

CIMARRON HILLS FIRE PROTECTION DISTRICT

RESOLUTION NO. 2024-006

A RESOLUTION CALLING FOR A NOVEMBER 5, 2024 SPECIAL ELECTION AND APPOINTING A DESIGNATED ELECTION OFFICIAL

WHEREAS, the Cimarron Hills 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, in addition to general property taxes, the District is authorized pursuant to Section 32-1-1107, C.R.S., commencing July 1, 2025, to levy and collect a uniform sales tax, at a rate determined by the Board of Directors of the District (the “**Board**”), upon every transaction or other incident with respect to which a sales tax is levied by the State pursuant to the provisions of Article 26 of Title 39, C.R.S., subject to approval of the registered electors of the District, for the purposes of EMS response/transport, fire protection and safety; and

WHEREAS, EMS and Fire response needs are growing due to increasing resident and visitor population in and/or passing through the District; and

WHEREAS, the Cimarron Hills Fire Protection District includes portions of four primary traffic arteries (Hwy 24, Hwy 94, Powers Blvd, and Constitution Ave), and

WHEREAS, District revenue is primarily funded through property taxes, solely paid by property owners within the District, and

WHEREAS, the Board recognizes EMS and Fire response often includes assistance to visitors that do not reside within the District and whom do not contribute to district revenue; and

WHEREAS, it is the desire of the Board to implement a fair and equitable revenue mechanism that removes the sole burden from District property owners and distributes it amongst all residents, visitors and patrons who make purchases within the District; and

WHEREAS, to replace aging equipment and apparatus, and to meet the increasing response needs through additional personnel, it is in the best interest of the District to submit to the registered electors of the District the question of imposing a sales tax, which shall apply to all authorized sales and purchases made by residents, visitors, and other patrons within the jurisdictional boundaries of the District, and the Board hereby determines that such question should be presented to the District’s registered electors at the election to be conducted on November 5, 2024 (the “**Election**”), in accordance with the provisions of the Special District Act (the “**Act**”), the Uniform Election Code of 1992 (the “**Code**”), and Article X, Section 20 of the Colorado

Constitution (“**TABOR**”) (the Act, Code and TABOR being referred to jointly as the “Election Laws”); and

WHEREAS, the Election shall be conducted as a coordinated election, and the El Paso County Clerk and Recorder (the “**County Clerk**”) is the Coordinated Election Official for the Election and shall be responsible for mailing the notice required pursuant to TABOR (the “**TABOR Notice**”); and

WHEREAS, the County Clerk has been notified in advance of the District’s likely participation in the Coordinated Election, and in order to proceed with such Coordinated Election the District must also enter into an Intergovernmental Agreement with the County Clerk regarding the conduct of the Election and mailing of the TABOR Notice on or before August 27, 2024; and

WHEREAS, the District intends to further adopt the ballot title by separate resolution of the Board in accordance with this Resolution; and

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

NOW, THEREFORE, be it resolved by the Board of Directors of the Cimarron Hills Fire Protection District in the County of El Paso, State of Colorado that:

1. A special election of the registered electors of the District shall be held on Tuesday, November 5, 2024.

2. The Board hereby designates Virpi Mattson 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, 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 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 or Board officers to execute and enter into the Intergovernmental Agreement with El Paso County, 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 El Paso County Clerk and Recorder in accordance with all relevant provisions of the Code. The County

Clerk is the Coordinated Election Official for the Election and shall be responsible for mailing the TABOR Notice.

5. 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.

6. Any and all actions previously taken by the 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.

7. 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.

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

ADOPTED this 21st day of August, 2024.

CIMARRON HILLS FIRE PROTECTION
DISTRICT

By: /s/ Paul Miller
Chair

ATTEST:

By: /s/ Mark Gass
Secretary