

BRUSH RURAL FIRE PROTECTION DISTRICT

RESOLUTION NO. 2024-01

**A RESOLUTION CALLING FOR A NOVEMBER 5, 2024
SPECIAL ELECTION, AUTHORIZING AN ELECTION
ON THE QUESTION OF A MILL LEVY INCREASE AND APPOINTING A
DESIGNATED ELECTION OFFICIAL**

WHEREAS, the Brush Rural Fire 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 (“Act”); and

WHEREAS, the Board of Directors of the District (“Board”) has determined and hereby determines and declares that the interest of the District and the public interest and necessity require that, to carry out the objects and purposes of the District, the District increase its 2024 property tax levy for collection in 2025 and that the District collect, retain and spend all revenues generated from its general operating mill levy and any other source, subject to adjustment to offset refunds, abatelements and changes to the percentage of actual valuation used to determine assessed valuation, as an exemption to the provisions and restrictions set forth in Article X, Section 20 of the Colorado Constitution (“TABOR”) to carry out the objects and purposes of District; and

WHEREAS, as set forth in TABOR, it is necessary to submit to the eligible electors of the District the question of increasing its tax levy and receiving and spending all revenues received by the District from its general operating mill levy rate and any other source, subject to adjustment to offset refunds, abatelements and changes to the percentage of actual valuation used to determine assessed valuation 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 5, 2024 (“Election”), in accordance with the provisions of the Act, the Uniform Election Code of 1992 (“Code”), and 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 in Morgan and Washington Counties, and the Morgan and Washington County Clerk and Recorders (“County Clerks”) are 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 Clerks regarding the conduct of the Election and mailing of the TABOR Notice on or before August 27, 2024; and

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

NOW, THEREFORE, be it resolved by the Board of Directors of the Brush Rural Fire Protection District in the Counties of Morgan and Washington, State of Colorado that:

1. The Election of the eligible electors of the District shall be held on Tuesday November 5, 2024, at which Election there shall be submitted to the eligible electors of the District the question as stated in substantially the form shown on Exhibit A attached hereto and incorporated herein by this reference.

2. The Board hereby designates Lynn Golemboski as the Designated Election Official and Peggy Rupp as the Deputy Designated Election Official for the conduct of the Election on behalf of the District, who are 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 or Deputy 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, the Deputy Designated Election Official or Board officers to execute and enter into the Intergovernmental Agreement with Morgan and Washington Counties, 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 Morgan and Washington County Clerk and Recorders in accordance with all relevant provisions of the Code. The County Clerks are the Coordinated Election Officials 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, Deputy 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 14 day of August, 2024.

BRUSH RURAL FIRE PROTECTION
DISTRICT

By: Roger Holter
Roger Holter, Chair

ATTEST:

Lyn Ann Solemloshi
Secretary

EXHIBIT A TO ELECTION RESOLUTION

BRUSH RURAL FIRE PROTECTION DISTRICT BALLOT ISSUE

SHALL BRUSH RURAL FIRE PROTECTION DISTRICT TAXES BE INCREASED \$84,650 ANNUALLY, COMMENCING JANUARY 1, 2025, OR BY SUCH AMOUNT AS MAY BE RAISED, BY INCREASING THE DISTRICT'S PROPERTY TAX RATE BY AN ADDITIONAL 2.5 MILLS, FOR PURPOSES OF CREATING A DEDICATED CAPITAL EQUIPMENT FUND TO BE USED FOR CAPITAL PURPOSES INCLUDING BUT NOT LIMITED TO:

- FIRE PROTECTION VEHICLES;
- TOOLS; AND
- FIREFIGHTING EQUIPMENT;

WITH THE DISTRICT'S ENTIRE MILL LEVY RATE SUBJECT TO ADJUSTMENT TO OFFSET REFUNDS, ABATEMENTS AND CHANGES TO THE PERCENTAGE OF ACTUAL VALUATION USED TO DETERMINE ASSESSED VALUATION; AND SHALL ALL DISTRICT REVENUES BE COLLECTED, RETAINED AND SPENT NOTWITHSTANDING ANY LIMITS PROVIDED BY LAW?