

**RESOLUTION
BOARD OF DIRECTORS
DE BEQUE FIRE PROTECTION DISTRICT**

A RESOLUTION CALLING FOR A MAIL BALLOT ELECTION ON MAY 5, 2020

WHEREAS, the De Beque Fire Protection District ("*District*") is a political subdivision of the State of Colorado, organized pursuant to C.R.S. § 32-1-101, *et seq.* ("*Special District Act*"), to provide fire suppression, fire prevention and public education, rescue, hazardous materials, and emergency medical services to the citizens and property within its jurisdiction, and to individuals passing through its jurisdiction;

WHEREAS, pursuant to C.R.S. § 1-13.5-111, the District is required to hold a regular election on the Tuesday succeeding the first Monday in May in the year 2020 to fill Director positions that have become vacant through expiration of the term of office or otherwise. Accordingly, the District is required to hold an election on May 5, 2020 ("*Election*");

WHEREAS, during the Election, two eligible electors must be elected to fill the positions currently held by Directors Herrman and Vincenzetti, which elected officials will then serve for a term of three years each, and one eligible elector must be elected to fill the position currently held by director Hansen, which elected official will then serve for a term of two years;

WHEREAS, after extensively considering the matter, the District's Board of Directors ("*Board*") has determined that it is in the best interests of the District and the community it serves to also seek voter authorization in accordance with Article X, Section 20 of the Colorado Constitution, and Title 1 of the Colorado Revised Statutes ("*Election Code*"), to increase the District's mill levy as provided herein during the Election;

WHEREAS, pursuant to C.R.S. §§ 1-13.5-108 and 32-1-804(2), the District's Board of Directors ("*Board*") is required to name a Designated Election Official ("*DEO*") who is responsible for conducting the Election in accordance with the Colorado Local Government Election Code, the Special District Act, and all other applicable laws, rules, and regulations (collectively, "*Applicable Law*"); and

WHEREAS, it is necessary to set forth certain procedures concerning conducting the Election.

NOW, THEREFORE, be it resolved by the Board of Directors of the De Beque Fire Protection District that:

1. A regular mail ballot election of the eligible electors of the District shall be held on May 5, 2020, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with all Applicable Law. At that time, two Directors will be elected to serve a three-year term each, and one Director will be elected to serve a two-year term.

2. The Board hereby designates Mike Harvey to serve as the District's DEO for the Election. The Board may, in its discretion, retain a special districts elections consultant or firm to assist the District's DEO in conducting the Election. The DEO and, if applicable, elections consultant or firm, shall have full authority to take any and all actions necessary and appropriate to conduct the Election in accordance with the requirements of Applicable Law, including, but not limited to, publishing a Call for Nominations and appointing election judges.

3. Self-nomination and acceptance forms shall be available at the DEO's office located at 4580 Frontage Road, De Beque, Colorado. All candidates must file self-nomination and acceptance forms with the DEO no later than the close of business on Friday, February 28, 2020.

4. At the Election, there shall also be submitted to the District's eligible electors a ballot issue. The Board hereby determines that the content of the ballot issue to be submitted to the eligible electors shall be in substantially the following form:

Ballot Issue A – Mill Levy Increase

SHALL DE BEQUE FIRE PROTECTION DISTRICT TAXES BE INCREASED BY \$1,561,586 (FIRST FULL FISCAL YEAR DOLLAR INCREASE) ANNUALLY, OR BY SUCH OTHER AMOUNT IN ANY SUBSEQUENT YEAR AS IS NECESSARY TO GENERATE AD VALOREM PROPERTY TAX REVENUES FOR THE DISTRICT IN THE TOTAL AMOUNT OF \$2,500,000 ANNUALLY, BEGINNING IN LEVY YEAR 2020 (FOR COLLECTION IN CALENDAR YEAR 2021), PROVIDED THAT THE DISTRICT'S PROPERTY TAX RATE SHALL NOT BE CERTIFIED ABOVE 9.000 MILLS IN ANY YEAR WITHOUT THE VOTERS' PRIOR APPROVAL, AND SHALL ALL REVENUE AND ANY EARNINGS ON THE DISTRICT'S TOTAL AD VALOREM PROPERTY TAX UP TO 9.000 MILLS CONSTITUTE A PERMANENT VOTER-APPROVED REVENUE CHANGE WITHIN THE MEANING OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND AN EXCEPTION TO THE LIMITATIONS SET FORTH IN SECTION 29-1-301 OF THE COLORADO REVISED STATUTES, AND ANY OTHER LAW.

5. If, at the Election, a majority of the eligible electors voting in the Election approve the ballot issue, the District, acting through the Board, shall be authorized to proceed with all necessary and appropriate actions to levy the increased property tax in accordance with the ballot issue approved by the voters. Any authority to levy the increased property tax, if conferred by the results of the Election, shall constitute continuing authority to levy the tax so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

6. Pursuant to C.R.S. § 1-11-203.5, any election contest arising out of a ballot issue 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 days after the title of the ballot issue is set.

7. Nothing in this Resolution commits the District to submitting the ballot issue to the District's eligible electors, should the Board decide to withdraw the ballot issue prior to the


deadline established by Applicable Law. If the Board decides to withdraw the ballot issue prior to the deadline established by Applicable Law, and, on the date established by Applicable Law, there are not more candidates than offices to be filled at the Election, including candidates timely filing affidavits of intent to be a candidate, then the DEO or, if applicable, the elections consultant or firm, may cancel the Election in accordance with the requirements of Applicable Law. In such case, the DEO or, if applicable, elections consultant or firm, shall have full authority to take any and all actions necessary and appropriate to cancel the Election.

8. 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.

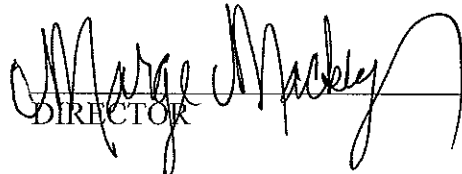
9. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

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


ADOPTED this 21st day of January, 2020 by the Board of Directors of the De Beque Fire Protection District.



DIRECTOR



DIRECTOR



DIRECTOR



DIRECTOR

DIRECTOR