

ESTES VALLEY FIRE PROTECTION DISTRICT

RESOLUTION NO. 2023-01

**A RESOLUTION CALLING FOR THE 2023 REGULAR DISTRICT ELECTION,
AUTHORIZING AN ELECTION ON THE QUESTIONS OF INCREASING THE
DISTRICT'S TAX LEVY AND INCURRING DEBT AND APPOINTING A
DESIGNATED ELECTION OFFICIAL**

WHEREAS, the Estes Valley Fire Protection District (the "**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, Article 1, C.R.S.; and

WHEREAS, the terms of office of Directors Jon Hodde and Larry Leaming shall expire after their successors are elected at the regular special district election to be held on May 2, 2023 (the "**Election**") and have taken office; and

WHEREAS, in accordance with the provisions of the Special District Act (the "**Act**") and the Colorado Local Government Election Code (the "**Code**"), the Election must be conducted to elect two (2) Directors to serve for a term of four (4) years; and

WHEREAS, the Board of Directors of the District (the "**Board**") 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 property tax levy in accordance with the provisions and restrictions set forth in Article X, Section 20 of the Colorado Constitution ("**TABOR**") to carry out the objects and purposes of the District; and

WHEREAS, it is necessary to submit to the eligible electors of the District the questions of increasing its property tax levy, and the Board hereby determines that such question should be presented to the District's eligible electors at the election to be conducted on May 2, 2023 (the "**Election**"), in accordance with the provisions of the Special District Act (the "**Act**"), the Colorado Local Government Election Code (the "**Code**"), and TABOR (the Act, Code and TABOR being referred to jointly as the "**Election Laws**"); and

NOW, THEREFORE, be it resolved by the Board of Directors of the Estes Valley Fire Protection District in the County of Larimer, State of Colorado that:

1. The regular election of the eligible electors of the District shall be held on May 2, 2023, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Election Laws, and other applicable laws. At that time, two (2) Directors may be elected to serve a four-year term. There shall also be submitted to the eligible electors of the District the questions as stated in the form of ballot titles for tax and debt increases to be approved by separate Resolution.

2. The Election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Election Laws. The Designated Election Official shall prepare the Plan for conducting the mail ballot Election. There shall be no election precinct or polling place. All mail ballots shall be returned to the Designated Election Official at the location designated in the Mail Ballot Plan.

3. The Board of Directors (the “**Board**”) hereby designates Erika Goetz as the Designated Election Official and Sarah H. Luetjen as the Deputy Designated Election Official for the conduct of the Election on behalf of the District and they are hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Election Laws or other applicable laws. Among other matters, the Designated Election Official shall publish the call for nominations, appoint election judges as necessary, appoint the Canvass Board, arrange for the required notices of election, printing of ballots, and direct that all other appropriate actions be accomplished.

4. If other special districts with overlapping boundaries of the District are conducting ballot issue elections on the Election day, the District is required to enter into an intergovernmental agreement with such special districts concerning the preparation and mailing of the TABOR Notice to the registered electors within the overlapping area. Designated Election Official is authorized to enter into such agreement on behalf of the District.

5. Self-Nomination and Acceptance forms are available at the Designated Election Official’s office located at 901 N. Saint Vrain Avenue, Estes Park, CO 80517 or via email: Egoetz@estesvalleyfire.org. 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 on Friday, February 24, 2023.

6. If the ballot question(s) is/are subsequently withdrawn, resulting in the only matter being 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.

7. 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.

8. 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.

9. Any and all actions previously taken by the Designated Election Official, the Secretary of the Board, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws, are hereby ratified and confirmed.

10. 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.

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

ADOPTED this 11th day of January, 2023.

ESTES VALLEY FIRE PROTECTION
DISTRICT

By 
Chairman

ATTEST:


Secretary