS VOTER APPROVED REVENUE AND SPENDING CHANGES IN EACH YEAR, WITHOUT REGARD TO ANY SPENDING OR REVENUE LIMITATION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND SECTION 29-1-301, COLORADO REVISED STATUTES?

Section 2. The President and Secretary and other agents or employees of the District, including the Designated Election Official identified in Section 4 hereof, shall and are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution, including the execution of the Intergovernmental Agreement with the applicable County Clerk and Records' offices regarding the conduct of the election.

Section 3. A Coordinated Election will be conducted by the County Clerk and Recorder of each county within the District's boundaries and the applicable Clerk and Records, if more than one, are hereby authorized to conduct the Election on behalf of the District.

Section 4. The provisions of the *Uniform Election Code*, Sec. 1-1-101, *et seq.*, C.R.S., and all laws amendatory thereof or supplemental thereto, shall govern this election, and Sarah Shepherd of Circuit Rider is hereby appointed as the District's Designated Election Official for such election to assist the County Designated Election Official in conducting the election as a coordinated election.

Section 5. If a majority of the votes cast on the question to authorize the levy of ad valorem property taxes submitted at the Election shall be in favor of levying ad valorem property taxes as provided in such question,

the District acting through the Board shall be authorized to proceed with the necessary action to levy ad valorem property taxes in accordance with such question.

Any authority to levy ad valorem property taxes, if conferred by the results of the Election, shall be deemed and considered a continuing authority to levy the ad valorem taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 6. All acts, orders, resolutions, or parts thereof, of the District that are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict. All acts, orders, resolutions, or parts thereof, of the District that are consistent with the terms and intent of this Resolution are hereby ratified.

Section 7. The provisions of this Resolution shall take effect immediately and continue hereafter until modified or repealed by further formal action of the Board.

ADOPTED AND APPROVED this ____ day of _____, 2023.

ELK CREEK FIRE PROTECTION DISTRICT

By: _____
President and Chair

A motion to adopt the foregoing Resolution was duly moved by Director _____ and seconded by Director _____, put to a vote and carried upon the following vote:

Those voting AYE: Directors: _____

Those voting NAY: _____

Thereupon the presiding officer declared the motion carried and the Resolution duly passed and adopted.

(SEAL)

Secretary