RESOLUTION NO. 2026-32
OF THE FRONT RANGE PASSENGER RAIL DISTRICT
ADOPTING A RESOLUTION TO SUBMIT A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE DISTRICT AT THE NOVEMBER 2026 GENERAL ELECTION AND PROVIDING FOR CERTAIN OTHER ELECTION-RELATED MATTERS

WHEREAS, pursuant to Section 32-22-101, *et seq.*, C.R.S. (the "Act"), the Front Range Passenger Rail District (the "District") was established as a body politic and corporate and a political subdivision of the state to research, develop, construct, operate, and maintain an interconnected passenger rail system within the front range ("Front Range Passenger Rail") that is competitive in terms of travel time for comparable trips with other modes of surface transportation; and

WHEREAS, pursuant to Section 32-22-105(2)(d), C.R.S., the District's Board of Directors (the "Board") is vested with the power to make and pass resolutions necessary for the execution of the District's powers and duties; and

WHEREAS, pursuant to Section 32-22-105(1)(a), C.R.S., the Board is vested with the power to refer a ballot issue seeking voter approval for the District to levy taxes or issue or refinance bonds; and

WHEREAS, pursuant to Sections 32-22-109(1)-(2), C.R.S., and in accordance with Article X, Section 20 of the Colorado Constitution ("TABOR"), no action by the District to establish or increase any tax and no action by the District creating a multiple-fiscal year debt or other financial obligation may take effect unless it is first submitted to a vote of the registered electors of the District; and

WHEREAS, pursuant to Section 32-22-109(1)(a), C.R.S., before submitting a question to establish any tax to the registered electors of the District, the District must "publish a plan for developing the passenger rail service" that identifies the route and phasing of the passenger rail system that would be funded by the tax; and

WHEREAS, in *Resolution 2026-26*, the Board adopted and directed the General Manager to publish the District's plan for developing passenger rail service (the "Delivery Plan") which provides the District a framework to develop the Colorado Connector, identifies the route along the Front Range, establishes multiple phases for delivery of the Colorado Connector with service beginning in 2029, and incorporates planned joint service as Front Range Passenger Rail's Initial Service as envisioned in the Intergovernmental Agreement for the Joint Service Executive Oversight Committee ("JSEOC") entered into by and among the District and the Regional Transportation District, the Colorado Department of Transportation, the Colorado Transportation Investment Office, the Clean Transit Enterprise, and the Governor of the State of Colorado, including providing for the initiation of Front Range Passenger Rail Service no later than January 1, 2029, as contemplated in Section 32-22-103(5)(c), C.R.S.; and

WHEREAS, pursuant to Section 32-22-109(1)(a), C.R.S., before submitting a question to establish any tax to the registered electors of the District, the District must publish "a detailed financing plan" that identifies "committed and potential financial partners, including but not limited to the regional transportation district, the federal government, Amtrak, and private partners"; and

WHEREAS, in *Resolution 2026-31*, the Board adopted and directed the General Manager to publish the District's detailed financing plan (the "Financing Plan") which provides a framework to fund, finance, construct, operate, and expand the Colorado Connector as a phased passenger rail system based on a 0.333% sales and use tax, the continued pursuit of state, federal, and other funding opportunities, and dedicated revenues to support a substantial capital investment program and fund future operations and maintenance, and which identifies its committed and potential partners, including its partners in the JSEOC; and

WHEREAS, pursuant to Section 32-22-109(1)(b), C.R.S., the District must adopt a resolution certifying that it has "made every reasonable effort to secure federal, state, or special purpose authority funding to support the development, financing, construction, operation, or maintenance of the passenger rail system"; and

WHEREAS, also in *Resolution 2026-31*, the Board certified that it has made every reasonable effort to secure funding to support the delivery of the Colorado Connector, including the pursuit for funding from the U.S. Department of Transportation, the Federal Railroad administration, and Amtrak; and

WHEREAS, the Board has determined that it is in the interest of the District and its members that the District seek approval from the registered electors of the District to allow the District to establish a sales and use tax, authorize the District to incur debt, and to permit the District to retain all revenues, public and private contributions, and any investment income on revenues and debt proceeds as a voter approved revenue change under TABOR, in order to fulfill its statutory purpose and deliver Front Range Passenger Rail service, which the District has branded the "Colorado Connector"; and

WHEREAS, pursuant to Section 32-22-109(3)(a), C.R.S., the ballot issue must be submitted in accordance with TABOR, a ballot issue notice must be included in the ballot information booklet, and the District's designated election official must provide the director of research of the legislative council of the general assembly the information required under Section 20(3)(b) of Article X of the State Constitution; and

WHEREAS, the Board desires to appoint the District's General Counsel, Brent Butzin, as the designated election official for the purpose of completing the requirements provided in Section 32-22-109(3)(a), C.R.S. and performing any other acts required or permitted by law in connection with the election; and

WHEREAS, pursuant to Section 32-22-109(3)(b), C.R.S., no later than sixty days before the general election, the District must certify the ballot title and content of the ballot measure referred to the registered electors of the District to the Secretary of State by resolution of the Board; and

WHEREAS, pursuant to Section 32-22-109(3)(c), the election must be conducted in the same manner as a statewide election; and

WHEREAS, pursuant to Section 32-22-109(1)(c), C.R.S., the Board must approve the submission of the ballot issue by an affirmative vote of two-thirds of the voting directors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FRONT RANGE PASSENGER RAIL DISTRICT:

1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the District, the General Manager of the District, and the District's authorized agents, directed towards the election, the satisfaction of all pre-requisites thereto, and the objects and purposes herein stated and the question set forth herein, including, but not limited to, and authorized modifications to the published Delivery Plan and Financial Plan, are, ratified, approved, and confirmed.

2. In accordance with Section 32-22-109(3)(c), C.R.S., the election shall be conducted in the same manner as a statewide election.

3. The Board hereby appoints the District's legal counsel, Brent E. Butzin, as the designated election official for the purpose of completing the requirements provided in Section 32-22-109(3)(a), C.R.S. and performing any other acts required or permitted by law in connection with the election on behalf of the District.

4. The Board hereby authorizes and directs the District's legal counsel to certify, on or before September 4, 2026, the following question, in substantially the form hereinafter set forth, to the Secretary of State to be submitted to the registered electors of the District at the election.

BALLOT ISSUE [ ]

SHALL FRONT RANGE PASSENGER RAIL DISTRICT TAXES BE INCREASED $295,000,000 ANNUALLY AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER, AND SHALL FRONT RANGE PASSENGER RAIL DISTRICT DEBT BE INCREASED $580,000,000, WITH A REPAYMENT COST OF $785,000,000;

TO CONSTRUCT, OPERATE, AND MAINTAIN COLORADO CONNECTOR (COCO) PASSENGER RAIL SERVICE ON COLORADO'S FRONT RANGE AND CONNECT COMMUNITIES, INCLUDING PUEBLO, COLORADO SPRINGS, STERLING RANCH, LITTLETON, DENVER, WESTMINSTER, BROOMFIELD,

LOUISVILLE, BOULDER, LONGMONT, LOVELAND, AND FORT COLLINS; IN ORDER TO:

- REMOVE VEHICLES FROM HIGHWAYS AND INCREASE TRAVEL CAPACITY;
- CONNECT TRAVELERS TO EMPLOYMENT CENTERS, COLLEGES, SPORTS ARENAS, AND ENTERTAINMENT HUBS ALONG THE FRONT RANGE; AND
- INVEST IN STATION AREA IMPROVEMENTS AND LOCAL CONNECTIONS TO RAIL STATIONS;

BY ESTABLISHING A 0.333% SALES AND USE TAX (EQUAL TO ONE THIRD OF A PENNY ON A $1 PURCHASE), WITH EXEMPTIONS PROVIDED UNDER COLORADO LAW, INCLUDING THOSE FOR GASOLINE, FOOD, RESIDENTIAL ELECTRICITY AND GAS, PRESCRIPTION DRUGS, AND MEDICAL SUPPLIES;

AND TO RETAIN ALL SUCH REVENUES, PUBLIC AND PRIVATE CONTRIBUTIONS, AND ANY INVESTMENT INCOME ON REVENUES AND DEBT PROCEEDS, AS A VOTER-APPROVED REVENUE CHANGE UNDER SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION;

AND REQUIRING THAT ALL SUCH DEDICATED REVENUES BE REVIEWED ANNUALLY BY AN INDEPENDENT AUDITOR AND A ROTATING GROUP OF CITIZEN TAXPAYERS WHO LIVE IN THE DISTRICT?

5. The Board hereby authorizes and directs the District’s legal counsel to solicit and prepare pro/con statements, prepare ballot issue notice content in accordance with the requirements of TABOR, and to provide the director of research of the legislative council of the general assembly the information required under Section 20(3)(b) of Article X of the State Constitution to be included in the ballot information booklet in accordance with Section 32-22-109(3)(a), C.R.S.

6. If a majority of the votes cast on the question submitted at the election to authorize the District to collect, retain and spend all District revenues shall be in favor of such measure as provided in such question, such authorization shall be deemed and considered a continuing authority to collect, retain and spend such revenues 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.

7. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue 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 is set.

8. The District's General Manager or the District's legal counsel are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

9. All orders, bylaws, and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed to the extent necessary to effectuate the provisions of this resolution.

10. 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, and to this end the provisions of this resolution.

11. The Board of Directors formally endorses and supports the ballot issue for this election.

APPROVED this 28th day of August 2026.

Chair

ATTEST:

Joan Peck

Secretary