

RESOLUTION #2023-16-02 B

RESOLUTION OF THE BOARD OF DIRECTORS OF THE GOLDEN GATE FIRE PROTECTION DISTRICT

WHEREAS, the Golden Gate Fire Protection District of Jefferson County, State of Colorado (hereinafter referred to as the "District"), is a duly organized and existing quasi-municipal corporation and political subdivision of the State of Colorado, existing and operating under and by virtue of the Constitution and laws of the State of Colorado, including but not limited to Parts 1 through 16 of Article 1 of Title 32, C.R.S., as amended (the "Special District Act"); and

WHEREAS, the Board of Directors of the District has determined that Board Member Steve Green has violated the By-Laws of the District, as noted below:

- Tuesday, October 4, 2022 – Jefferson County Board of Commissioners Hearing
- Steve Green – Public Sworn Testimony
 - o Violation of District By-Laws – Section 4. **Individual Actions by Directors Not Authorized.** Individual Board members have no power or authority to take any action or make any statement on behalf of the Board or the District, unless expressly delegated such power or authority by the affirmative vote of a majority of the Board.
 - Recorded meeting:
<https://jeffersonco.granicus.com/player/clip/3245?&redirect=true&h=effba0b50f1541518e9bdb01a9d6ed96>
 - Violation – Minutes posted below
 - 1:01:09 Steve Green: And it's very nice to be here . . . I was at the Planning Commission but haven't been in front of the commissioners for a long time however here I am so I am a board member on the Golden Gate Fire Protection district . . .
 - 1:01:23 ?? excuse me Sir can we get . . . do you swear or affirm that the testimony you are about to give is the truth the whole truth and nothing but the truth so help you God . . .
 - 1:01:35 Steve Green: I do
 - 1:01:58 County Commission Andy Keer: . . . so and I'm sorry are you representing yourself or are you representing the district . . .
 - **1:02:03 Steve Green: I am representing the District . . .**
- Tuesday, December 20, 2022 9:28 AM
- Email from stevegreen2023@gmail.com to undisclosed receipts
 - o Violation of District By-Laws – Section 4
 - o Violation of District By-Laws – Section 11b. A Director may express a personal opinion on any issue regardless of whether his/her opinion was solicited. When expressing a personal opinion the Director shall make it clear that the opinion is a personal opinion, not the opinion of the District, and he or she must not identify himself or herself in a way that would create confusion with respect to whether the opinion is personal or that of the District;

- Violation – **Steve Green does not state anywhere in the email that he is presenting a personal opinion**
 - Violation – **“If an election is held the plan is . . . “**
 - Violation – **“It may or may not reflect the opinion of other board members.”**
 - Violation - emailed signed – **Steve Green “GGFPD board member”**
 - See email #1 below

- Sat, Jan 14, 2023 9:51 pm
- Email from stevegreen2023@gmail.com to undisclosed receipts
 - Violation of District By-Laws – Section 11b.
 - Violation – **Steve Green does not state anywhere in the email that he is presenting a personal opinion**
 - Violation - emailed signed – **Steve Green “GGFPD board member”**
 - See email #2 below

- Date unknow – Early 2023
- Facebook Posting by Steve Green
 - Violation of District By-Laws – Section 11b.
 - Violation of District By-Laws – Section 9b. **Director’s Performance of Duties.** A District Director shall perform duties as a Director, including duties as a member of any committee of the Board upon which the Director may serve, in good faith, in a manner in which the Director reasonably believes in the best interest of District, and with such care as an ordinarily prudent person in a like position would use under similar circumstances.



Email #1

From: Steven Green <stevegreen2023@gmail.com>
Sent: Tuesday, December 20, 2022 9:28 AM
To: Steven Green <stevegreen2023@gmail.com>
Subject: GGFPD updates

Dear GGFPD Members,

Its been a little over 6 months since the election of 3 new board members Niffy Ovuworie, Deborah Curlee and myself and I want to give you an update of some of the events and

changes in the fire district. **What is written below comes from just me and is being sent to my email list. It may or may not reflect the opinion of other board members.**

Chief Damian Difeo was dismissed by the board in a 3 to 2 no confidence vote. The chief had his own agenda and created his own policy for GGFPD. This situation was only possible because the past board allowed it. The conflict of interest of having two board members who also served as fire fighters likely affected this situation. Here are some of the controversial issues the past chief was behind:

- Chief DiFeo was the driving force behind the unpopular merger with Timberline FPD.
- On his own the chief mandated installations of expensive indoor sprinklers and forced large monetary donations to the GGFPD when he had no authority to do so.
- Prior to the election chief DiFeo threatened to resign and asked FFs to walk out with him if results did not go the way he wanted.
- At the July board meeting Difeo denied he requested the fire fighters to walk out however there were numerous witnesses who contradicted him.
- In response to the board asking DiFeo about the county and other meetings he attends and the policies he was creating at those meetings he wrote the following to the new board: *"I am the one that attends all the Fire Marshalls meetings, Fire Chiefs meetings, Jeffco all-hazard hazard mitigation meetings, and any other meetings at Jeffco that pertain to planning, zoning and building that effect Jefferson County fire departments. I do not need board members getting in the middle of these meetings and processes, that is not the boards job that is my job."*

Chief Damian DiFeo may have been very qualified at some aspects of his job but he was not good at following GGFPD policies and voter's wishes.

After DiFeo's dismissal the GGFPD had only a momentary time lapse before Interim Chief Chris Enright was appointed. Chief Enright has proven to be up to the job and the transition has been smooth. Currently we have 17 volunteer fire fighters as well as two applicants for the GGFPD chief's job who will be interviewed in January. We could always use more FFs especially local ones.

After DiFeo was dismissed on September 1, 2022 we had multiple resignations. The administrative assistant & fire fighter Mitsu Binns as well as board members Sheila Carlon and Dave Kinnard resigned in protest. This made the new board's job and transition more difficult as district management information was no longer easily available. The annual 2023 budget was due and although frustrating at times the new chief and new board got the job done. Since then Chris Creech and Dave Primmer have been sworn in to fill the board seats and we have a new administrative assistant.

The GGFPD board has not continued any work towards a merger with Timberline.

However the GGFPD still maintains excellent relationships and Mutual Aid Agreements with all our neighboring fire districts including Timberline.

Expensive indoor sprinkler systems are not required for remodels, new construction, additions, etc in the GGFPD. The indoor sprinkler requirement chief Difeo was "mandating" for all new county building permits (new construction, remodels and additions) was found not to be supported by either county or fire district rules and regs.

Going forward the board is hoping the GGFPD has a revote on Ballot Issue A in May 2023. In 2018 DiFeo and the GGFPD board presented this ballot initiative to the community as a way to offset a decrease in property tax revenue due to confusing changes in the Gallagher Amendment. Ballot Issue A took away citizens' historic right to vote on their own mil levy (property tax) and gave this right to the 5 person GGFPD board of directors. Ballot Issue A

passed by 2 votes in 2018 but many GFFPD voters were unhappy as they felt the public was not well informed or notified and only one side of the issue was presented. Many residents of GGFPD also said they sent their ballot in with the concurrent county ballot which was the wrong address. This resulted in their ballot not being counted. Many other voters said they never received a ballot.

In May 2023 the GGFPD will most likely be required to hold elections again. If more than two candidates run we will need to have an election. If an election is held the plan is to piggy-back the Ballot Issue A re-vote onto the same ballot for little additional cost. Elections are expensive and the board is hoping to find some community member/s who might want to make some extra money and save the district from having to use very expensive professionals. They would have to attend an online class offered by the state government to become the Designated Election Official and / or Election Judges. The May 2022 election cost the district over \$12,000 to mail out 788 ballots and count 330 returned ballots using professionals. If we can find some community members to take this job I believe the district can save thousands of dollars and some community members can make thousands of dollars. If being a DEO or Election Judge interests you please contact me.

Please feel free to share this email and if you want off my email list just let me know.

Thank you and Happy Holidays!

Steve Green
GGFPD board member

Email #2

-----Original Message-----

From: Steven Green <stevegreen2023@gmail.com>

To: Steven Green <stevegreen2023@gmail.com>

Sent: Sat, Jan 14, 2023 9:51 pm

Subject: GGFPD - Restore your rights to vote on your own property tax rate

Ballot Issue A Analysis - My Comments and notes are in black.

Actual wording of **Ballot Issue A** adopted by GGFPD in November of 2018 below in blue.

Had just one vote been different **Ballot Issue A** would not have passed, it was that close.

EXHIBIT A

SHALL GOLDEN GATE FIRE PROTECTION DISTRICT BE AUTHORIZED TO OFFSET REVENUE LOSSES

The "GOLDEN GATE FIRE PROTECTION DISTRICT" is the GGFPD board. This statement gives the power to the 5 person board to adjust taxes / mil levy for revenue losses on their own with no vote by electors as was the case since the formation of the Fire District. This is contrary to what the GGFPD by-laws state in Section 10f where it is says that any change in "Levy and Collection of Taxes" must occur via

an "election." Basically it takes the taxpayer's voice (780 voters) out of the tax / mil levy adjustment process. It puts this power solely into the hands of a 5 person board of directors. This was never the intention of the founders of the fire district. **Ballot Issue A** is also an end run around Colorado TABOR laws which requires voter approval on new taxes.

FROM REFUNDS, ABATEMENTS AND CHANGES TO THE PERCENTAGE OF ACTUAL VALUATION USED TO DETERMINE ASSESSED VALUATION (IN PARTICULAR TO OFFSET REVENUES THAT WOULD OTHERWISE BE LOST DUE TO THE "GALLAGHER AMENDMENT" TO THE COLORADO CONSTITUTION)

This above portion is not adequately limited. "ABATEMENTS" is not adequately defined. The specified "GALLAGHER AMENDMENT" is confusing and few people actually understand it. It is loose ended and in the opinion of legal counsel the wording would allow the GGFPD board to raise taxes / the mil levy for any reason. It discusses allowing revenue to be raised to address a change of "ACTUAL VALUATION" of property in the district but it is not limited to that. By using the words "IN PARTICULAR" it is indicated that there are other reasons to raise revenue (taxes / mil levy).

TO PROVIDE FIRE, RESCUE, AND EMERGENCY SERVICES BY INCREASING ITS OPERATING MILL LEVY BEGINNING IN COLLECTION YEAR 2020 AND ANNUALLY THEREAFTER; AND SHALL ALL DISTRICT REVENUES BE COLLECTED, RETAINED AND SPENT NOTWITHSTANDING ANY LIMITS PROVIDED BY LAW?

In the above portion the board is not limited to where, how and for who they spend any tax increase. The tax increase could be spent on any "FIRE, RESCUE AND EMERGENCY SERVICE" even out of district services.

Those in favor of **Ballot Issue A** seem to have the mindset that the 5 person GGFPD board on their own should be able to offset fluctuations in tax revenue due to market conditions. These fluctuations have always happened in the past, that is the way the system is set up, property values fluctuate, assessment rates fluctuate. In the past this was accounted for by responsible budget management or if necessary by an open and transparent vote of all the voters to raise the mil levy / tax rate. With **Ballot Issue A** in effect the 5 person GGFPD board can decide to raise taxes with just a 3 board member majority vote at a single board meeting with little if any public notice, public input or transparency in the process. The November 2018 vote for **Ballot Issue A** was flawed from the start and never should have taken place. **Ballot Issue A** should be rescinded and the decision to raise taxes should be returned to the voters as it historically was.

If you support me in this effort to rescind Ballot Issue A in the upcoming election please drop me an email to share with the board before the January 19th board meeting so we can get it on the May 2023 ballot. Thank you.

Steve Green

GGFPD board member - Trying to keep government honest.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Golden Gate Fire Protection District of Jefferson County, Colorado:

1. The Board hereby censures member Steve Green for the conduct and actions demonstrated herein and expresses the strongest possible disapproval and disavowal thereof.

ADOPTED AND APPROVED this 16th Day of February 2023

GOLDEN GATE FIRE PROTECTION DISTRICT

By: [President - Deb Curlee](#) _____