RESOLUTION NO. 2026-33
OF THE FRONT RANGE PASSENGER RAIL DISTRICT
ADOPTING A DISTRICT POLICY REGARDING FAIR CAMPAIGN PRACTICES ACT COMPLIANCE

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 government and management of the affairs of the District; and

WHEREAS, in *Resolution 2026-32*, by a greater than two-thirds majority vote, the Board referred a ballot issue (the "Ballot Issue") to the registered electors of the District to seek approval for the District to establish a sales and use tax and increase the District's debt to fulfill its statutory purpose and deliver Front Range Passenger Rail service, which the District has branded the "Colorado Connector" (the date of such vote, the "Referral Date"); and

WHEREAS, pursuant to Section 32-22-109(3)(c), C.R.S., no public money of the District may be used to urge or oppose passage of a ballot issue submitted for voter approval as required under the Act; and

WHEREAS, pursuant to Section 1-45-101, *et seq.*, C.R.S. (the "Fair Campaign Practices Act"), political subdivisions of the State, including the District, are subject to certain further restrictions concerning election-related activities; and

WHEREAS, the Board has determined to formally adopt a policy to ensure the District's compliance with the Fair Campaign Practices Act (the "FCPA Compliance Policy") as described in this Resolution; and

WHEREAS, the Board's Executive Committee has reviewed the FCPA Compliance Policy and recommends its approval to the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the FCPA Compliance Policy as follows

1. After the Referral Date, neither the District nor any District staff, Board Directors, or consultants may expend any money from any District source or make any contributions, including like-kind contributions, utilizing District time or resources, to urge the electors of the District to vote in favor of or against the Ballot Issue.

2. The District's prohibition on the expenditure of any District money from any source, and on the use of District time or resources, to urge the electors of the District to vote in favor of or against the Ballot Issue, includes, but is not limited to:

a. directly printing, preparing, or sending letters or materials supporting a ballot issue to voters;

b. giving money to an issue committee organized to support the Ballot Issue;

c. contracting with a public opinion researcher or similar analyst to develop talking points in support of the Ballot Issue;

d. donating to any other person for the purpose of making an independent expenditure;

e. spending District staff time, District-contracted or paid consultant time, or other District work supplies, computers, or facilities on efforts supporting the referred measure; and

f. the use of Board meetings, or other public forums or platforms secured through District resources, to strategize ways to support the Ballot Issue.

3. The District's prohibition on the expenditure of any District money from any source, and on the use of District time or resources, to urge the electors of the District to vote in favor of or against the Ballot Issue, is not limited to actions constituting express words of advocacy, but should be broadly construed to include actions that portray one side of an issue positively while ignoring the other side of the same issue.

4. After the Referral Date, the District, including District staff, Board Directors and District consultants may:

a. expend District funds and utilize District resources to dispense neutral factual summaries about the Ballot Issue, so long as the summary includes arguments both for and against the Ballot Issue and does not contain a conclusion or opinion in favor or against the Ballot Issue;

b. express personal opinions on the Ballot Issue, provided these opinions as not expressed in a manner that could be construed to represent an opinion made for or on behalf of the District, and are not made using District resources or at or other public forums or platforms secured through District resources;

c. District staff and Board Directors may respond to unsolicited questions about the Ballot Issue, provided all responses are made as factual summaries in accordance with 4.a. above;

d. District staff and Board Directors may expend personal funds, make contributions, and use personal time to urge electors to support the Ballot Issue, provided that District staff and Board Directors shall diligently document that such work was done on their own time and without the use of District resources;

5. For purposes of this FCPA Compliance Policy, "use of District resources" shall include, but is not limited to, the use of a District laptop of phone, a District email address, use of District-paid time, or use of District-reimbursed travel.

6. All District staff, Board Directors, and consultants shall comply with all applicable campaign finance laws, including with respect to actions undertaken using personal time and personal resources.

7. The Board acknowledges that Board Directors may also be subject to FCPA requirements in their capacities as employees or elected officials of another political subdivision. Board Directors shall comply with all FCPA requirements applicable to the use of public resources, including in their capacities as employees or elected officials of another political subdivision, as applicable.

8. Nothing in this FCPA Compliance Policy shall be construed to prohibit the Board from considering a resolution in favor of the Ballot Issue as permitted pursuant to Section 1-45-117(1)(b)(III)(A), C.R.S. and reporting on the passage of such resolution through established, customary means, other than paid advertising.

9. The Board recognizes the need for guidance regarding the Fair Campaign Practices Act on a case-by-case basis and desires the District's general counsel to provide additional guidance to the District's staff, Board Directors, and consultants as needed to ensure the District's compliance.

10. The Board hereby directs the General Manager to distribute this FCPA Compliance Policy to all District staff, Board Directors, and consultants.

APPROVED this 28th day of August 2026.



Chair

ATTEST:

Joan Peck

Secretary