

LARKSPUR FIRE PROTECTION DISTRICT  
RESOLUTION NO. 2010-003

WHEREAS, Larkspur Fire Protection District (the "District"), in the County of Douglas, and State of Colorado, is a quasi-municipal corporation and political subdivision duly organized and existing under the Constitution and the laws of the State of Colorado, particularly the Special District Act, Title 32, Article 1, Colorado Revised Statutes (the "Act"); and

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

WHEREAS, within the five months immediately preceding the special election herein called, the District has not held any election on the proposition of creating any indebtedness of the District which was defeated, in accordance with Section 32-1-106(2) of the Act; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any new tax, the creation of any debt and for collecting, retaining and spending certain moneys above limits established by TABOR; and

WHEREAS, TABOR requires the District to submit ballot issues (as defined in TABOR) to the District's electors on limited election days; and

WHEREAS, May 4, 2010, the District's regular election date, is one of the election dates at which ballot issues may be submitted to the eligible electors of the District pursuant to TABOR; and

WHEREAS, the interest of the District and the public interest and necessity demand the acquisition, construction, installation and completion of certain fire protection improvements as further described in Section 8 hereof, all at a cost estimated at approximately \$3,275,000 (the "Project"); and

WHEREAS, pursuant to Section 32-1-805 of the Act, the Board will hold its regular election on May 4, 2010 (the "Election") to be held as an independent mail ballot election pursuant to the Uniform Election Code of 1992, Title 1, Articles 1 through 13, Colorado Revised Statutes (the "Code"); and

WHEREAS, it is necessary to submit to the electors of the District at the Election the propositions of creating general obligation indebtedness in an aggregate principal amount not to exceed \$3,275,000 to finance the Project and increasing ad valorem property taxes of the District to repay such debt; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the Election.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF LARKSPUR FIRE PROTECTION DISTRICT, DOUGLAS COUNTY, COLORADO:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the District and the officers thereof, directed toward the Election and the objects and purposes herein stated is, ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in the Code.

Section 2. Pursuant to the applicable laws of the State of Colorado, the Board hereby determines that an election shall be held on May 4, 2010, at which there shall be submitted to the eligible electors of the District the questions set forth in Section 8 hereof.

Section 3. The Board hereby designates Becky Hernandez as the Designated Election Official and Micki Wadhams as the Assistant Designated Election Official 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 Act, the Code, TABOR, or other applicable laws.

Section 4. The Board has determined, and hereby determines that the interest of the District and the public interest and necessity demand the construction and acquisition of the Project in order to carry out the objects and purposes of the District, and require the creation of general obligation indebtedness.

Section 5. The objects and purposes for which the indebtedness is proposed to be incurred are as described in Section 8.

Section 6. The total estimated cost of the Project is \$3,275,000. None of the estimated costs of the Project are expected to be defrayed out of state or federal grants.

Section 7. The total aggregate principal amount of the indebtedness to be incurred from time to time for the portion of the Project to be acquired pursuant to this resolution shall not exceed the sum of \$3,275,000, and the maximum net effective interest rate to be paid on such indebtedness shall not exceed seven percent (7.0)%.

Section 8. The Board hereby determines that at the Election, there shall be submitted to the eligible electors of the District the questions in substantially the following forms:

LARKSPUR FIRE PROTECTION DISTRICT BALLOT ISSUE A:

SHALL LARKSPUR FIRE PROTECTION DISTRICT DEBT BE INCREASED \$3,275,000, WITH A REPAYMENT COST NOT TO EXCEED \$5,500,000 AND SHALL DISTRICT TAXES BE INCREASED NOT MORE THAN \$500,000 ANNUALLY TO PAY SUCH DEBT; SUCH DEBT TO BE ISSUED FOR COSTS OF ACQUIRING, CONSTRUCTING, RELOCATING, INSTALLING, COMPLETING, AND OTHERWISE PROVIDING, WITHIN OR WITHOUT THE BOUNDARIES OF THE DISTRICT, FIRE PROTECTION AND AMBULANCE AND EMERGENCY MEDICAL AND RESCUE SERVICES FACILITIES AND IMPROVEMENTS, TOGETHER WITH ALL NECESSARY, INCIDENTAL, AND APPURTENANT FACILITIES, EQUIPMENT, LAND, AND EASEMENTS, AND EXTENSIONS OF AND IMPROVEMENTS TO SAID FACILITIES; AND SHALL THE MILL LEVY BE INCREASED IN ANY YEAR, WITHOUT LIMITATION OF RATE AND IN AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT (OR TO CREATE A RESERVE FOR SUCH PAYMENT), SUCH DEBT TO BE EVIDENCED BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OR OTHER FINANCIAL OBLIGATIONS BEARING INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE OF 7.00%; SUCH DEBT TO BE SOLD IN ONE SERIES OR MORE, FOR A PRICE ABOVE OR BELOW THE PRINCIPAL AMOUNT OF SUCH SERIES, ON TERMS AND CONDITIONS, AND WITH SUCH MATURITIES AS PERMITTED BY LAW AND AS THE DISTRICT MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM OF NOT TO EXCEED THREE PERCENT; AND SHALL THE DISTRICT BE AUTHORIZED TO ISSUE DEBT TO REFUND THE DEBT AUTHORIZED IN THIS QUESTION, PROVIDED THAT AFTER THE ISSUANCE OF SUCH REFUNDING DEBT THE TOTAL OUTSTANDING PRINCIPAL AMOUNT OF ALL DEBT ISSUED PURSUANT TO THIS QUESTION DOES NOT EXCEED THE MAXIMUM PRINCIPAL AMOUNT SET FORTH ABOVE, AND PROVIDED FURTHER THAT ALL DEBT ISSUED BY THE DISTRICT PURSUANT TO THIS QUESTION IS ISSUED ON TERMS THAT DO NOT EXCEED THE REPAYMENT COSTS AUTHORIZED IN THIS QUESTION; AND SHALL SUCH TAX REVENUES AND THE EARNINGS FROM THE INVESTMENT OF SUCH BOND PROCEEDS AND TAX REVENUES BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 9. The Designated Election of the District be, and she hereby is, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, but not limited to, mailing, posting and publishing notices of the Election, including the TABOR Notice, and entering into necessary agreements.

Section 10. If a majority of the votes cast on the question to authorize general obligation indebtedness and the levy of ad valorem property taxes submitted at the election shall be

in favor of incurring general obligation indebtedness and levying ad valorem property taxes as provided in such question, the District acting through the Board shall be authorized to proceed with the necessary action to incur general obligation indebtedness and levy ad valorem property taxes in accordance with such question.

Any authority to contract general obligation indebtedness or to levy ad valorem property, if conferred by the results of the election, shall be deemed and considered a continuing authority to contract the general obligation indebtedness and levy the ad valorem taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

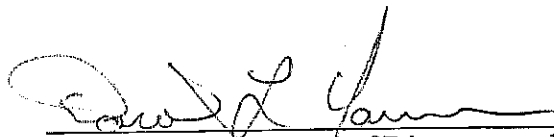
Section 11. If a majority of the votes cast on the question authorize the issuance of debt as described in the debt question set forth above, the District intends to issue such debt in the approximate aggregate principal amount of \$3,275,000 to pay the costs of the Project, including the reimbursement of certain costs incurred by the District prior to the execution and delivery of such debt, upon terms acceptable to the District, as authorized in an ordinance to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith. The officers, employees and agents of the District shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by the resolution. The District shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h). This resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

Section 12. 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 days after the title of the ballot issue or ballot question is set.

Section 13. All orders, bylaws and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed.

Section 14. If any section, 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, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.


ADOPTED AND APPROVED this February 27, 2010.



Chairman of the Board of Directors and  
President, Larkspur Fire Protection  
District

(SEAL)

Attest:



Secretary

Larkspur Fire Protection District

STATE OF COLORADO )  
 )  
 COUNTY OF DOUGLAS ) SS.  
 )  
 LARKSPUR FIRE PROTECTION )  
 DISTRICT )

I, Scott Simms, the Secretary of Larkspur Fire Protection District, Douglas County, Colorado (the "District"), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of Directors (the "Board") of the District at a special meeting held on February 27, 2010.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the special meeting of February 27, 2010, by an affirmative vote of a majority of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Darol Yarman, President			X	
James Burke, Treasurer	X			
Scott Simms, Secretary	X			
Mike Andersen, Member	X			
Larry Sutton, Member			X	

3. The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.

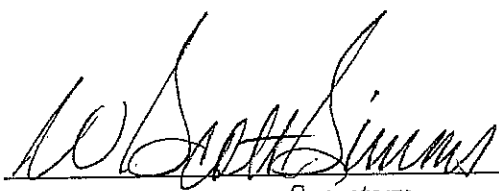
4. The Resolution was approved and authenticated by the signature of the Vice-Chairman of the Board, sealed with the District seal, attested by the Secretary and recorded in the minutes of the Board.

5. There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.

6. Notice of the special meeting of February 27, 2010 in the form attached hereto as Exhibit A was posted in at least three places within the limits of the District, and, in addition, such notice was posted in the office of the Douglas County Clerk and Recorder not less than seventy-two (72) hours prior to the special meeting in accordance with law.

WITNESS my hand and the seal of said District affixed this 27th day of February,  
2010.

(SEAL)

  
Secretary

