

**A RESOLUTION CALLING FOR A NOVEMBER 6, 2018  
SPECIAL ELECTION, AUTHORIZING AN ELECTION  
ON THE QUESTION OF INCREASING THE PROPERTY TAX LEVY IN 2019  
AND AUTHORIZING ADJUSTMENT OF THE TOTAL MILL LEVY  
THEREAFTER TO OFFSET REVENUE LOSSES, AND  
APPOINTING A DESIGNATED ELECTION OFFICIAL**

**WHEREAS**, the Black Forest Fire/Rescue Protection District (“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, Colorado Revised Statutes; and

**WHEREAS**, the Board of Directors of the 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 general operating mill levy by \$550,000 in 2019 to carry out the objects and purposes of the District, and thereafter be authorized to adjust the general operating mill levy rate in successive years in an amount sufficient to raise the tax revenue which may in the future be lost as a result of refunds, abatements or the change in percentage of calculating residential property tax assessed valuation (under the provision of the Colorado Constitution known as the Gallagher Amendment); and

**WHEREAS**, it is necessary to submit to the eligible electors of the District the question of increasing its mill levy and having the authority to adjust the mill levy rate to collect the revenue authorized by the voters, and the Board hereby determines that such question should be presented to the District’s eligible electors at the election to be conducted on November 6, 2018 (“Election”), in accordance with the provisions of the Special District Act (“Act”), the Uniform Election Code of 1992 (“Code”), and Article X, Section 20 of the Colorado Constitution (“TABOR”), (the Act, Code and TABOR being referred to jointly as the “Election Laws”); and

**WHEREAS**, the Election is required to be conducted as a coordinated election, and the El Paso County Clerk and Recorder (“County Clerk”) is the Coordinated Election Official for the Election and shall be responsible for mailing the notice required pursuant to Article X, Section 20 of the Colorado Constitution (“TABOR Notice”); and

**WHEREAS**, the District is required to enter into an Intergovernmental Agreement with the County Clerk regarding the conduct of the Election and mailing of the TABOR Notice on or before August 28, 2018; and

**WHEREAS**, the District intends to cooperate with the County Clerk to provide all necessary ballot title and notices and various agreements with the County Clerk for the conduct of the Election and mailing of the TABOR Notice.

**NOW, THEREFORE**, be it resolved by the Board of Directors of the Black Forest Fire/Rescue Protection District in the County of El Paso, State of Colorado that:

1. A special election of the eligible electors of the District shall be held on Tuesday, November 6, 2018, at which Election there shall be submitted to the eligible electors of the District the question in substantially the form shown on Exhibit A attached hereto and incorporated herein by this reference, with a ballot title in substantially the form as required by such question and certified by the District Board.

2. The Board hereby designates Melissa Bottorff as the Designated Election Official for the conduct of the Election on behalf 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 Election Laws or other applicable laws. The Election shall be conducted in accordance with the Election Laws, and other applicable laws. Among other matters, the Designated Election Official shall arrange for the required notices of election, including the TABOR Notice, and direct that all other appropriate actions be accomplished.

3. The Board hereby approves and authorizes the Designated Election Official or Board officers to execute and enter into the Intergovernmental Agreement with El Paso County, Colorado, on behalf of the District, regarding the conduct of the Election and the mailing of the TABOR Notice. The Election and mailing of the District's TABOR Notice shall be in accordance with the provisions of such Intergovernmental Agreement.

4. The Election shall be conducted in coordination with the El Paso County Clerk and Recorder in accordance with all relevant provisions of the Code. The County Clerk is the Coordinated Election Official for the Election and shall be responsible for mailing the TABOR Notice.

5. 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.

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 or the officers 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**BLACK FOREST FIRE/RESCUE  
PROTECTION DISTRICT**

By: \_\_\_\_\_  
PJ Langmaid, Chair

ATTEST:

\_\_\_\_\_  
Secretary

**Ballot Language**

**A REFERRED MEASURE OF THE BLACK FOREST FIRE RESCUE  
PROTECTION DISTRICT**

SHALL BLACK FOREST FIRE-RESCUE PROTECTION DISTRICT TAXES BE INCREASED \$550,000.00 IN 2019, AND BY SUCH AMOUNT AS MAY BE COLLECTED ANNUALLY THEREAFTER BY THE IMPOSITION OF AN ADDITIONAL MILL LEVY OF UP TO 5.285 MILLS, FOR GENERAL OPERATING PURPOSES INCLUDING BUT NOT LIMITED TO:

1. MAINTAINING TIMELY EMERGENCY SERVICES AND 911 RESPONSE TIMES;
2. ATTRACTING AND RETAINING EXPERIENCED FIRST RESPONDERS, AND MITIGATING COSTLY TURNOVER RATES;
3. FULLY STAFFING FIRE STATION TWO WITH AN EMERGENCY RESPONSE DUTY CREW; AND
4. FUNDING A LONG-TERM APPARATUS REPLACEMENT SCHEDULE TO ALLOW FOR TIMELY REPLACEMENT OF FIRE APPARATUS;

AND SHALL THE DISTRICT'S TOTAL MILL LEVY OF UP TO 14.5 MILLS BE SUBJECT TO ADJUSTMENT ANNUALLY THEREAFTER TO OFFSET REVENUE LOSSES FROM REFUNDS, ABATEMENTS AND ANY CHANGE TO THE PERCENTAGE OF ACTUAL VALUATION USED TO DETERMINE ASSESSED VALUATION, SO THAT TAX REVENUES COLLECTED ARE NOT LESS THAN WHAT WOULD HAVE BEEN COLLECTED HAD SUCH CHANGE NOT OCCURRED?