

CERTIFIED RECORD

OF

PROCEEDINGS OF

THE BOARD OF DIRECTORS OF

THE OLATHE FIRE PROTECTION DISTRICT, COLORADO,

CONCERNING

THE REGULAR SPECIAL DISTRICT BOARD OF DIRECTORS ELECTION

AND

FOR THE PURPOSE OF ENSURING QUALITY LIFE SAFETY FOR THE CITIZENS

OF THE OLATHE FIRE PROTECTION DISTRICT, MAINTAINING A PERMANENT

FULL-TIME PRESENCE, AND ALLOWING FOR THE REPLACEMENT OF

EQUIPMENT WITH NEWER TECHNOLOGIES THAT FUTHER IMPROVE

EMERGENCY RESPONSE CAPABILITIES,

THE SUBMISSION TO THE REGISTERED ELECTORS OF THE DISTRICT

OF A PROPOSAL

TO IMPOSE AN ADDITIONAL MILL LEVY OF 5.484 MILLS, RESULTING IN A

TOTAL DISTRICT PROPERTY TAX RATE OF 13.0 MILLS,

AND

AUTHORIZING THE DISTRICT TO ADJUST THE TOTAL MILL LEVY UP OR

DOWN TO ACCOUNT FOR CHANGES IN THE LAW OR THE METHOD BY WHICH

ASSESSED VALUATION IS CALCULATED

WHEREAS, in accordance with the provisions of Article 1, Title 32 of the Colorado Revised Statutes, as amended (the “Act”) and the Colorado Local Government Election Code (the “Code”), and HB18-1039, the Election must be conducted to elect two (2) Directors to serve for a term of four (4) years, completing the transition into odd year elections per HB18-1039; and

WHEREAS, the District is authorized by the Act to levy taxes to supply funds for paying expenses of organization and the costs of constructing, operating, and maintaining the facilities and improvements of the District and to pay in full, promptly, when due, all interest on and principal of bonds and other obligations of the District; and

WHEREAS, in 1982, a provision commonly known as the Gallagher Amendment was adopted into the Colorado Constitution, setting a fixed ratio of residential and nonresidential revenue for the State of Colorado’s overall assessed property tax values, with the intent to control rising residential property taxes; and

WHEREAS, the Gallagher Amendment set the nonresidential assessment rate at twenty-nine percent (29%) and allowed the residential assessment rate to fluctuate up or down to maintain the fixed ratio; and

WHEREAS, in 1991, a provision known as the Taxpayer’s Bill of Rights (“TABOR”) was adopted into the Colorado Constitution, prohibiting the increase of tax assessment rates without voter approval; and

WHEREAS, TABOR had the effect of preventing the residential assessment rate from automatically increasing without voter approval, as was intended by the Gallagher Amendment; and

WHEREAS, in recent years, increased housing prices in portions of Colorado and stagnant commercial growth have caused the residential assessment rate to decrease; and

WHEREAS, since 2017 the residential assessment rate has decreased from 7.96% to 6.95% and 6.8%, and the agricultural non-residential assessment rate has decreased from 29% to 26.4%; and

WHEREAS, in addition to the loss of revenue (-\$148,038 to date) to the District caused by a decrease of the residential assessment rate, the District desires to increase its mill levy in order to continue to provide service at current levels; and

WHEREAS, the loss of annual revenues for the District may lead to a loss in District Personnel, impacting the District’s ability to provide emergency services; and

WHEREAS, continued budget shortfalls from the District greatly impact the ability of the District to meet emergency call times; and

WHEREAS, as a result of such revenue loss due to the decrease in the assessment rates, the District will not be able to continue to provide services at current levels or adapt to community growth and increasing call volume without a mill levy increase; and

WHEREAS, as a result of such revenue loss, the District will be subject to a further reduction in services which may result in a loss of staff, and a discontinuation of non-essential services such as public education; and

WHEREAS, to prevent such measures for the purpose of ensuring quality life safety for the citizens of the Olathe Fire Protection District, maintaining a permanent full-time presence, and allowing for the replacement of equipment with newer technologies that further improve emergency response capabilities, the District desires to increase its mill levy by 5.484 mills, in part to account for the loss in revenue as a result of the decrease in the residential assessment rate; and

WHEREAS, the District also desires to permit its mill levy to be adjusted up or down in the future to account for changes in the law or the assessment rates, so that the actual tax revenues generated by the total mill levy would not be diminished or enhanced by such changes, but only by ordinary changes in property values; and

WHEREAS, the Board of Directors of the District hereby finds and determines that the public health, safety, and welfare would be served and benefitted by the submission to those registered electors of the District the ballot measure set forth herein that would approve such increase in the District's mill levy and allow for future adjustments to the mill levy for the purposes stated herein.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Olathe Fire Protection District, as follows:

1. Incorporation. The Recitals set forth hereinabove are hereby incorporated herein by reference as substantive provisions of this Resolution.
2. Voter Approval. Subject to the approval of the majority of registered electors voting thereon, at the Regular Election of the Olathe Fire Protection District to be held on May 2, 2023, on the question of the imposition of an additional mill levy with the authorization to adjust such mill levy in the future, as set forth below, such question shall be deemed to be approved.

Election

3. Submission to Registered Electors. The Regular Election of the Olathe Fire Protection District for 2 Directors to serve four-year terms, and the ballot measure, whose ballot title is set forth below, shall be submitted to a vote of the registered electors of the District on May 2, 2023, which is the date of the next Regular Election of the Olathe Fire Protection District, pursuant to and in accordance with the Act, Code, TABOR, and other applicable laws. An additional mill levy shall not be imposed, nor authority granted to adjust such mill levy in the future, unless a majority of the registered electors of the District voting thereon at the election vote in favor thereof. The election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Code. The Designated Election Official shall develop a plan for conducting the mail ballot Election, which shall be made available to the public.

4. Ballot Title. The ballot title for the approval of the imposition of an additional mill levy with authority to adjust such mill levy in the future, to be considered on May 2, 2023, which is the date of the next Regular Election of the Olathe Fire Protection District, shall be in substantially the following form:

SHALL THE OLATHE FIRE PROTECTION DISTRICT TAXES BE INCREASED \$331,300 (FIRST FULL FISCAL YEAR DOLLAR INCREASE), BEGINNING IN LEVY YEAR 2023 (FOR COLLECTION IN CALENDAR YEAR 2024) AND ANNUALLY THEREAFTER, BY INCREASING THE DISTRICT'S EXISTING PROPERTY TAX BY 5.484 MILLS, FOR THE PURPOSE OF ENSURING QUALITY LIFE SAFETY FOR THE CITIZENS OF THE OLATHE FIRE PROTECTION DISTRICT, MAINTAINING A PERMANENT FULL-TIME PRESENCE, AND ALLOWING FOR THE REPLACEMENT OF EQUIPMENT WITH NEWER TECHNOLOGIES THAT FURTHER IMPROVE EMERGENCY REPSONSE CAPABILITIES,

WITH SUCH PROCEEDS TO BE USED FOR THE GENERAL OPERATIONS OF THE DISTRICT TO FURTHER SUCH PURPOSES, SPECIFICALLY INCLUDING, BUT NOT LIMITED TO:

-INCREASING FUNDING TO AVOID LOSS OF PERSONNEL, INCREASE TRAINING OPPORTUNITIES, CONTINUE THE PROVISION OF ADVANCED LIFE SUPPORT EMERGENCY SERVICES, AND MAINTAINING 911 RESPONSE TIMES;

-REPAIRING AND REPLACING AGING EMERGENCY RESPONSE APPARATUS AND EQUIPMENT;

-EXTENDING THE USEFUL LIFE OF THE FIRE STATION;

AND MAY THE MILL LEVY OF THE DISTRICT BE ADJUSTED, UP OR DOWN, TO ADDRESS ANY OFFSETTING BUDGET SHORTFALLS RESULTING FROM THE STATE REDUCTION IN THE ASSESSMENT RATES WITH A TEMPORARY MILL LEVY ADJUSTMENT, TO ACCOUNT FOR ANY SUCH CONSTITUTIONAL OR LEGISLATIVE CHANGES IN THE METHOD BY WHICH ASSESSED VALUATION IS CALCULATED OCCURRING AFTER 2023; AND SHALL THE DISTRICT BE AUTHORIZED TO COLLECT, RETAIN, AND SPEND ALL DISTRICT REVENUE WITHSTANDING ANY LIMITS SET FORTH IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, SECTION 29-1-301 C.R.S., AND ANY OTHER LAW, WITH ALL REVENUE SPENDING DISCLOSED IN AN ANNUAL INDEPENDENT AUDIT?

_____ Yes

_____ No

General Provisions

5. Said ballot measure concerning the approval of an additional mill levy and authority to adjust such mill levy in the future shall be voted upon only by District registered electors legally eligible to vote at the May 2, 2023, Regular Election of the Olathe Fire Protection District.
6. Effective Date. If approved by the registered electors voting thereon at the May 2, 2023, Regular Election, which is the date of the next Regular Election of the Olathe Fire Protection District, the ad valorem property tax mill levy shall become effective immediately upon the registered electors approval of the District ballot measure as determined by the Election Judge's Certification of Election Returns and the Canvass Board's Certification, with said ad valorem property tax mill levy to be imposed for the 2023 property tax year, which taxes shall be due and payable in 2024.
7. Upon the Board of Directors certifying this ballot measure in the form set forth above, all acts required or permitted by the Uniform Election Code of 1992, as amended, relevant to providing of notice, the mailing to electors of any required information and summaries for and against the ballot measure, voting by mail ballot elections, including absentee ballots, are to be performed by the Designated Election Official.
8. There shall be one election precinct for the convenience of the eligible electors of the District, the boundaries of which shall be identical to the boundaries of the District. There shall be no polling place.
9. All mail ballots shall be returned to the Designated Election Official's office.
10. The Board of Directors hereby designates Christine Gray as the Designated Election Official for the conduct of the Election on the 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 the Act, TABOR, Code, or other applicable laws. The Election shall be conducted in accordance with the Act, Code, TABOR, and other applicable laws. Among other matters, the Designated Election Official shall publish the call for nominations, appoint election judges as necessary, appoint Canvass Board, arrange for the required notices of the Election, including the TABOR notice, and printing of ballots, and shall direct that all other appropriate actions be accomplished.
11. Self-Nomination and Acceptance forms are available at the Designated Election Official's office located at: 406 S. 5th St., Olathe CO 81425. All candidates must file a Self-Nomination and Acceptance form with the Designated Election Official no earlier than January 1, 2023, nor later than the close of business (3:00 P.M.) on Friday, February 24, 2023.
12. If the ballot question/ballot issue is withdrawn, and the only matter before the electors is the election of Directors of the District and if, at the close of business on February 28, 2023, there are not more candidates than offices to be filled at the election, including candidates timely filing Affidavits of Intent no later than February 27, 2023, 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. The notice and this Resolution, signed by the Board Chair, shall be filed with the Division of Local Government.

13. 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.

14. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgement 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.

15. Any and all actions previously taken by the Designated Election Official, by the Secretary, by the Board of Directors, or any other persons acting on behalf of the District pursuant to the Act, the Code, or other applicable laws, are hereby ratified and confirmed.


16. All acts, orders, and resolutions of the Board, or parts thereof, which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

ADOPTED AND APPROVED this 31st day of January 2023.

BOARD OF DIRECTORS
OLATHE FIRE PROTECTION DISTRICT

By:  _____
Lance Jones, Board Chair

ATTEST:

 _____
Georgette Black, Secretary/Treasurer

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

Those voting AYE: Georgette Black
Johnathan Goodman
Tina Gray

Those voting NAY: none

Those absent: Kelly Gray

Thereupon, Director Jones declared the motion had carried and the Resolution duly passed and adopted. After consideration of other business to come before the Board, the meeting was adjourned.

ATTEST:

Lance Jones
Lance Jones, Board Chair

Georgette Black
Georgette Black, Secretary/Treasurer

STATE OF COLORADO)
) SS.
COUNTY OF MONTROSE)

I, Georgetti Black the duly appointed, qualified and acting Secretary to the Board of Directors (the "Board") of the Olathe Fire Protection District, Colorado (the "District"), do hereby certify that the foregoing constitutes a true and correct copy of a resolution of the Board, adopted at a special meeting of the Board, held at 406 S. 5th Street, Olathe, Colorado, on Tuesday, the 31st day of January, 2023, commencing at the hour of _____ p.m., as recorded in the official Record of Proceedings of the District kept in my office; that said proceedings were duly had and taken; that the meeting was duly held; and that the Resolution has not been amended or rescinded since its adoption and is in force and effect as of the date hereof.

WITNESS my hand, this 31st day of January 2023.


Acting Secretary to the Board