64074

Haxtun Fire Protection District
Tim Fetzer
14327 HWY 59
Haxtun, CO 80731

July 17, 2012

Cynthia Thayer
Division of Local Government
1313 Sherman Street, Room 521
Denver, CO 80203

RE: Resolution Requesting waiver of 5.5% limit
For Haxtun Fire Protection District

Dear Ms. Thayer:

The Haxtun Fire Protection District Board has met and adopted a resolution requesting that we be granted a waiver from the 5.5% limit.

Thank you for your consideration.

Sincerely, on behalf of the
Haxtun Fire Protection District Board

Tim Fetzer
Treasurer

Enclosure: Resolution
Certified Election Results

Haxtun Fire Protection District

RESOLUTION No. 2012-001

WHEREAS, an election was held on November 02, 2010 at which there was referred for voter determination a ballot issue identified as Ballot Issue 4C requesting the eligible electors of Haxtun Fire Protection District to approve or disapprove the District's request to be exempt from the limitations of the TABOR Amendment to the Colorado Constitution and to allow the District to collect, retain and expend the full proceeds of the District's and all other revenues and other funds annually thereafter notwithstanding the limitations of Article 10 Section 20 of the Colorado Constitution; and,

WHEREAS, the results of said election were certified by the Phillips, Sedgwick, Logan and Yuma County Clerks confirming voter's approval of said ballot issue by 471 votes cast in favor and 77 votes cast against; and

WHEREAS, at the time of the approval of said ballot issue the voters of the Haxtun Fire Protection District had approved a mill levy of 1.404 mills to fund the Haxtun Fire Protection District General Fund / Pension; and,

WHEREAS, the Haxtun Fire Protection District has levied 1.404 mills to fund the Haxtun Fire Protection District's General Fund / Pension; and,

WHEREAS, a levy of 1.404 mills may result in collection of revenues in excess of the 5.5% statutory property tax revenue limitation established in Title 32, Article 1, Section 301 of the Colorado Revised Statutes; and

WHEREAS, the Board of Members of the Haxtun Fire Protection District, State of Colorado requests a review and approval from the Division of Local Government that the Board as authorized by the voters of the Haxtun Fire Protection District at the election held on November 02, 2012, can levy and collect property tax revenues in excess of the statutory property tax limitation.

BE IT, THEREFORE, RESOLVED that the Division of Local Government is hereby requested to review Haxtun Fire Protection District Ballot Issue 4C and, upon review, to confirm the Board's interpretation that it may levy and collect revenues in excess of the statutory property tax limitations for the year 2012 and annually thereafter.

Board Members of the Haxtun Fire Protection District, Colorado.

Date: 7-16-12

By _____ Chair

(Signature)

Name Thomas D Wilson

(Print Name)

Attest:

_____ Treasurer to the Board

(Signature)

Tim E Fetzer

(Print Name)

Phillips County Clerk

221 S. Interocean Ave.
Holyoke, CO 80734
(970)854-3131
(970)854-4745 fax
pcclerk@hotmail.com

July 12, 2012

Haxtun Fire Protection District

The following is the Official Results of the 2010 General Election on your Ballot Issue.

BALLOT ISSUE 4C
"SHALL THE HAXTUN FIRE PROTECTION DISTRICT BE AUTHORIZED AND PERMITTED TO RETAIN, APPROPRIATE, AND UTILIZE, BY RETENTION FOR RESERVE, CARRYOVER FUND BALANCE, OR EXPENDITURES, THE FULL PROCEEDS AND REVENUES RECEIVED FROM EVERY SOURCE WHATEVER, WITHOUT LIMITATION, IN 2011 AND ALL SUBSEQUENT YEARS, NOT WITHSTANDING ANY LIMITATION OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW, PROVIDED, HOWEVER, THAT NO LOCAL TAX RATE OR PROPERTY MILL LEVY SHALL BE INCREASED AT ANY TIME, NOR SHALL ANY NEW TAX BE IMPOSED, WITHOUT THE PRIOR CONSENT OF THE VOTERS OF THE HAXTUN FIRE PROTECTION DISTRICT APPROVING ANY SUCH INCREASE OF NEW TAX?"

YES	336
NO	48

I do hereby certify that the above results are true and accurate according to the Records in my office of the 2010 General Election.

Beth Cumming

Beth Cumming, Phillips County Clerk

OFFICIAL ABSTRACT OF VOTES
2010 GENERAL BALLOT ELECTION
NOVEMBER 2, 2010

I, Beverly A. Wenger, Clerk and Recorder of the County of Yuma, State of Colorado, hereby certify the following to be the true and correct results of the 2010 General Election held on November 2, 2010, in the County of Yuma as determined by the Board of Canvassers for said County of Yuma on the 17th day of November, 2010.

HAXTUN FIRE PROTECTION DISTRICT BALLOT ISSUE 4C

YES	43
NO	6

IN TESTOMINY WHEREOF, I have hereunto set my hand and affixed the Official Seal of the County of Yuma At Wray, Colorado, this 18TH day of November, 2010.

Beverly A. Wenger,
Yuma County Clerk and Recorder

STATE OF COLORADO
COUNTY OF LOGAN

I, Pamela M. Schneider, Clerk and Recorder within and for said Logan County, do hereby certify that at a Coordinated Election held in said County on the 2nd day of November 2010, the following numbers of votes were cast on

HAXTUN FIRE PROTECTION DISTRICT

in and for said Logan County as appears from the official canvass of the votes cast at said Election in said County, said canvass made on the 19th day of November, 2010.

Ballot Issue 4C	
Yes	84
No	22

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 19 day of November 2010.

Pamela M. Schneider

Pamela M. Schneider, Logan County Clerk and Recorder

STATE OF COLORADO
COUNTY OF SEDGWICK

I, Patrice L. Carter, Clerk and Recorder within and for said Sedgwick County, do hereby certify that at a General Election held in said County on the 2nd day of November, 2010, the following number of votes were cast for the office of

BALLOT ISSUE 4C – VOTE YES OR NO

In and for said Sedgwick 0County as appears from the official canvass of the votes cast at said Election in said County, said canvass made on the 10th day of November 201, and certified to the Secretary of State of Colorado on November 10, 2010

HAXTUN FIRE PROTECTION DISTRICT	YES	8
	NO	1

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the 10th day of November, 2010

SEAL

Christy M. Beckman

Patrice L. Carter, Sedgwick County Clerk and Recorder