

Carbondale & Rural Fire Protection District
Emergency Meeting of the Board of Directors
July 29, 2020
2:00 p.m.

Agenda

- A. Call to order & roll call
- B. Election Resolution 2020-007, A Resolution of the Board of Directors of the Carbondale & Rural Fire Protection District Calling for a Coordinated Election on November 3, 2020
- C. Adjourn

**RESOLUTION CALLING FOR A COORDINATED
ELECTION ON NOVEMBER 3, 2020
RESOLUTION NO. 2020-007**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CARBONDALE
& RURAL FIRE PROTECTION DISTRICT CALLING FOR A
COORDINATED ELECTION ON NOVEMBER 3, 2020.

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

WHEREAS, after extensively considering this 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 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 stabilize its tax revenue during the general election that will be conducted on November 3, 2020 ("**Election**");

WHEREAS, by this Resolution, the Board seeks to set forth certain procedures concerning the conduct of an Election on this ballot issue.

NOW, THEREFORE, be it resolved by the Board of Directors of the Carbondale & Rural Fire Protection District that:

1. A mail ballot election of the District's eligible electors shall be held on November 3, 2020, between the hours of 7:00 a.m. and 7:00 p.m.
2. Pursuant to C.R.S. §§ 1-1-104(6.5) and 1-7-116, the Board has determined that the Election should be conducted as a coordinated election with the County Clerks and Records of Garfield, Gunnison, and Pitkin Counties ("**County Clerks**"). Pursuant to 8 C.C.R. 1505-1:4.2, Garfield County is the controlling county for the purpose of assigning and coordinating the ballot letter/number for the shared issues in the coordinated elections.
3. Pursuant to C.R.S. § 32-1-804(2), the Board is required to appoint a Designated Election Official ("**DEO**") for District matters related to the conduct of the Election in accordance with the Election Code, the Act, and all other applicable laws, rules, and regulations (collectively, "**Applicable Law**"). Accordingly, the Board hereby designates Jennifer Cutright to serve as the District's DEO for the Election. The DEO 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.

4. Pursuant to C.R.S. § 1-7-116(2) the District is required to enter into an Intergovernmental Agreement (“**IGA**”) with the County Clerks concerning the conduct of an Election no later than 70 days prior to the Election.

5. The Board hereby authorizes the District's DEO to enter into the IGA with the County Clerks as approved by the Board, and to submit the same to the County Clerks prior to the statutory deadline of August 25, 2020.

6. The District’s DEO is authorized and directed to take all necessary or appropriate action to effectuate the provisions of this Resolution, including but not limited to any actions outlined in the IGA with the County Clerks.

7. The District understands that the IGA will outline the specific duties of each entity and specific deadlines to be met by the District, some of which may differ from deadlines contemplated by Applicable Law so that the County Clerks can meet its obligations.

8. At the Election, there shall be submitted to the District's eligible electors a ballot issue. Pursuant to C.R.S. § 1-5-203(3), the DEO shall certify the content of the ballot issue and send the same to the County Clerks by September 4, 2020, unless a different date is specified in the IGA with the County Clerks.

9. 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:

SHALL CARBONDALE AND RURAL FIRE PROTECTION DISTRICT BE AUTHORIZED TO INCREASE OR DECREASE ITS CURRENT AND ALL FUTURE MILL LEVIES IF, ON OR AFTER NOVEMBER 3, 2020, THERE ARE CHANGES IN THE METHOD OF CALCULATING ASSESSED VALUATION OF ONE OR MORE PROPERTY CLASS, INCLUDING BUT NOT LIMITED TO A CHANGE IN THE PERCENTAGE OF ACTUAL VALUATION USED TO DETERMINE RESIDENTIAL ASSESSED VALUATION DUE TO ARTICLE X SECTION 3 OF THE COLORADO CONSTITUTION (COMMONLY KNOWN AS THE GALLAGHER AMENDMENT) OR FOR ANY OTHER REASON SUCH AS ACTION BY THE LEGISLATURE, SO THAT, TO THE EXTENT POSSIBLE, THE ACTUAL TAX REVENUES GENERATED BY SUCH MILL LEVIES ARE THE SAME AS THE ACTUAL TAX REVENUES THAT WOULD HAVE BEEN GENERATED HAD SUCH CHANGES NOT OCCURRED?

10. 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 and/or adjust the levy as necessary to stabilize the District revenue due to any changes in the residential assessment rate in accordance with the ballot issue approved by the voters. Any authority to levy the increased property tax and/or adjust the levy as necessary to stabilize revenue due to changes in the residential assessment rate, 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 to adjust the levy as necessary to stabilize revenue due to any changes in the method of calculating

assessed valuation, 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.

11. Nothing in this Resolution commits the District to participate in the Election should the Board decide not to participate prior to the September 4, 2020 deadline to submit the certified ballot to the County Clerks or should the Board withdraw the ballot issue prior to October 9, 2020 pursuant to C.R.S. § 1-5-208.

12. 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.

13. 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, and those costs incurred pursuant to the terms and conditions of the IGA, if any.

14. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, its invalidity shall not affect any other provision.

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

ADOPTED this 29th day of July, 2020, by the Board of Directors of the Carbondale & Rural Fire Protection District.

President

ATTEST:

Secretary/Treasurer

Category	Residential	Overall Total	Total Non-residential *
Actual Values	\$3,181,686,910.00	\$3,806,870,920.00	\$625,184,010.00
Assessed Values	\$227,496,100.00	\$396,257,370.00	\$168,761,270.00

District Mill levy **10.472**

RAR %		Residential Assessed Values	Total Taxable Values (Non-Resident AV from above + Residential)	Total Tax Revenue (x District mills)	Difference
2019 Assessed Values (7.15%)	0.0715	\$227,490,614.07	\$396,251,884.07	\$4,149,549.73	
5.8% RAR	0.058	\$184,537,840.78	\$353,299,110.78	\$3,699,748.29	\$449,801.44
5% RAR	0.05	\$159,084,345.50	\$327,845,615.50	\$3,433,199.29	\$716,350.44
4% RAR	0.04	\$127,267,476.40	\$296,028,746.40	\$3,100,013.03	\$1,049,536.70
3% RAR	0.03	\$95,450,607.30	\$264,211,877.30	\$2,766,826.78	\$1,382,722.95
7.8% (2017 RAR)**	0.078	\$248,171,578.98	\$416,932,848.98	\$3,860,381.25	-\$289,168.48

Carbondale & Rural FPD - Garfield County Tax Revenue
Tax revenue generation and loss based on various Residential Assessment Rates

Category	Residential	Overall Total	Total Non-residential *
Actual Values	\$281,793,000.00	\$323,880,620.00	\$42,087,620.00
Assessed Values	\$20,149,160.00	\$32,170,390.00	\$12,021,230.00

District Mill levy **10.472**

RAR %		Residential Assessed Values	Total Taxable Values (Non-Resident AV from above + Residential)	Total Tax Revenue (x District mills)	Difference
2019 Assessed Values (7.15%)	0.0715	\$20,148,199.50	\$32,169,429.50	\$336,878.27	
5.8% RAR	0.058	\$16,343,994.00	\$28,365,224.00	\$297,040.63	\$39,837.64
5% RAR	0.05	\$14,089,650.00	\$26,110,880.00	\$273,433.14	\$63,445.13
4% RAR	0.04	\$11,271,720.00	\$23,292,950.00	\$243,923.77	\$92,954.49
3% RAR	0.03	\$8,453,790.00	\$20,475,020.00	\$214,414.41	\$122,463.86
7.8% (2017 RAR)**	0.078	\$21,979,854.00	\$34,001,084.00	\$314,816.04	-\$22,062.23

Carbondale and Rural FPD - Pitkin County
Tax revenue generation and loss based on various Residential Assessment Rates

Category	Residential	Overall Total	Total Non-residential *
Actual Values	\$114,282,790.00	\$145,576,550.00	\$31,293,760.00
Assessed Values	\$8,171,040.00	\$17,246,490.00	\$9,075,450.00

District Mill levy **10.472**

RAR %		Residential Assessed Values	Total Taxable Values (Non-Resident AV from above + Residential)	Total Tax Revenue (x District mills)	Difference
2019 Assessed Values (7.15%)	0.0715	\$8,171,219.49	\$17,246,669.49	\$180,607.12	
5.8% RAR	0.058	\$6,628,401.82	\$15,703,851.82	\$164,450.74	\$16,156.39
5% RAR	0.05	\$5,714,139.50	\$14,789,589.50	\$154,876.58	\$25,730.54
4% RAR	0.04	\$4,571,311.60	\$13,646,761.60	\$142,908.89	\$37,698.24
3% RAR	0.03	\$3,428,483.70	\$12,503,933.70	\$130,941.19	\$49,665.93
7.8% (2017 RAR)**	0.078	\$8,914,057.62	\$17,989,507.62	\$166,564.85	-\$14,042.27

**Carbondale and Rural FPD - Gunnison county
Tax revenue generation and loss based on various Residential Assessment Rates**

Garfield & Rural FPD - Projected Loss Study

Loss Calculated per County

	<u>Garfield</u>	<u>Pitkin</u>	<u>Gunnison</u>	<u>Total Dept. Loss</u>	
RAR %					
2019					
Assessed Values					
(7.15%)	0.0715				
5.8% RAR	0.058	\$ 449,801.44	\$ 39,837.64	\$ 16,156.39	\$ 505,795.47
5% RAR	0.05	\$ 716,350.44	\$ 63,445.13	\$ 25,730.54	\$ 805,526.12
4% RAR	0.04	\$ 1,049,536.70	\$ 92,954.49	\$ 37,698.24	\$ 1,180,189.43
3% RAR	0.03	\$ 1,382,722.95	\$ 122,463.86	\$ 49,665.93	\$ 1,554,852.74