

NORTH WELD COUNTY WATER DISTRICT

Notice of Meeting

Monday, August 29, 2022, at 8:30 AM

32825 Co Rd 39, Lucerne, CO 80646

THE BOARD MEETING WILL BE OPEN TO THE PUBLIC BY TELECONFERENCE

Information to join by Phone is below:

Call-In Number: 1(720)707-2699, Meeting ID: 873 5785 0771, Passcode: 475314

AGENDA

- 1. Call to Order**
- 2. Confirmation of Disclosures of Conflicts of Interest**
- 3. Action: Approve August 29, 2022, NWCWD Board Meeting Agenda**
- 4. Presentation: Mill Levy Ballot Initiative Survey Results, Magellan**
- 5. Action: Consider Adoption of Resolution No. 20220829-01: Resolution of the Board of Directors Calling Election**
- 6. Action: Consider Adoption of Resolution No. 20220829-02: Resolution of the Board of Directors Submitting a Ballot Title Regarding Operation, Administration and Maintenance – Ad Valorem Taxes**

ADJOURN _____ A.M.



Magellan Strategies

North Weld County Water District Ballot Measure Survey

Topline Results

Magellan Strategies is pleased to present the topline results of an online survey of 511 registered voters who live within the North Weld County Water District. The interviews were conducted from August 18th – 25th, 2022. This survey has a margin of error of +/- 4.28% at the 95 percent confidence interval. The survey data is weighted to be representative of the voter turnout demographics within the North Weld County Water District for a midterm election cycle.

T1. For statistical purposes only, could you please verify that you are registered to vote in Weld County or Larimer County?

Yes, Weld County 94%
Yes, Larimer County..... 6%

T2. Although it is a long way off, how likely are you to vote in a North Weld County Water District ballot measure election this November?

Extremely Likely..... 67%
Very Likely..... 22%
Somewhat Likely..... 8%
Unlikely to Vote..... 3%

T3. How would you rate the overall quality of the public water supply in your community?

Excellent and Good 83%

Excellent 34%
Good 49%
Fair 13%
Poor 3%
No Opinion 1%

T4. How would you rate the monthly water rates in your community?

Total Too High.....	50.5%
Total Too Low.....	0.5%
About Right.....	43%
No Opinion	6%
Much Too High	15%
Somewhat Too High	35.5%
Much Too Low	0%
Somewhat Too Low	0.5%

T5. Do you approve or disapprove of the job the North Weld County Water District does providing the public water supply for homes, businesses, agricultural and livestock operations in your area?

Total Approve.....	76%
Total Disapprove	14%
No Opinion	10%
Strongly Approve	32%
Somewhat Approve.....	44%
Strongly Disapprove.....	6%
Somewhat Disapprove	8%

T6. Do you agree or disagree with the following statement? “The North Weld County Water District is fiscally responsible and spends taxpayer money wisely.”

Total Agree	48%
Total Disagree.....	18%
No Opinion	34%
Strongly Agree	13%
Somewhat Agree.....	35%
Strongly Disagree.....	8%
Somewhat Disagree	10%



Before we continue, you should know the District has not decided to place a ballot measure before voters to fund necessary projects and infrastructure improvements. The District has been increasing rates and realizes that this has been tough on customers and is therefore looking for other solutions. Your participation in this survey will strongly influence future decisions. Let’s continue the survey now...

T7. The North Weld County Water District is considering a ballot measure in November asking voters to approve a 5-mill property tax increase.

A 5-mill property tax increase would raise \$5 million annually and would cost a homeowner \$13.33 per month on a home valued at \$450,000.

Revenue from the property tax increase would allow the District to complete necessary projects to accommodate existing demand, respond to growth, upgrade aging infrastructure, and increase reliability of service. These projects would include:

- Pump Station Newt III*
- Water Rights Purchase and Acquisition*
- Interconnect with City of Greeley*
- Line Upgrade 16 to 48 inch From Tank 1 to Eastern Distribution System*
- Eaton Pipeline along County Road 72 to Tank 4 Site*
- TANK 1C at Existing Highway 257 Tank 1 Site*
- North Weld ELCO Transmission Line (NEWT III) – Third Phase and final segment of the project*
- 42-inch Transmission Line Weld County Segment (County Line to Tank 1)*

If an election were being held today, would you vote yes and approve this property tax increase, or would you vote no and reject it?

Total Yes and Approve..... 37%
Total No and Reject..... 49%
Undecided..... 14%

Definitely Yes and Approve 9%
Probably Yes and Approve..... 28%

Definitely No and Reject..... 24%
Probably No and Reject..... 25%



We will now share information about why the North Weld County Water District is considering asking voters to approve a 5-mill property tax increase. After reading the information, please indicate if you are more likely to vote yes and approve the ballot measure or if you are more likely to vote no and reject it. Let's get started:

T8. Without an increase in property taxes, it will take over 10 years to finance and construct the necessary projects and infrastructure improvements. The District wants to invest now in order to avoid a breakdown in the system that becomes more expensive to fix in the future. Knowing this information, are you:

Total More Likely to Approve.....	54%
Total More Likely to Reject	33%
No Opinion	13%
Much More Likely to Approve	17%
Somewhat More Likely to Approve	37%
Much More Likely to Reject	14%
Somewhat More Likely to Reject.....	19%

T9. The District is in the process of bonding for \$38 million to fund the most critical projects before demands on the system have long-term negative effects. These critical projects include construction of a third tank at the Tank 1 site (Tank 1C), North Weld ELCO Transmission Line (NEWT III) – Third Phase and final segment of the project and 42-inch Transmission Line Weld County Segment (County Line to Tank 1C). Part of the revenue from a 5-mill property tax increase could be used to pay off the bond. Knowing this information, are you:

Total More Likely to Approve.....	43%
Total More Likely to Reject	38%
No Opinion	19%
Much More Likely to Approve	13%
Somewhat More Likely to Approve	30%
Much More Likely to Reject	15%
Somewhat More Likely to Reject.....	23%



T10. Without an increase in property taxes, the new revenue to finance and construct the necessary projects and infrastructure improvements will need to come from rate increases. The current water rates are:

- Residential: \$4.15 per 1,000 gallons
- Commercial/Industrial: \$4.15 per 1,000 gallons
- Towns: \$3.11 per 1,000 gallons

The rates for 2023 would be:

- Residential: \$4.44 per 1,000 gallons
- Commercial/Industrial: \$4.44 per 1,000 gallons
- Towns: \$3.33 per 1,000 gallons

Rates would need to be increased annually at 7% over the next ten years if a property tax increase is not approved by voters. Knowing this information, are you:

Total More Likely to Approve.....	48%
Total More Likely to Reject	38%
No Opinion	14%
Much More Likely to Approve	19%
Somewhat More Likely to Approve	29%
Much More Likely to Reject	22%
Somewhat More Likely to Reject.....	16%

T11. New revenue from a property tax increase could be used to accelerate capital projects and/or provide rate relief. Knowing this information, are you:

Total More Likely to Approve.....	51%
Total More Likely to Reject	35%
No Opinion	14%
Much More Likely to Approve	20%
Somewhat More Likely to Approve	31%
Much More Likely to Reject	19%
Somewhat More Likely to Reject.....	16%



T12. The District has implemented a partial moratorium on new taps (plant investments) so that growth does not extend beyond what the system can handle. Knowing this information, are you:

Total More Likely to Approve.....	48%
Total More Likely to Reject	33%
No Opinion	19%
Much More Likely to Approve	22%
Somewhat More Likely to Approve	26%
Much More Likely to Reject.....	19%
Somewhat More Likely to Reject.....	14%

T13. The District has doubled the cost of plant investments in order to require growth to pay for itself. Knowing this information, are you:

Total More Likely to Approve.....	44%
Total More Likely to Reject	31%
No Opinion	25%
Much More Likely to Approve	16%
Somewhat More Likely to Approve	28%
Much More Likely to Reject.....	14%
Somewhat More Likely to Reject.....	17%

T14. The District has increased rates by 7% each year to help pay for capital investments. Knowing this information, are you:

Total More Likely to Approve.....	38%
Total More Likely to Reject	44%
No Opinion	18%
Much More Likely to Approve	13%
Somewhat More Likely to Approve	25%
Much More Likely to Reject.....	17%
Somewhat More Likely to Reject.....	27%



T15. Previously, developers were allowed to make a payment to the District in lieu of water supply. Now, the District has required developers to provide the water supply needed for development. Knowing this information, are you:

Total More Likely to Approve.....	57%
Total More Likely to Reject	23%
No Opinion	20%
Much More Likely to Approve	28%
Somewhat More Likely to Approve	29%
Much More Likely to Reject.....	12%
Somewhat More Likely to Reject.....	11%

T16. The District has already invested in NEWT III and the Eaton pipelines to increase system capacity. Knowing this information, are you:

Total More Likely to Approve.....	44%
Total More Likely to Reject	31%
No Opinion	25%
Much More Likely to Approve	17%
Somewhat More Likely to Approve	27%
Much More Likely to Reject.....	13%
Somewhat More Likely to Reject.....	18%

T17. The District is working with commercial customers to decrease demand through flow control device policies and surcharge fees. Knowing this information, are you:

Total More Likely to Approve.....	52%
Total More Likely to Reject	27%
No Opinion	21%
Much More Likely to Approve	18%
Somewhat More Likely to Approve	34%
Much More Likely to Reject.....	14%
Somewhat More Likely to Reject.....	13%



T18. Thank you for learning why the District is considering a ballot measure in November asking voters to approve a 5-mill property tax increase.

As a reminder, a 5-mill property tax increase would raise \$5 million annually and would cost a homeowner \$13.33 per month on a home valued at \$450,000.

Revenue from the property tax increase would allow the District to complete necessary projects to accommodate existing demand, respond to growth, upgrade aging infrastructure, and increase reliability of service.

If an election were being held today, would you vote yes and approve this property tax increase, or would you vote no and reject it?

Total Yes and Approve (Including Leaners)	48%
Total No and Reject (Including Leaners).....	46%
Lean Toward Voting Yes and Approve	18%
Lean Toward Voting No and Reject	10%
Undecided.....	6%
Definitely Yes and Approve	12%
Probably Yes and Approve.....	18%
Definitely No and Reject.....	25%
Probably No and Reject.....	11%

T19. Please describe the reasons why you would vote yes and approve the 5-mill property tax increase.

**Verbatim responses are in a separate document.*

T20. Please describe the reasons why you would vote no and reject the 5-mill property tax increase.

**Verbatim responses are in a separate document.*

And now we have some questions for statistical purposes only.

T21. Are you:

Female.....	51%
Male	49%



T22. Are you between the ages of:

18 to 34	20%
35 to 44	20%
45 to 54	17%
55 to 64	19%
65 Plus.....	24%

T23. For statistical and weighting purposes only, are you registered to vote as an unaffiliated voter, a Democrat, a Republican, or are you registered with another party?

Republican	49%
Unaffiliated.....	34%
Democrat.....	15%
Other Party	2%

T24. How would you describe your household income?

Less than \$25,000.....	2%
\$25,000 to \$49,000	7%
\$50,000 to \$99,000	21%
\$100,000 to \$149,000	23%
\$150,000 or More.....	23%
Prefer Not to Say	24%

T26. Where do you live?

Windsor.....	35%
Severance	29%
Eaton	9%
Greeley.....	9%
Fort Collins	4%
Ault.....	3%
Gill	3%
Timnath	3%
Pierce	2%
Kersey.....	0.5%
Nunn	0.3%
Loveland.....	0.1%
Lucerne.....	0.1%
Other	2%



Survey Methodology

The data collection for this survey was completed by sending an MMS text message to registered voters within the North Weld County Water District inviting them to complete the survey online. There was also a live link on the North Weld County Water District website that allowed citizens to participate in the survey, and the survey link was also shared on the District's social media platforms. The survey response data is weighted to reflect the voter turnout demographics for a midterm election in the North Weld County Water District. The interviews were conducted from August 18th – 25th, 2022. This survey has a margin of error of +/- 4.28% at the 95 percent confidence interval.



Resolution No. 20220829-01

**RESOLUTION OF BOARD OF DIRECTORS
CALLING ELECTION**

NORTH WELD COUNTY WATER DISTRICT

§§ 32-1-804, 1-1-111(2), 1-13.5-1103(1), 1-13.5-513(1), and 32-1-1101(2), C.R.S.

At a meeting of the Board of Directors (the “**Board**”) of the North Weld County Water District (the “**District**”), it was moved to adopt the following Resolution:

WHEREAS, the District was organized as a special district pursuant to §§ 32-1-101, *et seq.*, C.R.S. (the “**Special District Act**”); and

WHEREAS, the District is located entirely within Weld and Larimer Counties, Colorado (the “**Counties**”); and

WHEREAS, pursuant to § 32-1-804, C.R.S., the Board governs the conduct of regular and special elections for the District; and

WHEREAS, the Board anticipates holding a regular election on November 8, 2022, for the purpose of submitting ballot issues to eligible electors of the District, and desires to take all actions necessary and proper for the conduct thereof (the “**Election**”); and

WHEREAS, the Election shall be conducted pursuant to the Special District Act, the Colorado Local Government Election Code and the Uniform Election Code of 1992, to the extent not in conflict with the Colorado Local Government Election Code, including any amendments thereto, and shall also comply with Article X, § 20 of the Colorado Constitution (“**TABOR**”), as necessary; and

WHEREAS, pursuant to § 1-1-111(2), C.R.S., the Board is authorized to designate an election official (the “**Designated Election Official**”) to exercise authority of the Board in conducting the Election; and

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby calls the Election for the purpose of presenting certain ballot issues to the electorate. The Election shall be conducted as a coordinated election with the Counties.
2. The Board names Ashley B. Frisbie as the Designated Election Official for the Election. The Designated Election Official shall act as the primary contact with the Counties.
3. Without limiting the foregoing, the following specific determinations also are made:
 - a. The Board hereby directs general counsel to the District to approve the final

form of the ballot to be submitted to the eligible electors of the District and authorizes the Designated Election Official to certify those questions and take any required action therewith.

4. The District shall be responsible for the payment of any and all costs associated with the conduct of the Election, including its cancellation, if permitted.

5. The Board hereby ratifies any and all actions taken to date by general counsel and the Designated Election Official in connection with the Election.

6. This Resolution shall remain in full force and effect until repealed or superseded by subsequent official action of the Board.

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ADOPTED THIS 29TH DAY OF AUGUST, 2022.

NORTH WELD COUNTY WATER DISTRICT

Officer of the District

ATTEST:

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

Signature Page to Resolution Calling Election

Resolution No. 20220829-02

**A RESOLUTION OF BOARD OF DIRECTORS
SUBMITTING A BALLOT TITLE REGARDING OPERATIONS, ADMINISTRATION,
AND MAINTENANCE – AD VALOREM TAXES**

NORTH WELD COUNTY WATER DISTRICT

WHEREAS, North Weld County Water District (the “**District**”) was organized as a special district pursuant to §§ 32-1-101, *et seq.*, C.R.S. (the “**Special District Act**”); and

WHEREAS, pursuant to § 32-1-804(1), C.R.S., the Board of Directors of the District (the “**Board**”) shall govern the conduct of regular and special elections of the District and shall render all interpretations and make all decisions as to controversies or other matters arising in the conduct of elections; and

WHEREAS, the District has previously adopted a Resolution Calling Election in anticipation of holding a regular election on November 8, 2022, for the purpose of submitting ballot issues to eligible electors of the District (the “**Election**”); and

WHEREAS, pursuant to the Resolution Calling Election, the Board named Ashley B. Frisbie as the Designated Election Official for the Election (the “**Designated Election Official**”); and

WHEREAS, the Board hereby adopts this resolution to submit the ballot title to the eligible electors of the District at the Election.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby authorizes and directs the Designated Election Official to certify on or before September 9, 2022, the following ballot title in substantially the form hereinafter set forth. Such ballot title shall be submitted to the eligible electors of the District at the Election.

2. The following ballot title concerning Operations, Administration and Maintenance Mill Levy – Ad Valorem Taxes shall be placed on the ballot for the Election and such ballot title shall read substantially in form as follows:

SHALL NORTH WELD COUNTY WATER DISTRICT TAXES BE INCREASED UP TO \$5,000,000 ANNUALLY, AND BY THE AMOUNTS, WHETHER MORE OR LESS THAN \$5,000,000, RAISED ANNUALLY THEREAFTER BY THE IMPOSITION OF AN AD VALOREM PROPERTY TAX LEVY OF 5 MILLS, PROVIDED, HOWEVER, THAT IF, AFTER NOVEMBER 8, 2022, THERE IS A CHANGE IN THE RATIO OF ACTUAL VALUATION TO ASSESSED VALUATION OR OTHER CHANGE IN THE METHOD OF CALCULATING ASSESSED VALUATION, SUCH LEVY OF 5 MILLS MAY BE INCREASED OR DECREASED TO REFLECT SUCH CHANGES, SUCH INCREASES OR DECREASES TO BE DETERMINED BY

THE DISTRICT BOARD OF DIRECTORS IN GOOD FAITH (SUCH DETERMINATION TO BE BINDING AND FINAL), SO THAT TO THE EXTENT POSSIBLE, THE ACTUAL TAX REVENUES GENERATED BY THE MILL LEVY, AS ADJUSTED, ARE NEITHER DIMINISHED NOR ENHANCED AS A RESULT OF SUCH CHANGES; OR BY SUCH LESSER AMOUNT AS NECESSARY TO PAY THE DISTRICT'S ADMINISTRATION, OPERATIONS, MAINTENANCE, CAPITAL, AND OTHER SIMILAR EXPENSES; AND SHALL THE PROCEEDS OF SUCH TAXES AND ANY INVESTMENT INCOME THEREON BE COLLECTED, RETAINED AND SPENT BY THE DISTRICT IN FISCAL YEAR 2022 AND IN EACH FISCAL YEAR THEREAFTER AS A VOTER-APPROVED REVENUE CHANGE WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITS IMPOSED ON INCREASES IN PROPERTY TAXATION BY SECTION 29-1-301, C.R.S., IN ANY YEAR, OR ANY OTHER LAW WHICH PURPORTS TO LIMIT THE DISTRICT'S REVENUES OR EXPENDITURES AS IT CURRENTLY EXISTS OR AS IT MAY BE AMENDED IN THE FUTURE, ALL WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED, RETAINED AND SPENT BY THE DISTRICT?

3. The Board authorizes the Designated Election Official to take all action necessary or appropriate to effectuate the provisions of this resolution including, but not limited to, certifying and recertifying the ballot pursuant to § 1-13.5-511, C.R.S.
4. All resolutions, or parts thereof, in conflict with this resolution, are hereby repealed.
5. If any section, paragraph, clause, or provision of this resolution shall for any reason be held 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.
6. This resolution shall be effective upon its approval by the Board.

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ADOPTED THIS 29TH DAY OF AUGUST, 2022.

NORTH WELD COUNTY WATER DISTRICT

Officer of the District

ATTEST:

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

General Counsel to the District

Signature Page to Resolution Submitting Ballot Title