

NOTICE OF PUBLIC HEARING

A public hearing before the Board of Directors of the West Metro Fire Protection District will be held at 8:00 a.m. on Tuesday, July 26, 2016 at the Board Room in the Administration building located at 433 So. Allison Parkway, Lakewood, Colorado for the purposes of consideration by the Board of the final adoption of the following stated proposed resolution.

RESOLUTION 2016-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST METRO FIRE PROTECTION DISTRICT DIVIDING THE DISTRICT INTO TWO AREAS FOR ALLOCATION OF THE LEVY OF *AD VALORUM* TAXES UPON THE DISSOLUTION OF THE WHEAT RIDGE FIRE PROTECTION DISTRICT AND INCLUSION OF ITS PROPERTIES

WHEREAS, the West Metro Fire Protection District (West Metro), is a Colorado Title 32 Special District of the State of Colorado, duly organized and existing under the Constitution and the laws of the State of Colorado; and

WHEREAS, West Metro provides fire prevention and suppression activities, emergency medical and rescue services, fire code enforcement, hazardous material responses, and other activities authorized under Title 32 in its District; and

WHEREAS, the members of the Board of Directors of West Metro (Board) have been duly elected, chosen and qualified;

WHEREAS, West Metro and the Wheat Ridge Fire Protection District (Wheat Ridge) entered into an Intergovernmental Agreement (IGA) dated March 24, 2016, regarding the dissolution of Wheat Ridge and inclusion of its area into West Metro through a dissolution and inclusion election process; and

WHEREAS, pursuant to the IGA and subsequent court orders related to the election process, two ballot questions regarding the dissolution of Wheat Ridge and inclusion of the Wheat Ridge area into West Metro will be submitted to the eligible voters of Wheat Ridge in a polling place election on October 4, 2016; and

WHEREAS, the Board, after receiving a request from the Jefferson County Assessor's Office, has determined that upon approval by Wheat Ridge eligible voters of both the dissolution of Wheat Ridge and inclusion of its area into West Metro, dividing West Metro into two areas is necessary for ease of allocation of the levy of *ad valorem* property taxes for West Metro's current bonded indebtedness for which Wheat Ridge taxpayers will not be responsible as set forth in Paragraph 9 of the IGA; and

WHEREAS, § 32-1-1101(1)(f), C.R.S., authorizes the Board to divide West Metro into one or more areas or sub districts consistent with the services, programs, and facilities to be furnished therein and for taxation thereof; and

WHEREAS, upon the dissolution of Wheat Ridge and inclusion of its area by entry of the required court orders and decrees, the Board desires to divide West Metro into two areas by creating the area of West Metro Fire Protection District - General, which shall be all of the areas of the current West Metro and the included Wheat Ridge properties, and, the sub district area of West Metro Fire Protection District – Sub District Bond, which shall be the area of the current West Metro boundaries existing immediately prior to the entry of the order of inclusion of Wheat Ridge area in

order to facilitate the tax assessment process as requested by the Jefferson County Assessor's Office; and

WHEREAS, notice of a public meeting of the Board to consider the division of West Metro consistent with the services, programs, and facilities furnished therein and for taxation purposes has been given and published pursuant to § 32-1-1101(1.5)(a) and § 32-1-103(15) C.R.S.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF WEST METRO:

Section 1. Establishment of Sub District.

a. Contingent upon the entry of the orders and decrees of dissolution of Wheat Ridge and inclusion of its area into West Metro, the area included into West Metro pursuant to such order and decree together with all of the area within West Metro's boundaries immediately prior to the entry of such inclusion order and decree shall be established and hereafter be referred to as "West Metro Fire Protection District – General." Such West Metro Fire Protection District - General properties will be subject to West Metro's general operating mill levy *ad valorem* property taxes (which is currently the West Metro mill levy of 12.382), and any future additional mill levy or levies that may be approved by the electors of such area in the future for any purpose or purposes permitted by law.

b. Contingent upon the entry of the orders and decrees of dissolution of Wheat Ridge and inclusion of its area into West Metro, the area located entirely within West Metro's boundaries immediately prior to the entry of such inclusion order shall be established hereafter be referred to as the "West Metro Fire Protection District – Sub District Bond." The area encompassed by West Metro Fire Protection District – Sub District Bond shall be a sub district area of West Metro and shall be subject to West Metro's mill levy for its current bonded indebtedness at the mill levy rate authorized by the Board pursuant to the 2006 Bond Resolution and any subsequent re-financing of such indebtedness.

c. All properties included in the two areas will receive the same fire prevention and suppression activities, emergency medical and rescue services, fire code enforcement, hazardous material responses, and all other activities authorized under Title 32 as may be determined by the Board from time to time.

d. The division of West Metro into the two areas will allow the Jefferson County Assessor to correctly and more easily assess the bond issue debt reduction tax amounts only upon those properties within the current West Metro boundaries that were subject to such taxation following the 2006 bond authorization election; however, such allocation will continue to confer the District's general benefits on all of the properties included in both of the two areas;

e. The division of West Metro as set forth in Sections 1(a) and 1(b) above is consistent with the IGA;

f. The division of West Metro into the two areas will serve a public use and will promote the health, prosperity, security, and general welfare of the inhabitants of West Metro and Wheat Ridge; and,

g. The two areas are hereby established.

These findings and determinations of the Board are final and conclusive on all parties in interest, whether appearing or not.

Section 2. Division of the Two Areas. The Board, by this Resolution 2016-06, hereby finds that it has full jurisdiction under § 32-1-1101(1)(f) C.R.S., to adopt this Resolution. Accordingly, specifically contingent upon the entry of orders and decrees of dissolution of Wheat Ridge and inclusion of Wheat Ridge area into West Metro pursuant to the IGA, the Board hereby divides the West Metro District as set forth in Section 1(a) and (b) above.

Section 3. West Metro Fire Protection District – General and West Metro Fire Protection District - Sub District Bond Boundaries. A map and description of the boundaries of the current West Metro and Wheat Ridge districts is attached hereto as **Exhibit A** and shall be known as West Metro Fire Protection District – General upon entry of the orders and decrees of dissolution and inclusion. A map and description of the boundaries of the current West Metro Fire Protection District is attached as **Exhibit B**, and upon the entry of the orders and decrees of dissolution and inclusion, shall be known as the West Metro Fire Protection District – Sub District Bond.

Section 4. Operation Levies. Upon entry of the orders and decrees of dissolution and inclusion, the Jefferson County Assessor will assess property taxes on the West Metro Fire Protection District - General area properties at the mill levy of 12.382 beginning January 1, 2007 for tax year 2007, and thereafter as provided by law. The Jefferson County Assessor will continue the assessment of the bonded indebtedness reduction mill levy on properties within the West Metro Fire Protection District - Sub District Bond at the mill levy rate authorized by the applicable bond resolutions and election authorizations.

Section 5. Notification to the County Boards of County Commissioners. The West Metro Board shall provide notification of the division of West Metro into two areas to the Boards of County Commissioners of Jefferson and Douglas Counties.

Section 6. Severability. If any section, subsection, 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, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this Resolution, the intent being that the same are severable.

Section 7. Repealer. All orders, resolutions, bylaws, or regulations of the District, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency.

Section 8. Termination. This Resolution shall remain in full force and effect until such time as the West Metro bonded indebtedness obligations as authorized and issued by the 2006 Bond Resolution and authorizing election, as has been refinanced, and may be refinanced from time to time in the future, is paid in full or such obligations have been fully defeased. At such time, the two areas shall be dissolved and terminated.

Dated: July 20, 2016

WEST METRO FIRE PROTECTION DISTRICT
/s/ Wendy Volmer, Board Secretary