



**Board of County Commissioners Meeting
AGENDA**

April 8, 2025, 9:00 a.m.

**Hybrid BCC Hearing - Hearing Room 1 and WebEx Webinars
100 Jefferson County Parkway, Golden, CO 80419**

To attend the Public Meeting please attend in person or visit the County's web site at www.jeffco.us/meetings to attend virtually and click on the link for the BCC Meeting you desire to attend which will take you to the WebEx Webinar platform. Please register and click on the blue "Join by Browser" option to join the meeting. The following website also provides access to the meeting: <https://jeffco.webex.com/jeffco/j.php?MTID=me11e99f49b13b8379bdab8f154a8d869>

Webinar password: Fi7Hdvy3B6M

Alternatively, people can also call in and listen to the meeting by dialing: +1-408-418-9388:

Access Code/Webinar Number: 2484 333 8571

People who dial in will not be able to provide public comment during the meeting.

AGENDA

The Tuesday meeting of the Board of County Commissioners (the "Board") is an open meeting in which the Board approves contracts, expends funds, hears testimony, makes decisions on land use cases and takes care of other county matters. The public is welcome to attend.

The Board meeting has three parts: Public Comment, the Business Meeting and the Public Hearing.

General Procedures

Agenda items will normally be considered in the order they appear on this agenda. However, the Board may alter the agenda, take breaks during the meeting, work through the noon hour; and even continue an item to a future meeting date.

The Board welcomes your comments. During the Public Comment time, members of the public have three minutes to present views on county matters that are not included on the Hearing Agenda. Public Comment time is not for questions and answers; it is your time to express your views, people will not be allowed to utilize county resources to make visual presentations during public comment. The Board will take up to 15 minutes at the beginning of the meeting and if needed, additional public comment will be taken at the end of the meeting on items not listed on the Hearing Agenda.

To participate in Public Comment please attend in person or please log into the WebEx Events virtual

meeting using a computer. Once logged into the meeting on your computer, please send a chat message to the host with your name, address, and the topic of your comment so that the Chair can recognize you at the appropriate time for public comment.

Please note that you are always welcome to communicate with the Board on the county’s web site (www.jeffco.us), by e-mail (commish@jeffco.us), by phone (303-271-8525), fax (303-271-8941) or US mail (100 Jefferson County Parkway, Golden, CO 80419). You can also meet your Commissioners at numerous community events such as town hall meetings, homeowner associations and chamber meetings.

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7.	Business Meeting CONSENT AGENDA PROCEDURES - Items on the Business Meeting Consent Agenda generally are decided by The Board without further discussion at the meeting. However, any Board member may remove an item from the Business Meeting Consent Agenda for a presentation by staff and questions from the Board. The Board is not required to take public comment on business meeting items but may request additional information and input.	
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11. Public Hearing

There are two parts to the Public Hearing Agenda: The Hearing Consent Agenda and the Regular Hearing Agenda.

Items are listed on the Hearing Consent Agenda because no testimony is expected. In the event a Commissioner or any member of the public wishes to testify regarding an item on the Consent Agenda, the item will be removed and considered with the Regular Hearing Agenda.

To offer public testimony on any of the cases on the Public Hearing Agenda, please attend in person or please log into the WebEx Events virtual meeting using a computer. Once logged into the meeting on your computer, please send a chat message to the host with your name, address, and the agenda item for which you wish to provide testimony so that the Chair can recognize you at the appropriate time for public testimony. Individuals will receive three minutes and HOA's located with the notice area for the Hearing item will be granted ten minutes.

Unless otherwise stated by the Chair, a motion to approve the Hearing Consent Agenda shall include and be subject to staff's findings, recommendations, and conditions as listed in the applicable Staff Report.

The public is entitled to testify on items under the Public Hearing Regular Agenda. Information on participation in hearings is provided in the County's brochure, "*Your Guide to Board of County Commissioners Hearings*." It may be obtained on the rack outside the hearing room or from the County Public Affairs Office at 303-271-8512.

12. Hearing Consent Agenda - No Agenda Items

13. Hearing Regular Agenda

13.1 Resolution CC25-100

Case Number: 25-104413AR Service Plan

Case Name: Eagle View Metropolitan District Dissolution

Owner/ Applicant: Eagle View Metropolitan District

Location: East of the intersection of West Cooper Avenue and South Simms Street, Littleton

Sections 21 and 28, Township 5 South, Range 69 West

Approximate Area: 43.2 Acres

Original Approval: On September 3, 2002, the Board of County Commissioners approved the Service Plan for Eagle View Metropolitan District by resolution CC02-374.

Purpose: To request that the Board of County Commissioners, for purposes of dissolution, consider and find whether the purposes for which the District was created have been achieved.

Case Manager: Nick Nelson

13.2 Resolution CC25-101

Case Name: Appeal of Elk Creek Fire Protection District Resolution No. 2024-09

Resolution and Order of Exclusion (North Fork Consolidation).

Appellants: Neil H. Whitehead III and Charles F. Newby

Appellee: The Board of Directors of the Elk Creek Fire Protection District

Subject Property: The Elk Creek Fire Protection District Service Area in Jefferson County

Issue: Whether evidence supporting the statutory factors for exclusion was established at the hearing before the District Board.

NO PUBLIC TESTIMONY

14. Public Comment

Please see public comment instructions above.

15. Reports

16. Adjournment

Jefferson County does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or sexual orientation in the provision of services. Disabled persons requiring reasonable accommodation to attend or participate in a County service, program or activity should call 303-271-5000 or TDD 303-271-8560. We appreciate a minimum of 24 hours advance notice so arrangements can be made to provide the requested auxiliary aid.

STATE OF COLORADO

COUNTY OF JEFFERSON

PROCLAMATION



National Crime Victims' Rights Week: April 6-12, 2025

WHEREAS, In 1982 the President's Task Force on Victims of Crime envisioned a national commitment to a more equitable and supportive response to victims; and

WHEREAS, the concept of kinship underscores the connections that build bridges to support, services, and shared strength among survivors, advocates, and communities; and

WHEREAS, kinship is the foundation of victim advocacy, inspiring trauma-informed care that meets survivors where they are; and

WHEREAS, through kinship, we build peer networks and community alliances that empower survivors, foster resilience, and offer pathways to healing; and

WHEREAS, kinship reminds us of the strength that comes from connection, the importance of listening to every voice, and the power we have to create lasting change when we work together;

WHEREAS, Jefferson County is hereby dedicated to amplifying the voices of survivors and creating an environment where survivors have the confidence that they will be heard, believed, and supported.

NOW, THEREFORE, BE IT PROCLAIMED, by the Jefferson County Board of Commissioners of the State of Colorado, that the week of April 6-12, 2025, be declared Crime Victims' Rights Week in this county.

Lesley Dahlkemper, Chair

Andy Kerr, Commissioner

Rachel Zenzinger, Commissioner

April 8, 2025



JEFFERSON
COUNTY COLORADO

STATE OF COLORADO

COUNTY OF

JEFFERSON

PROCLAMATION



National Library Week: April 6-12, 2025

WHEREAS, National Library Week is an annual celebration highlighting the valuable role libraries, librarians, and library staff play in transforming lives and strengthening our communities; and

WHEREAS, Jefferson County Public Library (JCPL) helps to build an educated and vibrant community by providing equal access to information and opportunities while creating libraries for the future throughout the county; and

WHEREAS, JCPL seeks to reach and serve more people through strategic partnerships, alternative services, positive customer experiences, inclusion efforts, and robust community engagement and outreach; and

WHEREAS, JCPL focuses on building literacies through patron-interest-focused materials selection, creative technologies, digital literacy services, school and workforce readiness programming that helps our young people develop skills for early adulthood, small business support, and financial literacy initiatives; and

WHEREAS, JCPL facilitates civil civic conversation, develops collaborative community discovery spaces, and serves as the place to be for out-of-school time and not-to-miss virtual and in-person events.

NOW, THEREFORE, BE IT PROCLAIMED, by the Jefferson County Board of Commissioners, of the State of Colorado, that April 6-12, 2025 be declared as National Library Week in this county.

Lesley Dahlkemper, Chair

Andy Kerr, Commissioner

Rachel Zenzinger, Commissioner

April 8, 2025



JEFFERSON 
COUNTY COLORADO

STATE OF COLORADO

COUNTY OF JEFFERSON



PROCLAMATION

National Public Health Week: April 7-13, 2025

WHEREAS, achieving health and well-being for all requires an intentional focus on equity, recognizing that not all communities have the same access to resources, opportunities, or support systems, and that systemic barriers must be addressed to ensure everyone has a fair opportunity to be as healthy as possible; and

WHEREAS, to allow everyone to live a long and healthy life in a safe environment, we must address the root causes of poor health and disease risk within our communities, including the impact of past and present discrimination; and

WHEREAS, a public health approach protects all people from chronic and infectious diseases through emergency preparedness, environmental protection, injury and violence prevention, and health promotion where we live, learn, work, worship, and play; and

WHEREAS, public health professionals help communities prevent, prepare for, withstand, and recover from health threats, including social and environmental conditions that harm health; and

WHEREAS, public health employees are dedicated and hardworking professionals who care deeply about the people of this county and work tirelessly to ensure the best possible health for all.

WHEREAS, National Public Health Week, is a nationwide movement to recognize the critical importance of public health and educate the public, policymakers, and partners about how public health keeps us safe.

NOW, THEREFORE, BE IT PROCLAIMED, by the Jefferson County Board of Commissioners, of the State of Colorado, that April 7-13, 2025 be declared as National Public Health Week in this county.

Lesley Dahlkemper, Chair

Andy Kerr, Commissioner

Rachel Zenzinger, Commissioner



JEFFERSON
COUNTY COLORADO

April 8, 2025



JEFFERSON
COUNTY COLORADO

Board of County Commissioners' Hearing Minutes

April 1, 2025, 9:00 a.m.

**Hybrid BCC Hearing - Hearing Room 1 and WebEx Webinars
100 Jefferson County Parkway, Golden, CO 80419**

BCC Present: Commissioner Andy Kerr
Commissioner Lesley Dahlkemper, Chair
Commissioner Rachel Zenzinger

Staff Present: Joe Kerby, County Manager
Kym Sorrells, County Attorney
Cassie Pearce, Public Affairs Director
Maylee Barraza, Deputy Clerk to the Board
Katie LaLiberte, Deputy Clerk to the Board
Alanna Blomquist, Deputy Clerk to the Board
Karina Madrigal Bedolla, Deputy Clerk to the Board
Mitchell Yergert, Deputy Clerk to the Board

1. Call to Order

Commissioner Dahlkemper called the meeting to order.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Blue Envelope Autism Awareness Month

The Commissioners recognized the Jefferson County Sheriff's Office's Blue Envelope Program to support community members with autism spectrum disorder and other conditions requiring awareness and accommodation and

declared April 2025 Blue Envelope Autism Awareness Month after a brief presentation.

4. Public Comment

Christine Catramados
Josh Schlossberg
Carolyn Farbman
Mike Rawluk

5. Business Meeting

6. Approval of Minutes Dated March 25, 2025

Motioned by Commissioner Kerr
Seconded by Commissioner Zenzinger

The Board unanimously approved the minutes dated March 25, 2025.

7. Consent Agenda

Motioned by Commissioner Kerr
Seconded by Commissioner Zenzinger

The Board unanimously approved items 7.1 through 7.4. Commissioner Dahlkemper noted that at the March 25th hearing, Consent Agenda item 7.8 listed as Resolution CC25-079 was continued to today's hearing. However, Staff has requested this item be pulled from consideration and was not presented to the Board for action at today's hearing.

7.1 Resolution CC25-083

Expenditure Approval Listings dated March 27, 2025

7.2 Resolution CC25-084

Abatement Refund of Property Taxes

7.3 Resolution CC25-085

Abatement Refund of Property Taxes

7.4 Resolution CC25-086

Grant of Non-Exclusive Easement to Xcel Energy for a portion of Verve Innovation Park Filing 4, Tract A

8. Regular Agenda - No Agenda Items

9. Public Hearing

10. Hearing Consent Agenda - No Agenda Items

11. Hearing Regular Agenda - No Agenda Items

12. Public Comment

No public comment.

13. Reports

Commissioner Zenzinger: Commissioner Zenzinger announced the Jefferson Center for Mental Health selected their new CEO, Sarah Alquist. Commissioner Zenzinger thanked the Board of Directors for their hard work on this selection process. Commissioner Zenzinger shared she attended the Metro Area County Commissioners meeting this past week and discussed homeless initiatives between various counties and compared notes. Commissioner Zenzinger also noted she really enjoyed the Douglas County presentation on their Helitack Team to fight fires which was very engaging. Commissioner Zenzinger thanked Chief Judge Pilkington for meeting with her and for his mentorship in regards to the court structure in Jefferson County. Commissioner Zenzinger thanked the constituents for attending the District 1 Arvada Town Hall meeting hosted by Council Member Randy Moorman on Saturday. Finally, Commissioner Zenzinger toured Firefly Autism, a school which provides support for those with autism throughout the County and noted how inspired she was by Firefly Autism's person-centered approach and Applied Behavior Analysis (ABA) therapy, a Medicaid eligible therapy, to teach functional skills. Firefly Autism is also a Blue Envelope Program site.

Commissioner Kerr: Commissioner Kerr met with a new group called the Sloans Lake Watershed Alliance. This group consists of community members as well as a collaboration between Jefferson County and the City and County of Denver. The group's goal is to improve Sloans Lake's water quality as well as the experience in the park. Commissioner Kerr shared additional collaborations with the City and County of Denver to work towards transit improvements in the Red Rocks and Dinosaur Ridge areas. Commissioner Kerr shared he enjoyed watching the progress of the reseeded of the Quarry Fire's burn scars by helicopter. These crews, led by Tom Hoby of Jeffco Open Space, were placing hay over hydroseeded portions of land to help recover the area. Commissioner Kerr noted we will continue to work towards wildfire resiliency in a safe, effective, and ecological way throughout Jefferson County. Commissioner Kerr shared there will be a Foothills Town Hall this Saturday from 9:15am-10:45am at the Evergreen Library. Discussion topics will include wildfire resiliency and homeowners insurance. Finally, Commissioner Kerr wished to remind everyone

now that it is April, prom season and spring sports are beginning and requested everyone be mindful when driving to ensure everyone arrives alive.

Commissioner Dahlkemper: Commissioner Dahlkemper shared in connection with Douglas County's Helitack Team who have provided support in Jefferson County in the past, and noted that we are very proud of the state's Firehawk helicopter that is housed at the RMMA. This helicopter is a retrofitted Black Hawk helicopter and provides aid in the event of a wildfire. Commissioner Dahlkemper shared that the recent seed drops in Deer Creek Canyon Park included a very interesting process. Our Jeffco Open Space team gathered seeds from our local parks and sent them to Washington where they grew more plants and created more seeds to send back to Jefferson County to be planted in this area with the burn damage. The goal in this reseeding is to prevent erosion and reduce water sediment which effects our drinking water. Commissioner Dahlkemper thanked Jefferson County Open Space for these efforts. Commissioner Dahlkemper shared the upcoming Evergreen Town Hall meeting will feature the Colorado Insurance Commissioner, Michael Conway to discuss the issue of homeowners insurance rates as well as Jefferson County Fire Management Officer, Brian Keating to discuss wildfire mitigation. Finally, Commissioner Dahlkemper shared on May 8th, the BCC will hold their Virtual Town Hall from 6-7pm to discuss next steps for 1A, wildfire preparation and mitigation, as well as recent federal executive orders and their potential impacts. Lastly, Commissioner Dahlkemper shared she was wearing University of Denver colors today to show her support for the DU Hockey Team who are moving on to the Frozen Four to have a rematch with Western Michigan. Commissioner Dahlkemper wished the DU Pioneers good luck in their upcoming matches.

County Manager: County Manager Joe Kerby shared there will a cybersecurity tabletop exercise later this week in the county. This exercise allows county employees to practice responses to cybersecurity incidents. County Manager Kerby also shared in reference to the earlier proclamation, and noted he is also a fan of the show Survivor and has admired how recent episodes have shed a positive light on autism. County Manager Kerby shared he admires the Sheriff's Office and their efforts with the Blue Envelope Program.

County Attorney: No reports.

14. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned.

These minutes summarize the final decision made by the Board at the referenced meeting. This meeting was also audio recorded and that recording is available for review. In the event there is confusion as to what the final decision of the Board is, the Board will rely on the audio tape to interpret the Board's intent. The audio tape shall act as an official record of these proceedings for any necessary purpose when, in the opinion of the Board, the minutes are in any way insufficient. An audio copy of the Board of County Commissioners' proceedings is available by contacting the Deputy Clerk to the Board.

Chair

Deputy Clerk

M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners
FROM: Joe Kerby, County Manager
RE: EXPENDITURE APPROVAL LISTINGS
DATE: April 8, 2025

Staff Recommendation:

Resolved that the Board of County Commissioners (BCC) hereby approves settlement of accounts listed on the Expenditure Approval Listings dated April 3, 2025.

Resolution No. CC25-087

Background:

Jefferson County has established a system of controls to reasonably assure that the claims to be examined and settled by the Board of County Commissioners on the Expenditure Approval Listings are allowable.

Further, the staff has reviewed all claims and has reasonable assurance that all claims are allowable and are in order to be paid.

Original returned to:

Dan Conway, Chief Financial Officer, x-8507

Distribution:

Jerry DiTullio, County Treasurer

M E M O R A N D U M

TO: Honorable Chairman and Members of the Board of County Commissioners
FROM: Joe Kerby, County Manager
RE: Contract for JC-73 Roadway Improvements – FNF Construction Inc (Not To Exceed (NTE) \$4,924,768.96) – Transportation and Engineering
Date: 4/8/2025

Staff Recommendation:

Whereas, Jefferson County received a federal grant from Denver Regional Council of Government (DRCOG) for the reconstruction of JC-73 from SH 74 to Buffalo Park Road (“the Project”).

Whereas, the Project is focused on increasing public safety of the roadway and includes enhancing turn lanes, installing pedestrian and bicycle facilities, improving drainage, replacing failing existing drainage structures, and providing additional public parking near downtown Evergreen.

Whereas, the Board of County Commissioners finds that the Project serves important public safety goals for the County and approves the Project.

Wherefore, the County distributed an Invitation to Bid for the Project and FNF Construction, Inc. submitted the bid determined to be the lowest responsive and responsible bidder.

Wherefore, staff recommends that the County enter into a contract with FNF Construction, Inc. for the Project, in an amount not to exceed \$4,924,768.96.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners authorizes the County to enter into a contract between Jefferson County and FNF Construction Inc. in an amount not to exceed \$4,924,768.96 for the Project and further authorizes the purchasing manager to execute the contract in the final form as approved by the County Attorney.

Resolution No: CC25-088

Background: Jefferson County received a federal grant from DRCOG for the

reconstruction of JC-73 from SH 74 to Buffalo Park Road. The goal of the reconstruction of JC-73 is to improve safety along this section of roadway by enhancing turn lanes, installing pedestrian and bicycle facilities, improving the drainage along the roadway, replacing the failing existing drainage structures, and providing additional public parking near downtown Evergreen.

Fiscal Impact: Funding for services is available and approved in the 2025 budget through the Road & Bridge Fund.

The project is funded by the Federal Highway Administration (FHWA) as an 80%/20% grant match. The grant funding is administered by the Colorado Department of Transportation (CDOT). Due to the uncertain status of the federal funding, the County requested a letter from CDOT for Concurrence to Award and included a request that CDOT confirm the availability of the funding per the terms of the executed Intergovernmental Agreement (IGA). Pursuant to the terms of the grant and the executed IGA, the County expects to be reimbursed with federal grant funds at the completion of the project. Because this project is of such importance to the County, the Road & Bridge Fund will be used to make up any shortfall in federal grant funding for the Project.

BCC Briefing Presented on: 1/14/2025

Originator: Barbra Miller, Purchasing Agent, x-8592

Distribution: Abel Montoya, Development and Transportation
Mike Vanatta, Transportation and Engineering
Carey Markel, County Attorney
Vera Braeckman, Purchasing
Heather Frizzell, Finance
Kevin Ryburn, Transportation and Engineering

M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: Improvements Agreement with Jefferson County Public Library Board of Trustees for 11100 Bradford Road Property

Date: 4/8/2025

Staff Recommendation: Staff requests authorization for the Chair to sign the Improvements Agreement for 11100 Bradford Road, Littleton, Colorado, related to Planning & Zoning Case 24-129561SA – Location and Extent Application.

Resolution No: CC25-089

Background: Pursuant to Section 8 of the County’s Zoning Resolution, the Library submitted a Location and Extent (L&E) application to the Planning and Zoning Division for approval of a new Library land use at 11100 Bradford Road. The Planning Commission approved the Location & Extent. An Improvements Agreement was required to meet conditions of approval. For an Improvements Agreement associated with a Location & Extent, the Board of County Commissioners must authorize the Chair’s signature in a public meeting.

Fiscal Impact: No Fiscal Impact

BCC Briefing Presented on: 12/17/2024

Originator: Chris O’Keefe, Planning and Zoning Director (x8713)

Distribution:

Nick Nelson, Development Review Planning Supervisor (x8727)

Kathy Parker, Assistant County Attorney (x8911)

M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: 2025 Budget – April Supplementary Budget and Appropriation

Date: 4/8/2025

Staff Recommendation:

RESOLVED, that the 2025 Budget adopted by the Board of County Commissioners (BCC) on November 19, 2024, is hereby amended as follows:

1. The budget and appropriation of the General Fund for the Development and Transportation Department are hereby increased in the amount of \$600,000 for a transportation and engineering project; to be offset by a like amount of unrestricted fund balance in the General Fund.
2. The budget and appropriation of the General Fund for the Treasurer’s Office are hereby increased in the amount of \$3,600 for administrative adjustments for insurance charges; to be offset by a like amount of unrestricted balance in the General Fund.
3. The budget and appropriation of the Airport Fund for the Development and Transportation Department are hereby increased in the amount of \$150,000 for an airfield project; to be offset by a like amount of unrestricted fund balance in the Airport Fund.
4. The budget and appropriation of the Airport Fund for the Development and Transportation Department are hereby increased in the amount of \$2,000,000 for administrative adjustments for the Part

150 airport noise compatibility study: to be offset by a like amount of federal grant revenue and unrestricted balance in the Airport Fund.

5. The budget and appropriation of the Evergreen Local Improvement District Fund for the Development & Transportation Department are hereby increased in the amount of \$92,000 for a transportation and engineering project; to be offset by a like amount of unrestricted fund balance in the Evergreen Local Improvement District Fund.
6. The budget and appropriation of the North Traffic Impact Fund for the Development and Transportation Department are hereby increased in the amount of \$150,000 for a transportation and engineering project; to be offset by a like amount of unrestricted fund balance in the North Traffic Impact Fund.
7. The budget and appropriation of the Open Space Fund for the Parks and Conservation Department are hereby increased in the amount of \$410,000 for a Forest Restoration & Wildfire Risk Mitigation Grant; to be offset by a like amount of state grant revenue and unrestricted fund balance in the Open Space Fund.
8. The budget and appropriation of the Patrol Fund for the Sheriff's Office are hereby increased in the amount of \$496,110 for administrative adjustments for the regional crime lab; to be offset by a like amount of intergovernmental revenue.
9. The budget and appropriation of the Public Trustee Salary Fund for the Treasurer's Office are hereby decreased in the amount of \$3,600 for administrative adjustments to remove insurance charges; to be offset by a like amount restored to the unrestricted fund balance in the Public Trustee Salary Fund.
10. The budget and appropriation of the Rescue Plan Project Fund for the Strategy, Innovation and Finance Department are hereby increased in the amount of \$1,022,503 for a transfer to the General Fund for staffing support; to be offset by a like amount of unrestricted fund balance in the Rescue Plan Project Fund.

11. The budget and appropriation of the Road and Bridge Fund for the Development and Transportation Department are hereby increased in the amount of \$13,785,000 for transportation and engineering projects; to be offset by a like amount of federal grant revenue and unrestricted fund balance in the Road and Bridge Fund.
12. The budget and appropriation of the Solid Waste Emergency Reserve Fund for the Operations Department are hereby increased to the amount of \$1,000,000 for landfill remediation; to be offset by a like amount of unrestricted fund balance in the Solid Waste Emergency Reserve Fund.
13. The budget and appropriation of the Solid Waste Emergency Reserve Fund for the Operations Department are hereby increased in the amount of \$50,000 for contract cost increases; to be offset by a like amount of unrestricted fund balance in the Solid Waste Emergency Reserve Fund.
14. The budget and appropriation of the South Traffic Impact Fund for the Development and Transportation Department are hereby increased in the amount of \$25,000 for transportation and engineering projects; to be offset by a like amount of unrestricted fund balance in the South Traffic Impact Fund.
15. The budget and appropriation of the Southeast Sales Tax Capital Projects Fund for the Development and Transportation Department are hereby increased in the amount of \$13,440,000 for transportation and engineering projects; to be offset by a like amount of unrestricted fund balance in the Southeast Sales Tax Capital Projects Fund.

FURTHER RESOLVED, that a copy of this Resolution shall be transmitted immediately to the affected spending agencies; and

FURTHER RESOLVED, a certified copy of this Resolution shall be filed by the Director of Strategy, Planning, and Analysis with the Division of Local Government in the State of Colorado Department of Local Affairs.

Resolution No: CC25-071

Background: Departments have identified and briefed programs, grants, or administrative accounting adjustments that were not identified or awarded prior to budget adoption.

Fiscal Impact: This resolution would increase the 2025 budget and appropriation for various funds by a total of \$33,220,613. This supplemental appropriation identifies \$13,401,110 in increased expenditure with offsetting revenue and \$19,819,503 in the use of unrestricted fund balance. The specific funds and departments are identified on the Supplemental Appropriation Summary attachment.

BCC Briefing Presented on: 3/11/2025

3/25/2025 and an administrative supplemental email sent to the BCC on April 1, 2025.

Originator: Micah Badana, Strategy, Innovation & Finance, x8594

Distribution:

Daniel Conway, Strategy, Innovation & Finance, x8507
Michael Smith, Strategy, Innovation & Finance, x8572
Kurtis Behn, County Attorney's Office, x8923

Supplemental Appropriation Summary

For Adoption on April, 2025

Fund	Department	Expenditures	Revenues	Transfers	Use of Fund Balance	Positions		
						Reg	GFP	LTE
ADMINISTRATIVE REQUESTS								
General - Fund 030								
	Treasurer	\$ 3,600	\$ -	\$ -	\$ 3,600	-	-	-
Airport - Fund 280								
	Development & Transportation	\$ 2,000,000	\$ 1,800,000	\$ -	\$ 200,000	-	-	-
Patrol - Fund 190								
	Sheriff	\$ 496,110	\$ 496,110	\$ -	-	-	-	-
Public Trustee Salary - Fund 230								
	Treasurer	\$ (3,600)	\$ -	\$ -	(3,600)	-	-	-
Subtotal		\$ 2,496,110	\$ 2,296,110	\$ -	\$ 200,000	-	-	-
DEPARTMENT BRIEFED REQUESTS								
General - Fund 030								
	Development & Transportation	\$ 600,000	\$ -	\$ -	\$ 600,000	-	-	-
Airport - Fund 280								
	Development & Transportation	\$ 150,000	\$ -	\$ -	\$ 150,000	-	-	-
Evergreen Local Improvement District - Fund 383								
	Development & Transportation	\$ 92,000	\$ -	\$ -	\$ 92,000	-	-	-
North Traffic Impact - Fund 101								
	Development & Transportation	\$ 150,000	\$ -	\$ -	\$ 150,000	-	-	-
Open Space - Fund 050								
	Parks & Conservation	\$ 410,000	\$ 205,000	\$ -	\$ 205,000	-	-	-
Rescue Plan Project - Fund 36								
	Strategy, Innovation & Finance	\$ 1,022,503	\$ -	\$ -	\$ 1,022,503	-	-	-
Road & Bridge - Fund 110								
	Development & Transportation	\$ 13,785,000	\$ 10,900,000	\$ -	\$ 2,885,000	-	-	-
SE Sales Tax Capital Projects - Fund 381								
	Development & Transportation	\$ 13,440,000	\$ -	\$ -	\$ 13,440,000	-	-	-
Solid Waste Emergency Response - Fund 400								
	Operations	\$ 1,050,000	\$ -	\$ -	\$ 1,050,000	-	-	-
South Traffic Impact - Fund 100								
	Development & Transportation	\$ 25,000	\$ -	\$ -	\$ 25,000	-	-	-
Subtotal		\$ 30,724,503	\$ 11,105,000	\$ -	\$ 19,619,503	-	-	-

Fund	Department	Expenditures	Revenues	Transfers	Use of Fund Balance	Positions		
						Reg	GFP	LTE
TOTAL APPROPRIATION BY FUND								
General		\$ 603,600	\$ -	\$ -	\$ 603,600	-	-	-
Airport		\$ 2,150,000	\$ 1,800,000	\$ -	\$ 350,000	-	-	-
Evergreen Local Improvement District		\$ 92,000	\$ -	\$ -	\$ 92,000	-	-	-
North Traffic Impact		\$ 150,000	\$ -	\$ -	\$ 150,000	-	-	-
Open Space		\$ 410,000	\$ 205,000	\$ -	\$ 205,000	-	-	-
Patrol		\$ 496,110	\$ 496,110	\$ -	\$ -	-	-	-
Public Trustee Salary		\$ (3,600)	\$ -	\$ -	\$ (3,600)	-	-	-
Rescue Plan Project		\$ 1,022,503	\$ -	\$ -	\$ 1,022,503	-	-	-
Road & Bridge		\$ 13,785,000	\$ 10,900,000	\$ -	\$ 2,885,000	-	-	-
South Traffic Impact		\$ 25,000	\$ -	\$ -	\$ 25,000	-	-	-
Southeast Sales Tax Capital Projects		\$ 13,440,000	\$ -	\$ -	\$ 13,440,000	-	-	-
Solid Waste Emergency Response		\$ 1,050,000	\$ -	\$ -	\$ 1,050,000	-	-	-
	TOTAL	\$ 33,220,613	\$ 13,401,110	\$ -	\$ 19,819,503	-	-	-

Administrative Requests											
Fund	Department	Description	Expenditure	Revenue	Transfers	Fund Balance	REG	GFP	LTE	Ongoing	One-Time
Public Trustee Salary - Fund 230	Treasurer	Remove insurance charges from Public Trustee Salary Fund	\$ (3,600)	\$ -	\$ -	(3,600)	-	-	-		✓
General - Fund 030	Treasurer	Add insurance charges to Public Trustee	\$ 3,600	\$ -	\$ -	3,600	-	-	-		✓
Airport - Fund 280	Development & Transportation	Part 150 airport noise compatibility study	\$ 2,000,000	\$ 1,800,000	\$ -	200,000	-	-	-		✓
Patrol - Fund 190	Sheriff	Regional Crime Lab	\$ 496,110	\$ 496,110	\$ -	-	-	-	-	✓	
Total			\$ 2,496,110	\$ 2,296,110	\$ -	200,000	-	-	-		

Fund Totals	Expenditure	Revenue	Transfers	Fund Balance	REG	GFP	LTE
General - Fund 030	\$ 3,600	\$ -	\$ -	3,600	-	-	-
Airport - Fund 280	\$ 2,000,000	\$ 1,800,000	\$ -	200,000	-	-	-
Patrol - Fund 190	\$ 496,110	\$ 496,110	\$ -	-	-	-	-
Public Trustee Salary - Fund 230	\$ (3,600)	\$ -	\$ -	(3,600)	-	-	-
Total	\$ 2,496,110	\$ 2,296,110	\$ -	200,000	-	-	-

Department Briefed Requests												
Briefing Date	Fund	Department	Description	Expenditure	Revenue	Transfers	Fund Balance	REG	GFP	LTE	Ongoing	One-Time
Mar 25, 2025	Airport - Fund 280	Development & Transportation	Airfield Project	\$ 150,000	\$ -	\$ -	\$ 150,000	-	-	-		✓
Mar 25, 2025	Evergreen Local Improvement District - Fund 383	Development & Transportation	Transportation & Engineering Projects	\$ 92,000	\$ -	\$ -	\$ 92,000	-	-	-		✓
Mar 25, 2025	General - Fund 030	Development & Transportation	Transportation & Engineering Projects	\$ 600,000	\$ -	\$ -	\$ 600,000	-	-	-		✓
Mar 25, 2025	North Traffic Impact - Fund 101	Development & Transportation	Transportation & Engineering Projects	\$ 150,000	\$ -	\$ -	\$ 150,000	-	-	-		✓
Mar 25, 2025	Open Space - Fund 050	Parks & Conservation	Forest Restoration & Wildfire Risk Mitigation	\$ 410,000	\$ 205,000	\$ -	\$ 205,000	-	-	-		✓
Mar 11, 2025	Rescue Plan Project - Fund 36	Strategy, Innovation & Finance	Transfer funding to General Fund for staffing support	\$ 1,022,503	\$ -	\$ -	\$ 1,022,503	-	-	-		✓
Mar 25, 2025	Road & Bridge - Fund 110	Development & Transportation	Transportation & Engineering Projects	\$ 13,785,000	\$ 10,900,000	\$ -	\$ 2,885,000	-	-	-		✓
Mar 25, 2025	SE Sales Tax Capital Projects - Fund 381	Development & Transportation	Transportation & Engineering Projects	\$ 13,440,000	\$ -	\$ -	\$ 13,440,000	-	-	-		✓
Mar 11, 2025	Solid Waste Emergency Response - Fund 400	Operations	Contract cost increases	\$ 50,000			\$ 50,000	-	-	-	✓	
Mar 11, 2025	Solid Waste Emergency Response - Fund 400	Operations	Landfill remediation	\$ 1,000,000	\$ -	\$ -	\$ 1,000,000	-	-	-		✓
Mar 25, 2025	South Traffic Impact - Fund 100	Development & Transportation	Transportation & Engineering Projects	\$ 25,000	\$ -	\$ -	\$ 25,000	-	-	-		✓
				\$ 30,724,503	\$ 11,105,000	\$ -	\$ 19,619,503	\$ -	\$ -	\$ -		

Fund Totals	Expenditure	Revenue	Transfers	Fund Balance	REG	GFP	LTE
General - Fund 030	\$ 600,000	\$ -	\$ -	\$ 600,000	-	-	-
Airport - Fund 280	\$ 150,000	\$ -	\$ -	\$ 150,000	-	-	-
Evergreen Local Improvement District - Fund 383	\$ 92,000	\$ -	\$ -	\$ 92,000	-	-	-
North Traffic Impact - Fund 101	\$ 150,000	\$ -	\$ -	\$ 150,000	-	-	-
Open Space - Fund 050	\$ 410,000	\$ 205,000	\$ -	\$ 205,000	-	-	-
Rescue Plan Project - Fund 36	\$ 1,022,503	\$ -	\$ -	\$ 1,022,503	-	-	-
Road & Bridge - Fund 110	\$ 13,785,000	\$ 10,900,000	\$ -	\$ 2,885,000	-	-	-
SE Sales Tax Capital Projects - Fund 381	\$ 13,440,000	\$ -	\$ -	\$ 13,440,000	-	-	-
Solid Waste Emergency Response - Fund 400	\$ 1,050,000	\$ -	\$ -	\$ 1,050,000	-	-	-
South Traffic Impact - Fund 100	\$ 25,000	\$ -	\$ -	\$ 25,000	-	-	-
Total	\$ 30,724,503	\$ 11,105,000	\$ -	\$ 19,619,503	\$ -	\$ -	\$ -

M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: Colorado Department of Labor and Employment Qualified Apprenticeship Intermediary Grant Application – Housing, Economic and Employment Services (HEES) Division – Human Services Department

Date: 4/8/2025

Staff Recommendation:

That the Board of County Commissioners (a) authorizes the Business & Workforce Center to apply for and, if awarded, accept a Colorado Department of Labor and Employment Qualified Apprenticeship Intermediary Grant in an amount of up to \$200,000 over two years; (b) authorizes the Executive Director of Human Services to sign a grant agreement with the Colorado Department of Labor and Employment for these funds, following approval as to form by the County Attorney’s Office; and (c) directs that any grant funds awarded be included in a supplemental appropriation to Human Services’ budget.

Resolution No: CC25-090

Background:

Jefferson County Business & Workforce Center received the Qualified Apprenticeship Intermediary Designation in 2024 by the Office of State Apprenticeship. The designation is for both the Business Intermediary and Talent Intermediary roles. This is in acknowledgement of the important role the public workforce system plays in both developing apprenticeship programs in multiple industries, as well as connecting talent to these opportunities to further support residents gaining access to and successfully entering these important career pathways.

Fiscal Impact: **yes** **no**

- Year(s) of impact: 2025-2026
- Existing grant or project: No
- New grant or project: Yes
- Requested in adopted budget: No
- Ongoing or one-time: One-time
- General Fund impact: No
- Staffing impact: No
- Match requirements: N/A
- Mandate/Contractual obligation: No

BCC Briefing Presented on: 3/25/2025

Originator: Kat Douglas, Housing, Economic and Employment Services
Division Director (x8372)

Distribution: Mary C. Berg, Human Services Department Executive Director
(x4163)

M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: Denver Regional Council of Governments Green Workforce Hubs Grant Application – Housing, Economic and Employment Services (HEES) Division – Human Services Department

Date: 4/8/2025

Staff Recommendation: That the Board of County Commissioners (a) authorizes the Business & Workforce Center to apply for and, if awarded, accept a subaward of a Denver Regional Council of Governments (DRCOG) Green Workforce Hub Grant in the amount of up to \$1 million for four years; (b) authorizes the Executive Director of Human Services to sign a grant agreement with Arapahoe County for these funds, following approval as to form by the County Attorney’s Office; (c) directs that any grant funds awarded be included in a supplemental appropriation to Human Services’ budget; (d) authorizes the creation of two full- time, grant funded Career Specialist positions tied to the DRCOG Green Workforce Hubs Grant; and (e) supplement the General Fund budget as needed to accommodate additional Business Innovation and Technology (BIT) and Human Resources Full Time Employee) FTE costs as detailed in the Fiscal Impact section.

Resolution No: CC25-091

Background: Denver Regional Council of Governments (DRCOG) was awarded nearly \$200 million from the Environmental Protection Agency’s Climate Pollution Grants, aimed at reducing greenhouse gases and other harmful air pollutants. To support this effort DRCOG has released a Green Workforce Hubs grant aimed at developing the talent pipeline to fill these critical new industry jobs.

Fiscal Impact: **yes** **no**

This grant is intended to supplement the Human Services budgeted funds. However, should the federal funds for this Project be interrupted, Human Services Department is prepared to modify its other proposed project plans to fulfill its contractual obligations using budgeted funds.

- Year(s) of impact: 2025-2029, \$1M over a four-year period
- Existing grant or project: No
- New grant or project: Yes
- Requested in adopted budget: No
- Ongoing or one-time: Ongoing, BIT requires ongoing funding in the amounts of \$1,000 for enterprise software subscriptions and \$1,600 for staff support.
- General Fund impact: Yes, \$3,200 for additional BIT staff support, \$1500 for additional Human Resources staff support, and \$2,000 for BIT enterprise software subscriptions.
- Staffing impact: 2 FTE, Career Development Specialists, 0.02 BIT support staff, and .02 Human Resources support staff.
- Match requirements: N/A
- Mandate/Contractual obligation: No

BCC Briefing Presented on: 3/25/2025

Originator: Kat Douglas, Housing, Economic and Employment Services Division Director (x8372)

Distribution: Mary C. Berg, Human Services Department Executive Director (x4163)

M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: Gateway to the Rockies Opioid Council Grant – Housing, Economic and Employment Services (HEES) Division – Human Services Department

Date: 4/8/2025

Staff Recommendation: That the Board of County Commissioners (a) authorizes the Business & Workforce Center to apply for and, if awarded, accept a grant from the Gateway to the Rockies Opioid Council in an amount of up to \$1,200,000 over three years; (b) authorizes the Executive Director of Human Services to sign a grant agreement with the Gateway to the Rockies Opioid Council for these funds, following approval as to form by the County Attorney’s Office; and (c) directs that any grant funds awarded be included in a supplemental appropriation to Human Services’ budget.

Resolution No: CC25-092

Background: The Jefferson County Business & Workforce Center started the Behavioral Health Sector Partnership in 2024 in coordination with Boulder and Broomfield Workforce Centers. The Behavioral Health Sector Partnership brings together industry and education partners to address the most critical needs facing this sector. The top priority is addressing the talent shortages, training, and retention strategies. This is the only Behavioral Health Sector Partnership in the greater metro area. The Business & Workforce Center serves Jefferson, Clear Creek and Gilpin counties.

Fiscal Impact: **yes** **no**

- Year(s) of impact: 2025-2027
- Existing grant or project: No
- New grant or project: Yes

- Requested in adopted budget: No
- Ongoing or one-time: One-time, with the goal of ongoing if available.
- General Fund impact: No
- Staffing impact: No
- Match requirements: N/A
- Mandate/Contractual obligation: No

BCC Briefing Presented on: 3/25/2025

Originator: Kat Douglas, Housing, Economic and Employment Services
Division Director (x8372)

Distribution: Mary C. Berg, Human Services Department Executive Director
(x4163)

MEMORANDUM

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: Head Start Division Enrollment Reduction – Head Start Division – Human Services Department

Date: 4/8/2025

Staff Recommendation: That the Board of County Commissioners authorizes (1) Jefferson County Head Start (JCHS) to request a reduction of 31 in the number of preschool aged children served, and (2) the Chairman to sign a statement indicating support and approval of the reduction request.

Resolution No: CC25-093

Background: Head Start regulations require governing body approval for all proposed reductions in the number of children served. JCHS is currently funded to serve 247 children and families; 215 of these enrollment slots are for preschool aged children, and 32 are for children ages 6 weeks-3 years. In February 2025, JCHS successfully completed an under-enrollment plan after a 12-month period of being part of the Full Enrollment Initiative (FEI), a corrective action plan due to many months of under-enrollment. The FEI requires an additional 6-month monitoring period during which we must maintain 97 percent enrollment, or risk being designated as chronically under-enrolled, which could include a reduction of our base grant. According to the Colorado Department of Early Childhood, Jefferson County has licensed childcare capacity for 124.9% of the preschool aged population. In the 2024-25 school year, in the cities most served by JCHS, there was a 28% increase from the previous year in the number of children that benefitted from Universal Preschool (UPK). With the supply exceeding demand and increasing access to UPK, there are many options for no cost full-day preschool, eliminating the need for half-day programming.

Fiscal Impact: yes no

BCC Briefing Presented on: 3/25/2025

Originator: Rachel Meixner, Head Start Division Director (x7941)

Distribution: Mary C. Berg, Human Services Department Executive Director (x4163)

April 8, 2025

Ms. Maura Murray, Program Specialist
Department of Health and Human Services
Office of Head Start, Region VIII
1961 Stout Street, Room 08-148
Denver, CO 80294

To Whom It May Concern:

The 2025 Jefferson County Head Start Change in Scope reduction request was presented to the Jefferson County Board of County Commissioners (“JeffCo BCC”) at a briefing held on March 25, 2025. At the briefing, the JeffCo BCC reviewed the application and approved it to be added to the JeffCo BCC’s hearing agenda on April 8, 2025. At this hearing, the JeffCo BCC formally approved Jefferson County Head Start’s reduction request.

Sincerely,

JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS

Lesley Dahlkemper, Chair

cc: Commissioner Kerr
Commissioner Zenzinger
Joseph Kerby, County Manager

M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: Lease Agreement with Clear Creek County for Workforce Services – Housing, Economic and Employment Services (HEES) Division – Human Services Department

Date: 4/8/2025

Staff Recommendation: That the Board of County Commissioners (a) authorizes Jefferson County Business & Workforce Development to enter into a lease agreement with Clear Creek County, for \$1 per year, for office space at 1969 Miner Street in Idaho Springs, to serve residents with Career Coaching and Navigation; and (b) authorizes the Chair to sign the lease agreement, following approval as to form by the County Attorney’s Office.

Resolution No: CC25-094

Background: The Tri-County Workforce Area, serving Jefferson, Gilpin and Clear Creek Counties, received funding through the Paving Access to Careers and Employment (PACE) Program to enhance employment and training opportunities for applicants and recipients of the Supplemental Nutrition Assistance Program (SNAP). Each year, approximately 40,000 SNAP recipients in Colorado are determined to be work-ready; however, only 17.5% actively engage in employment programs.

In response to this gap, the Colorado Department of Human Services (CDHS) and the Colorado Department of Labor and Employment (CDLE) have collaborated to develop and administer the PACE Program. This initiative is supported by Supplemental Employment Support Funds (ESF) and Colorado’s Employment First funding, facilitating the deployment of Program Ambassadors and the provision of Supportive Services. The primary

objective of the PACE Program is to increase the participation of SNAP applicants and recipients in Employment First and other local employment and training programs.

The PACE Program will leverage Colorado's existing workforce development infrastructure and established partnerships that serve SNAP recipients, with a particular focus on assisting individuals facing significant barriers to employment. By doing so, the program aims to support economic self-sufficiency for these individuals.

Fiscal Impact: **yes** **no**

- Year(s) of impact: 2025-2028
- Existing grant or project: Yes
- New grant or project: No
- Requested in adopted budget: No
- Ongoing or one-time: Ongoing
- General Fund impact: No
- Staffing impact: No
- Match requirements: No
- Mandate/Contractual obligation: No

BCC Briefing Presented on: 3/25/2025

Originator: Kat Douglas, Housing, Economic and Employment Services
Division Director (x8372)

Distribution: Mary C. Berg, Human Services Department Executive Director
(x4163)

M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: United States Department of Labor Pathway Home 6 Grant – Housing, Economic and Employment Services (HEES) Division – Human Services Department

Date: 4/8/2025

Staff Recommendation: That the Board of County Commissioners (a) authorizes the Department of Human Services to apply for and, if awarded, accept a United States Department of Labor Pathway Home 6 Grant from the Colorado Department of Labor and Employment in an amount of up to \$600,000 over four years; (b) authorizes the Executive Director of Human Services to sign a grant agreement with the Colorado Department of Labor and Employment for these funds, following approval as to form by the County Attorney’s Office; and (c) directs that any grant funds awarded be included in a supplemental appropriation to Human Services’ budget.

Resolution No: CC25-095

Background: The Colorado Department of Labor and Employment is seeking local workforce areas for the Pathway Home 6 Grant competition. This grant focuses on driving service and system innovations in Colorado by providing pre-and-post reentry services with consistent case management to eligible individuals in state correctional facilities and county or local jails. Approximately \$25 million is available for the 2025-2029 fiscal years.

Fiscal Impact: **yes** **no**

This grant is intended to supplement the Human Services budgeted funds. However, should the federal funds for this Project be interrupted, the Human Services Department is prepared to modify its other proposed project plans

to fulfill its contractual obligations using budgeted funds.

- Year(s) of impact: 2025-2029
- Existing grant or project: No
- New grant or project: Yes
- Requested in adopted budget: No
- Ongoing or one-time: Ongoing
- General Fund impact: No
- Staffing impact: No
- Match requirements: No
- Mandate/Contractual obligation: No

BCC Briefing Presented on: 3/25/2025

Originator: Kat Douglas, Housing, Economic and Employment Services
Division Director (x8372)

Distribution: Mary C. Berg, Human Services Department Executive Director
(x4163)

M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: 2025 Pre-approval of Annual Agreements with Multiple Vendors – Business Innovation & Technology (BIT)

Date: 4/8/2025

Staff Recommendation: The Jefferson County Board of County Commissioners pre-approves the annual agreement for Covendis, Insight and Workday, substantially in the amounts specified, and authorizes the Chairman to execute those renewals and documentation related to those renewals, if applicable, following approval as to form by the County Attorney’s Office and Business Innovation & Technology (BIT).

Resolution CC25-096

Background: BIT has several agreements that renew on an annual basis and require the approval of the Board of County Commissioners. Pre-approving them will streamline and enable efficient processing. An estimate of each renewal is listed, but the amount may differ at the time of processing the renewal.

Agreements to be renewed in 2025 by BIT are:

- | | |
|--|-------------|
| 1. Covendis: Annual staff augmentation services | \$1,100,000 |
| 2. Insight: Annual support and licensing for Microsoft | \$1,442,868 |
| 3. Workday: Annual subscription for Workday | \$1,088,400 |

Fiscal Impact: There is no fiscal impact, these contracts being renewed are included in the 2025 Adopted Budget. No additional appropriations are needed.

BCC Briefing Presented on: 4/1/2025

Originator: Kara Dorobek, Business Operations Manager, BIT,
kdorobek@jeffco.us, 303-271-8076

Distribution: Kara Dorobek, BIT; Tina Cordova, Purchasing

M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: Windy Saddle Park-City of Golden Bonvue Drive Agreement
JCOS24-02 – Open Space

Date: 4/8/2025

Staff Recommendation:

WHEREAS, the Board of County Commissioners has received the recommendation made in Open Space Advisory Committee Resolution #25-01, authorizing the Permanent Utility Easement (PE) and Temporary Construction Easement (TCE) to the City of Golden (Golden) for a water line across Windy Saddle Park;

NOW, THEREFORE, BE IT RESOLVED that the Board 1) authorizes the Chair of the Board to execute the Permanent and Temporary Easement Agreements, upon approval as to form by County Attorney; 2) authorizes the Chair of the Board or the Assistant County Attorney to accept the Easements when received; 3) authorizes the County Attorney’s Office to cause the Easements to be recorded in the Jefferson County Clerk & Recorder’s Office.

Resolution No: CC25-097

Background:

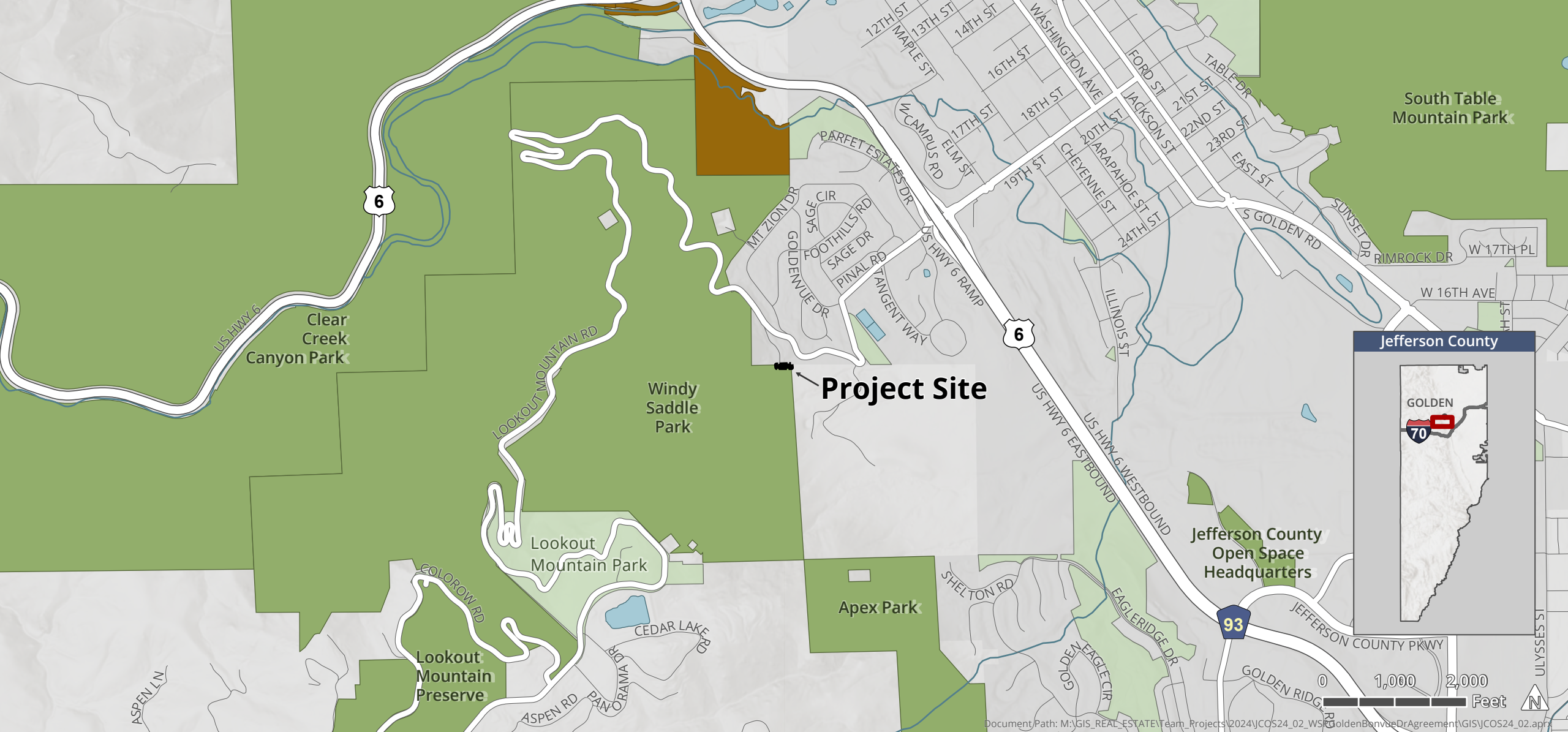
Jefferson County Open Space (JCOS) acquired Windy Saddle Park with Open Space funds. Golden proposes to relocate an existing water line from Bonvue Drive to connect to a preexisting easement line across Windy Saddle Park. JCOS shall grant Golden a 0.09-acre PE at a cost of \$4,780 (\$1.22 per square foot) and a 0.10-acre TCE at a cost of \$2,629 (\$0.61 per square foot) for a water line across Windy Saddle Park. The processing fee is \$3,000, for a total cost of \$10,409.

Fiscal Impact: None

BCC Briefing Presented on: 1/28/2025

Originator: Hillary Merritt, Deputy Director

Distribution: Karey Baker, Lori Foster, Anthony Chambers, Joy Lucisano, Leticia Lamprecht, Aimee Varghese, and Clerk to the Board



Windy Saddle Park - JCOS24-02

City of Golden Bonvue Drive Agreement

Last Revised 10/8/2024



Project Site



Jeffco Open Space



Agreement Held by Jeffco Open Space



Other Parks and Open Space



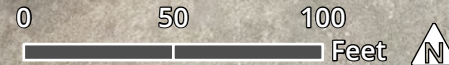
JEFFERSON
COUNTY COLORADO
Open Space

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Windy
Saddle
Park

0.09 acres - approx.
0.1 acres - approx.



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Windy Saddle Park - JCOS24-02

City of Golden Bonvue Drive Agreement

Last Revised 10/8/2024

-  Permanent Easement
-  Temporary Easement

 Jeffco Open Space



M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Sarah Roddis, Executive Assistant to the Board of County Commissioners

RE: Board of County Commissioners – Appointments to Various Jefferson County Boards & Commissions

Date: 4/8/2025

Staff Recommendation:

WHEREAS, the Board of County Commissioners appoints individuals to serve on numerous advisory boards and commissions, which provide an effective way for residents to add valuable input to county operations and make a positive impact in the community.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby and herewith makes the following appointments to various boards and commissions:

Jefferson County Corrections Board
Approves the appointments of Brian Mattson, as the City of Golden’s representative; Sharon Davis, as the City of Arvada’s primary representative; and Brad Rupert as the City of Arvada’s alternate representative to the Jefferson County Community Corrections Board and approves the terms of this appointment to be until reappointed or replaced by the Board of County Commissioners.

Resolution No: CC25-098

Background: The Board of County Commissioners appoints individuals to serve on numerous advisory boards and commissions, which provides an effective way for residents to add valuable input to county operations and

make a positive impact in the community.

Fiscal Impact: n/a

BCC Briefing Presented on: 3/25/2025

Originator: Sarah Roddis, Executive Assistant, sroddis@jeffco.us,
303.271.8504

Distribution:

Sarah Roddis, Executive Assistant, sroddis@jeffco.us, 303.271.8504
Lori Lyn Lucero Ferman Villa, Administrative Coordinator Senior,
llucero@co.jefferson.co.us, 303.271.4844

M E M O R A N D U M

TO: Honorable Chair and Members of the Board of County Commissioners

FROM: Joe Kerby, County Manager

RE: Policy Part 2, Chapter 2, Section 22 - Budget Retention Advisory Committee - and Part 2, Chapter 2, Section 1 – Boards & Commissions Appointment Policy - Strategy Planning and Analysis

Date: 4/8/2025

Staff Recommendation:

WHEREAS, on November 5, 2024, Jefferson County voters approved Ballot Measure 1A which allowed the county to retain revenue to help fund public safety and transportation infrastructure needs, and

WHEREAS, the Commissioners desire and the Ballot Measure required a citizens advisory committee be established to review annually the resulting revenue and earnings, and

WHEREAS, appointments to the County Board and Commission are governed by the existing Boards and Commissions Appointments Policy and membership and responsibilities are governed by the committee’s own policy.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Jefferson County, that the Boards and Commissions Appointments Policy be amended to establish 3-year terms and 3 term limits and a new policy, the Budget Retention Advisory Committee Policy, attached hereto become effective April 8, 2025.

Resolution No: CC25-099

Background: In a February 11, 2025, Work Session, the Board of County

Commissioners (BCC) directed Strategy, Innovation & Finance (SIF) staff to set up a citizen advisory committee to revenue retained as a result of 2024 Ballot Measure 1A.

The attached proposed policy details staff's recommendations regarding the formation of this Budget Retention Advisory Committee (BRAC). The Budget Retention Internal Steering Committee (BRISC), which the board directed staff to form, developed these recommendations.

The policy establishes how the BRAC will be formed and operated as follows:

- Membership: 7-9 members, with preference for odd number.
- Appointments to the BRAC will be made by the BCC
- The BRAC will meet a minimum of two times per year, but with the ability to add more meetings as desired.
- Staff liaisons will be the BRISC Facilitator (Mike Smith) and SIF Executive Assistant (Amy Smith).

Additionally, the Boards and Commissions Appointments Policy has been amended to set the terms for the BRAC members.

- 3 years with maximum of three terms. (Initial appointments will be for shortened terms to enable staggering of terms).

Fiscal Impact: No fiscal impact

BCC Briefing Presented on: 3/25/2025

Originator: Kate Newman/Mike Smith

Distribution: Dan Conway, Carey Markel

Policy Title: Budget Retention Advisory Committee

Policy Number: Part 2, Board Administration; Chapter 2, Establishment of Appointed Boards; Section 22

Type of Policy: Administrative

Adopting Resolution: CC25-

References: Board and Commission Appointments Policy

Effective Date: April 8, 2025

Adoption Date: April 8, 2025

Administrative Revision Date: N/A

Policy Custodian: Strategy, Innovation, & Finance and the Board of County Commissioners

Purpose: To establish the Budget Retention Advisory Committee (“BRAC”), specify its membership and terms, and define its responsibilities.

A. Establishment and Authority

1. The Board of County Commissioners (“BCC”) hereby establishes the Budget Retention Advisory Committee (BRAC), for the purpose of annually reviewing the County’s revenue and earnings resulting from the passage of the 2024 County Ballot Measure 1A.
2. The BRAC’s authority shall be solely advisory in nature. The BCC shall retain ultimate authority to determine the County’s use of the revenues and earnings, subject to the requirements of Ballot Measure 1A (See Section H).

B. Responsibilities

1. The BRAC shall review annually the revenue and earnings resulting from the passage of the 2024 Ballot Measure 1A.
2. The BRAC shall review uses of revenue and earnings and report to the Board of County Commissioners.
3. The County shall provide the BRAC the revenue and earnings resulting from the passage of the 2024 Ballot Measure 1A, the audit on such revenue and earnings from the independent auditor, and the uses of the revenue and earnings.

C. Membership

1. Composition

The BRAC shall be comprised of at least seven (7) and not more than nine (9) members as identified below.

2. Qualifications

- a. All members shall be Jefferson County residents, unless otherwise approved by the BCC.
- b. Jefferson County elected officials, appointed officials, and county staff are not eligible to be BRAC members.
- c. One BRAC member shall be the Chair of the County Audit Committee (or another member of the same committee designated by the Audit Committee).
- d. One BRAC member shall be the Chair of the County Budget Advisory Committee (or another member of the same committee designated by the Budget Advisory Committee).
- e. The remaining BRAC members shall be selected based on their demonstrated expertise and experience in fields relevant to the BRAC's responsibilities, including, without limitation, expertise and experience in (i) the construction, maintenance and repair of roads, bridges, potholes and other County infrastructure; (ii) wildfire and flood mitigation and response; (iii) addiction and mental health programs; (iii) crime prevention programs and strategies; and (iv) other County public safety functions.
- f. Based on the availability of applicants, the County's preference is to have at least two members residing in each County commissioner district.
- g. Any vacancies on the BRAC shall be filled by appointment from the BCC.

3. Terms

- a. BRAC members shall serve at the pleasure of the BCC, and may be removed with or without cause, at the discretion of the BCC.
- b. To achieve staggered terms, as many as three (3) of the initial BRAC members will be appointed to serve one-year terms, and as many as three (3) other initial members will be appointed to serve two-year terms.
- c. See Board and Commission Appointments Policy for term limits.
- d. Any member may resign from the BRAC at any time by providing written notice to the BRAC Chair or Vice-Chair.

4. Officers

- a. The BRAC shall elect a Chair and a Vice-Chair, each for a one (1) year term, at its first regular meeting each year.
- b. The Chair shall preside at all meetings of the BRAC. The Vice-Chair shall perform the duties of the Chair in the Chair's absence.

5. Remuneration

Members of the BRAC shall not be compensated.

D. Meetings

1. Regular meetings of the BRAC shall be held a minimum of two (2) times a year or more frequently as requested by a majority of the BRAC members or by the Chair.
2. All BRAC meetings shall be held at the Jefferson County Courts and Administration Facility-.
3. All BRAC meetings shall be open to the public, and minutes of such meetings shall be kept. The BRAC shall make meeting notices, agendas, date, time and location of regular and special meetings available to the public.
4. All actions of the BRAC shall be taken by motion approved by a majority of the BRAC.
5. Fifty percent (50%) of the BRAC members shall constitute a quorum.

E. Miscellaneous

1. The BRAC may adopt bylaws governing any aspect of its procedures, provided such bylaws are not inconsistent with the terms of this Policy or other County policy.
2. Strategy, Innovation, & Finance will provide staff resources to BRAC in support of its mandate, including organizing BRAC meetings, disseminating meeting agendas, and taking meeting minutes.

F. Conflict of Interest

BRAC members shall refrain from participating in any matters before the BRAC for which they have a conflict of interest, actual or perceived. A conflict of interest shall be deemed to exist if a BRAC member or a member of their immediate family has a financial interest in the matter.

G. Attendance and Absences

1. BRAC members are expected to regularly attend meetings, and to provide County staff with prompt notice of any anticipated absences, including the reason for such absence. The BRAC may recommend that the BCC remove any BRAC member with two (2) consecutive unexcused absences in twelve (12) consecutive months. The BRAC may excuse a member's absence where such absence is due to illness or other medical issue, a work conflict, or such other reason satisfactory to the BRAC, and the absent member provides appropriate notice of such absence.
2. Members may not select alternates to represent themselves at BRAC meetings.

H. 2024 Ballot Measure 1A

Without increasing any tax rate or mill levy rate, and to fund:

- Transportation and infrastructure (building, maintaining, and repairing roads, bridges, potholes, and other county infrastructure); and
- Public safety (wildfire and flood mitigation and response, addiction and mental health programs, crime prevention programs and strategies, and other county public safety functions);

Shall Jefferson County be authorized to collect, retain, and spend the full revenues from authorized revenue sources beginning in fiscal year 2024 and in each fiscal year thereafter;

And shall resulting revenue and earnings be treated as a voter-approved revenue change authorized by Article X, Section 20 of the Colorado constitution or any other law;

And shall resulting revenue and earnings be reviewed annually by an independent auditor and a citizens advisory committee?

Policy Title: Board and Commission Appointments

Policy Number: Part 2, Board Administration; Chapter 2, Establishment of Appointed Boards; Section 1

Type of Policy: Administrative

Adopting Resolution(s): CC25-

References: Resolutions CC91-130, CC91-235, CC91-496, CC91-722, CC07-150, CC16-316, CC18-378, CC19-336, CC21-069, CC21-167, CC21-193, CC22-070

Effective Date: April 8, 2025

Adoption/Revision Date: April 8, 2025

Administrative Revision Date: Not Applicable

Policy Custodian: Board of County Commissioners

Compliance: Board and Commission members and support staff

Purpose: To govern appointments to the various boards and commissions in Jefferson County and to govern contact between appointed board, commission and committee members and elected officials.

A. Requirements

1. This Policy is not intended to override statutory provisions, intergovernmental agreements, or other rules, regulations or charter provisions.
2. All Boards and Commissions shall comply with state and federal accessibility laws, including but not limited to compliant digital formats that provide access to information presented electronically.

B. Vacancies

The Board of County Commissioners (BCC), or its designee(s), shall coordinate all applications and reappointments as necessary.

1. Press releases, the county's website, and/or other county publications may be used to advertise vacancies.
2. Board and commission applications shall be made on the county website.

C. Appointments

The BCC shall appoint board and commission members by resolution at a public meeting. The BCC, or its designee, shall contact the applicant and coordinate with the boards' or commissions' staff or chairperson as needed.

D. Removal of an Appointee

1. Appointees serve at the pleasure of the BCC and, absent a statutory provision to the contrary, may be removed at the sole discretion of the BCC.
2. Board of Adjustment, and Board of Trustees of the Library

The BCC may remove an appointee to the Board of Adjustment for cause, including, without limitation, nonperformance of duty or misconduct. The trustees of the Library may be removed upon a showing of good cause as defined in, but not limited to, the bylaws adopted by the Board of Trustees. Prior to removal of any appointee, the BCC shall give the appointee a written notice of intent to remove, setting forth the reasons for the removal and a date at which the appointee may appeal the removal to the BCC. If the appointee chooses to appeal the removal, the appointee will have the opportunity to discuss and answer the charges made in the notice of intent to remove. If the appointee does not appeal, or if upon appeal the BCC upholds the decision to remove, the removal shall be effective the date set for the appeal.

E. Contacts Between Appointees and Elected Officials

When meetings between appointed board and commission members and the BCC or other elected officials are covered under the open meetings provisions of the Section 24-6-401, C.R.S. et seq., the statutory provisions apply.

F. Term Limits

1. The BCC adopts the term limits for the boards and commissions as set forth on Attachment A. For boards or commissions not identified on Attachment A, there is no maximum number of terms for its members, unless otherwise specified by resolution.
2. The BCC, in its sole and absolute discretion at any time, may extend, alter or eliminate term limits to allow for special circumstances or to meet the unique needs of a particular board or commission.

G. In-Person, Hybrid and Virtual Meetings

1. Purpose

The BCC desires to encourage the maximum participation in public meetings to the extent feasible while balancing that participation with existing public health and safety concerns. With the COVID-19 pandemic, many boards and commissions were forced to conduct business through

virtual meeting platforms exclusively. As vaccinations increase and public health orders lift restrictions on activities, there are three options for conducting public meetings within Jefferson County, a) in-person, b) hybrid meetings (in-person and virtual participation) and c) virtual (i.e. electronic) meetings. The purpose of this section is to help guide individual boards and commissions on which type of public hearing to conduct in the post-COVID-19 world.

2. Definitions

- a. In-Person Meetings. Meetings of a local public body that are called where there will be no electronic or virtual aspect of the meeting. All members of the board, commission and public are expected to be physically present at the meeting in order to participate.
- b. Hybrid Meetings. Meetings of a local public body that are called where there will be both in-person and virtual, or electronic, aspects of the meeting. The public and members of the board or commission are able to choose whether they would like to participate in the meeting by being physically present at an identified meeting location or to attend virtually through an electronic meeting platform as identified by the Jefferson County Business Innovation & Technology Department.
- c. Virtual Meetings. Meetings of a local public body that are held solely virtually, or electronically, such that no one is physically present at a meeting location.

3. Meeting Notices

- a. Meeting Agendas shall be posted in accordance with the Meeting Agenda Location Policy for those boards and commissions as set forth on Attachment A.

4. Expectations

- a. General Expectations
 - 1) In order to maximize public participation in meetings, all boards and commissions shall institute the hybrid meeting model as soon as practical. If a board or commission is unable to transition to the hybrid meeting format, then they shall continue with meetings in a virtual meeting format.
 - 2) If technology issues are encountered immediately before or during a hybrid meeting, the board or commission shall cancel the meeting and reschedule the meeting for another time, even if a quorum of

the board or commission is physically present at the meeting in order to comply with the Colorado Open Meeting laws.

- 3) Telephonic only meetings or other forms of meetings may be permitted in special circumstances with prior approval from the County Attorney's Office.
- 4) All notice of the public meetings shall detail the various methods to attend the meeting based on the meeting type selected and in compliance with applicable law. Please contact the Jefferson County Boards and Commissions Coordinator if you have any questions.

Attachment A

Board or Commission Name	Length of Term	Maximum Number of Terms	Meeting Notices Per Meeting Agenda Location Policy
Airport Advisory Board Business Owner within Airport Influence Area, 2 positions	2 years	4 terms	Yes
Airport Advisory Board Jefferson County Citizen-at-Large, 2 positions	1 year	4 terms	Yes
Airport Advisory Board Residential Property Owner within the Airport Influence Area, 1 position	2 years	4 terms	Yes
Airport Advisory Board Adjacent Jurisdiction, 1 position	2 years	4 terms	Yes
Airport Advisory Board Airport Tenant, 1 position	1 year	4 terms	Yes
Airport Advisory Board Alternate, 1 position	1 year	4 terms	Yes
Audit Committee	2 years	4 terms	Yes
Board of Adjustment	3 years	3 terms	Yes
Board of Health	5 years	2 terms	Yes
Board of Review	3 years	3 terms	Yes
Budget Advisory Committee	2 years	4 terms	Yes
Budget Retention Advisory Committee	3 years	3 terms	Yes
Child and Youth Leadership Commission	Number of years per State Statute	Number of terms per State Statute	Not applicable

Board or Commission Name	Length of Term	Maximum Number of Terms	Meeting Notices Per Meeting Agenda Location Policy
Citizen Review Panel	4 years	Unlimited terms	Yes
Community Services Advisory Board	2 years	4 terms	Yes
Corrections Board (Non Ex-Officio Members Only)	3 years	3 terms	Yes
County Cultural Council	3 years	3 terms	Yes
Criminal Justice Coordinating Committee	Number of years per State Statute	Number of terms per State Statute	Not applicable
CSU Extension Advisory Committee	3 years	3 terms	Yes
Developmental Disabilities Resource Center Board	3 years	3 terms	Not applicable
Engineering Advisory Board	3 years	Unlimited terms	Yes
Equine and Agriculture Heritage Commission	3 years	3 terms	Yes
Foothills Regional Emergency Medical & Trauma Advisory Council	2 years	Unlimited terms**	Not applicable
Hazardous Substance Response Authority	2 years	Unlimited terms	Not applicable
Historical Commission	3 years	3 terms	Yes
Housing Authority	5 years	2 terms	Not applicable
Jefferson Center for Mental Health Board	3 years	3 terms	Not applicable

Board or Commission Name	Length of Term	Maximum Number of Terms	Meeting Notices Per Meeting Agenda Location Policy
Jefferson County Emergency Communications	4 years	2 terms	Not applicable
Jefferson County Finance Corporation	6 years	3 terms	Not applicable
Jefferson County Wildfire Commission	2 years	3 terms	Yes
Juvenile Review Board	Unlimited years	Unlimited terms	Yes
Library Board	3 years	3 terms	Yes
Liquor Licensing Authority	2 years	4 terms	Yes
Metropolitan Football Stadium District Board	4 years	2 terms	Not applicable
Open Space Advisory Committee	3 years	3 terms	Yes
Planning Commission	3 years	3 terms	Yes
Rooney Road Recycling	Unlimited years	Unlimited terms	Not applicable
Scientific and Cultural Facilities District Board	3 years	2 terms*	No applicable
Sustainability Commission	3 years	3 terms	Yes
Tri County Workforce Board	2 years	4 terms	Yes

* Term limit set by the Scientific and Cultural Facilities District Board, may not be changed by the BCC without additional action of the District.

** For the Foothills Regional Emergency Medical & Trauma Advisory Council, the BCC must request that a council member be changed, otherwise appointments automatically continue.

CASE SUMMARY

Regular Agenda

BCC Hearing Date: April 8, 2025

25-104413AR Service Plan

Case Name: Eagle View Metropolitan District Dissolution

Owner/ Applicant: Eagle View Metropolitan District

Location: East of the intersection of West Cooper Avenue and South Simms Street,
Littleton
Sections 21 and 28, Township 5 South, Range 69 West

Approximate Area: 43.2 Acres

Original Approval: On September 3, 2002, the Board of County Commissioners approved the formation of the Eagle View Metropolitan District by resolution CC02-374.

Purpose: To request that the Board of County Commissioners, for purposes of dissolution, consider and find whether the purposes for which the District was created have been achieved.

Case Manager: Nick Nelson

Applicant Team:
Kate Olson, McGeady Becher Cortese Williams

Recommendations:

- **Staff:** Recommends **Approval of Dissolution**

Interested Parties:

- None

Level of Community Interest: Low

General Location: East of the intersection of West Cooper Avenue and South Simms Street, Littleton

Case Manager Information: Phone: 303-271-8727 e-mail: nnelson@jeffco.us

Staff Report

BCC Hearing Date: April 8, 2025

25-104413AR Service Plan

Case Name: Eagle View Metropolitan District Dissolution

Owner/ Applicant: Eagle View Metropolitan District

Location: East of the intersection of West Cooper Avenue and South Simms Street,
Littleton
Sections 21 and 28, Township 5 South, Range 69 West

Approximate Area: 43.2 Acres

Original Approval: On September 3, 2002, the Board of County Commissioners approved the formation of the Eagle View Metropolitan District by resolution CC02-374.

Purpose: To request that the Board of County Commissioners, for purposes of dissolution, consider and find whether the purposes for which the District was created have been achieved.

Case Manager: Nick Nelson

INTRODUCTION:

On September 3, 2002, the Board of County Commissioners (BCC) consented to the formation of the Eagle View Metropolitan District (District), under Resolution No. CC02-374. The District is located east of South Simms Street at the intersection of West Ontario Avenue and South Simms Street.

Pursuant to Section X (Dissolution) of the Service Plan, requiring the BCC to conduct an independent determination of whether the purposes for which the District was created have been achieved, the District is now requesting that the Board of County Commissioners consent to the dissolution of the District. The letter from the District states, "The purposes for which the District was organized have been achieved as all of the public improvements for which it was organized to provide were completed and conveyed to other entities for operations and maintenance."

The District was formed to provide street improvements, safety protection devices, and mosquito control. The District initially issued Bonds in the amount of \$2,400,000 to finance the construction of the improvements. The District adopted Resolution No. 2024-09-01 (Dissolution Resolution) determining that it is in the best interests of the District that it be dissolved. The District Board found that the District has no outstanding financial obligations, does not own any real or personal property, does not operate or maintain any public improvements, and does not provide any services.

NOTIFICATION:

Notification of the proposed dissolution was provided in a local newspaper, and the District notified by Certified Mail all other Districts within a 3-mile radius as well as residents within the District.

REVIEW OF THE PURPOSES FOR WHICH THE DISTRICT HAS BEEN CREATED:

Section X of the Service Plan provides that for this District to dissolve, it must show that it has no financial obligations or outstanding bonds, and that the County has independently determined that the purposes for which the District was created have been achieved. The Dissolution Resolution found that the District has no outstanding financial obligations. Staff concludes that the purposes for which the District was created have been achieved for the following reasons:

1. Street Improvements: The Street Improvements were constructed as part of the Eagle View Preliminary and Final Plat, recorded at reception no. F1139942. Per the recorded Plat, the streets were not dedicated to Jefferson County and the maintenance of streets within the Plat are the responsibility of the Homeowners Association. The District Resolution determines that “the District does not own any real or personal property, and does not own, operate or maintain any public improvements.” The Homeowner’s Associations, The Cattails In the Meadows Homeowners Association and Eagle View Homeowners Association (Homeowner Associations), have confirmed for the County during the referral process for this case that they own, maintain and operate the Street Improvements constructed by the District. Staff concludes that the District has achieved its purpose for constructing the Street Improvements.
2. Safety Protection Improvements: The Safety Protection Improvements provided by the District were similarly constructed as part of the Eagle View Preliminary and Final Plat. Those improvements included intersection traffic signals, signage and striping, area identification, driver information and directional assistance, and entry monumentation. The same Eagle View and Cattails In the Meadows Homeowners Associations have also stated in writing that they own, operate, and maintain the Safety Protection Improvements within the District. Staff concludes that the District has achieved its purpose for constructing the Safety Protection Improvements.
3. Mosquito Control: The District was authorized to have the power, but not the obligation, to provide Mosquito Control services. The District did not to provide Mosquito Control services for the properties within the District and the provision of this service is not being provided by the Homeowner Associations. The County does not have any regulations requiring the provision of Mosquito Control Services. Therefore, staff concludes that the District has achieved its obligation regarding Mosquito Control.

COMPLIANCE WITH COUNTY POLICY AND DISTRICT SERVICE PLAN:

The creation of a Metropolitan District in Jefferson County is governed by state law and the Special Districts Policy of the Jefferson County Policy Manual, Policy Number: Part 7, Planning and Land Use; Chapter 2, Regulations, Section 5. The County’s Policy on Special Districts does not contain language regarding the dissolution of a Special District. State law and the approved Service Plan is applicable. The District wishes to obtain a Court Order dissolving the District. The Service Plan contains a requirement that the District be dissolved once its financial obligations are met and after the County has provided an independent determination that the purposes for which the District was created have been achieved.

Staff finds that purposes for which the District was created have been achieved. The \$2,400,000 in General Obligation Bonds has been repaid, the District does not provide any services, and the District does not own any property within the District boundary.

FINDINGS/RECOMMENDATIONS:

Staff recommend that the Board of County Commissioners, for purposes of dissolution, consider and find that the purposes for which the Eagle View Metropolitan District was created have been achieved.

And;

Staff recommend that the Board of County Commissioners CONSENT to the dissolution of the Eagle View Metropolitan District.

COMMENTS PREPARED BY:

Nick Nelson

Nick Nelson
Planner
March 25, 2025



November 5, 2024

VIA E-MAIL

Jefferson County

Attn: **Kristin Cisowski, Esq.**, Assistant County Attorney
(kcisowski@co.jefferson.co.us)

Re: Proposed Dissolution of Eagle View Metropolitan District/Request for County Determination

Dear Kristin,

McGeady Becher Cortese Williams P.C. is District Counsel to Eagle View Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado (the “**District**”).

The District was organized in 2002 to provide public improvements and services for property located in Jefferson County (the “**County**”) pursuant to the authority granted to the District by its Service Plan, approved by the County on September 3, 2002 (the “**Service Plan**”).

The purposes for which the District was organized have been achieved as all of the public improvements for which it was organized to provide were completed and conveyed to other entities for operations and maintenance many years ago and the Bonds issued to fund the costs of the public improvements were completely repaid in September of this year (see the attached correspondence from the District Manager to the Bond Trustee confirming the repayment of the District’s Bonds – with account information redacted). Note this District has never provided operations and maintenance services as all of its public improvements were conveyed for ownership, operations and maintenance to other governmental entities upon expiration of the respective warranty periods.

The District owns no real or personal property, has no financial obligations and has limited funds remaining in its bank account which it will use to fund the costs of its dissolution, and to the extent there are any funds remaining they will be distributed on a pro-rata basis between the two homeowner associations that serve the property within the District, such that the property owners will receive a benefit of any return of funds.

Jefferson County
Attn: Kristin Cisowski, Esq., Assistant County Attorney
November 5, 2024
Page 2

At the September 16, 2024 Board Meeting, the District adopted the attached Resolution determining that it is in the best interests of the District to dissolve the District pursuant to Section 32-1-701(1) C.R.S. (the “**Resolution**”). Among other things, the petition for dissolution will include this Resolution, a statement that the District does not currently provide any services, and an affidavit from the District Accountant certifying that the District has no assets to dispose of and no financial obligations or outstanding bonds.

The District is hopeful to secure a Court Order to dissolve in 2024 so that it does not have to impose a mill levy for property tax collection year 2025 to fund compliance with the statutory requirements for another year.

As there is a requirement in the Service Plan that the District dissolve, when it has no financial obligations and after the County has provided an independent determination that the purposes for which the District was created have been achieved, we are requesting that the County provide the District with a writing confirming that the County has reached this determination, if possible, by November 19, 2024.

The Service Plan does not describe a process for this independent determination to be made by the County. As the dissolution statute does not require this determination, and therefore provides no guidance as to process, we defer to your guidance.

If the staff advises, under these circumstances that the Board of County Commissioners (the “**BOCC**”) will make the determination at a regular meeting, we are requesting that this topic be placed on the Agenda for the November 19, 2024 BOCC meeting and we will attend and provide the information asserted in this communication as support for this determination.

If the staff feels a presentation at a BOCC regular meeting is not needed and this determination can be made administratively by the County based on the information in this correspondence, please let us know and provide a writing confirming the County’s determination on or before November 19, 2024.

We look forward to hearing from you as to how to proceed and are available to answer any questions you may have or provide any supporting documentation you require. You can reach me at 303-592-4380 or kolson@specialdistrictlaw.com or MaryAnn McGeady at 303-809-7022 or at her email address set forth below. Thank you for your assistance.

Very truly yours,

Kate M. Olson

Kate M. Olson

Jefferson County
Attn: Kristin Cisowski, Esq., Assistant County Attorney
November 5, 2024
Page 3

Attachments: Letter from District Manager
Resolution

cc: **MaryAnn McGeady, Esq.**, District Counsel, McGeady Becher Cortese Williams P.C.
(mmcgeady@specialdistrictlaw.com)
David Solin, District Manager, Special District Management Services, Inc.
(dsolin@sdmsi.com)
Diane Wheeler, District Accountant, Simmons & Wheeler, P.C.
(diane@simmonswheeler.com)

Eagle View Metropolitan District
141 Union Blvd, Suite 150
Lakewood, CO 80228
303-987-0835 303-987-2032 fax

October 1, 2024

DELIVERED VIA EMAIL

Mr. James Scardaville
Trust Officer
Zions Bank
7222 E. Layton Avenue
Denver, CO 80237
James.scardaville@zionsbancorporation.com

Re: \$2,400,000 Eagle View Metropolitan District General Obligation
(Limited Tax Convertible to Unlimited Tax) Bonds, Series 2007

Dear Mr. Scardaville:

Pursuant to Section 6(a) of the Resolution for the above referenced issue the bond was optionally redeemed and paid in full on September 16, 2024.

Please disburse and wire the remaining interest earnings of \$1,153.97 to Eagle View Metropolitan District:

Wells Fargo Bank, NA
ABA #: [REDACTED]
Account #: [REDACTED]
Account Name: Eagle View Metropolitan District

Should you have any questions related to this request, please feel free to contact me via email (dsolin@sdmsi.com) or at (303) 987-0835.

Very truly yours,

EAGLE VIEW METROPOLITAN DISTRICT



David Solin, Secretary

RESOLUTION NO. 2024-09-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF EAGLE VIEW METROPOLITAN DISTRICT REGARDING DISSOLUTION

A. The Eagle View Metropolitan District (the “**District**”), a quasi-municipal corporation and political subdivision of the State of Colorado, operates pursuant to its Service Plan, which was approved by the Board of County Commissioners of Jefferson County, Colorado, on September 3, 2002.

B. Sections 32-1-701 *et seq.*, C.R.S. provide a process under which a special district may dissolve.

C. The District’s Board of Directors (the “**Board**”) has determined that it is in the best interests of the District that the District be dissolved.

D. The Board desires to make certain findings, hereinafter set forth, with respect to the dissolution of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EAGLE VIEW METROPOLITAN DISTRICT OF JEFFERSON COUNTY, COLORADO:

1. The Board hereby determines that it is in the best interest of the District that the District be dissolved.

2. The District has no outstanding financial obligations.

3. The District has fully settled and discharged its \$2,400,000 in General Obligation Refunding Bonds (Limited Tax Convertible to Unlimited Tax), Series 2007.

4. The District does not own any real or personal property, and does not own, operate or maintain any public improvements.

5. The District currently does not provide any services; therefore, no services shall be continued.

6. The members of the Board shall continue in office only so long as is necessary to take any further actions required to dissolve the District and thereafter shall not continue in office.

7. All prior resolutions, or any parts thereof, to the extent that they are inconsistent with this Resolution, are hereby rescinded.

8. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.


9. This Resolution shall be in full force and effect immediately upon the date of adoption by the Board, as set forth on the signature page below.

[SIGNATURE PAGE FOLLOWS]

**[SIGNATURE PAGE TO RESOLUTION OF THE BOARD OF DIRECTORS OF
EAGLE VIEW METROPOLITAN DISTRICT REGARDING DISSOLUTION]**

RESOLUTION APPROVED AND ADOPTED ON SEPTEMBER 16, 2024.

**EAGLE VIEW METROPOLITAN
DISTRICT**

By: 
President

Attest:


Secretary

2003 FEB 30 AM 8:33

JEFFERSON COUNTY, CO.

SERVICE PLAN
FOR
EAGLE VIEW
METROPOLITAN DISTRICT
(JEFFERSON COUNTY)

Submitted: June 24, 2002
Resubmitted: July 17, 2002
Resubmitted: August 19, 2002

Prepared by:

MCGEADY SISNEROS, P.C.
1675 BROADWAY, SUITE 2100
DENVER, COLORADO 80202
(303) 592-4380

YALE GROUP, INC.
3773 CHERRY CREEK DR. N., SUITE 575
DENVER, CO 80209
(303) 331-6461

RECEIVED
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JEFFERSON COUNTY
PLANNING AND ZONING

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EXHIBITS

EXHIBIT A	Legal Description of the Property
EXHIBIT B-1	District Map
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EXHIBIT C-1	Depiction of Improvements
EXHIBIT C-2	Public Improvements Cost Estimates
EXHIBIT D	Financial Plan

**SERVICE PLAN FOR THE PROPOSED
EAGLE VIEW METROPOLITAN DISTRICT (the "District")**

I. PURPOSE

Pursuant to the requirements of the Special District Act, Section 32-1-101, *et seq.*, Colorado Revised Statutes ("Title 32"), this Service Plan consists of a financial analysis and an engineering plan showing how the proposed facilities and services of the District will be provided and financed.

The following items are included in this Service Plan:

- A. A description of the proposed services;
- B. A financial plan showing how the proposed services are to be financed, including the proposed operating revenue derived from property taxes for the first budget year of the proposed District and a schedule indicating the year or years during which proposed indebtedness is scheduled to be issued;
- C. A preliminary engineering analysis showing how the proposed services are to be provided;
- D. A map of the proposed special district boundaries and an estimate of the population and valuation for assessment of the proposed special district;
- E. A general description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the proposed special district are compatible with facility and service standards of any county or municipality within which all or any portion of the proposed special district is to be located; and of municipalities and special districts which are interested parties pursuant to Section 32-1-204(1), C.R.S.;
- F. A general description of the estimated cost of acquiring land, engineering services, legal services, administrative services, initial proposed indebtedness and estimated proposed

maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the District; and

G. A description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the District and such other political subdivision.

II. PROPOSED DISTRICT BOUNDARIES/MAP

The area to be served by the Proposed District is generally located south of the intersection of Coal Mine Avenue and Simms Street, on the east side of Simms Street in Jefferson County, Colorado. The total area to be initially included in the District is approximately forty-three (43) acres (the "Property"). A legal description of the Property is attached hereto as **Exhibit A**. A map of the boundaries of the Property is attached as **Exhibit B-1**, and a vicinity map is attached hereto as **Exhibit B-2**.

III. DESCRIPTION OF PROPOSED SERVICES

A. General Information.

It is intended that the District will provide certain essential public purpose facilities for the use and benefit of its residents. The District is expected to finance the construction of improvements and provide such other services as are described in this Service Plan. It is contemplated that Southwest Water and Sanitation District will provide water and sewer service to the Property and West Metro Fire Protection District will provide fire protection services.

B. Street Improvements.

The District shall have the power to provide for the acquisition, construction, completion, installation and/or operation and maintenance of street improvements, both on-site and off-site, including curbs, gutters, culverts, sidewalks, bridges, overpasses, bike paths and pedestrian ways, interchanges, median islands, paving, grading, irrigation, streetscape and entryways, landscaping, parking lots and structures, together with all necessary, incidental, and appurtenant facilities, land and easements, together with extensions of and improvements to said facilities within and without the boundaries of the District. Following completion, the Homeowners' Association will own, operate and maintain the streets within the District. All streetscaping improvements will also be maintained by the Homeowners' Association.

C. Safety Protection Improvements.

The District shall have the power to provide for the acquisition, construction, completion, installation and/or operation and maintenance of facilities and/or services for a system of traffic and safety controls and devices on streets and highways, including, but not limited to, signalization, signage and striping, area identification, driver information and directional assistance signs, entry monumentation and all necessary, incidental and appurtenant facilities, land and easements, together with extensions of and improvements to said facilities within and without the boundaries of the District. Following acceptance, all safety protection improvements will be transferred to the Homeowners' Association for ownership and maintenance.

D. Mosquito Control.

The District shall have the power to provide for the eradication and control of mosquitos, including, but not limited to, elimination or treatment of breeding grounds and purchase, lease, contracting or other use of equipment or supplies for mosquito control within and without the

boundaries of the District. It is anticipated that mosquito control improvements will be maintained by the District or the Homeowners Association.

IV. INCLUSION AUTHORITY

The District shall have the authority to include and exclude property within its boundaries and provide service to areas located within and without the District’s boundaries, pursuant to Section 32-1-401, *et. seq.*, C.R.S., and Section 32-1-501, *et. seq.*, C.R.S. The District shall also have the authority to seek electorate authorization to effectuate all purposes set forth in this Service Plan in order to comply with all applicable constitutional and statutory requirements.

V. NEED FOR THE PROPOSED DISTRICT

The Property is located entirely within the boundaries of the County. The County does not consider it feasible or practical to provide the Property with the certain street and safety services and mosquito control services described in this Service Plan. Therefore, it is necessary that the District be organized to provide its inhabitants with those certain street and safety and mosquito control services described in this Service Plan.

VI. PROPOSED LAND USE/POPULATION PROJECTIONS

At present, the Property is zoned for residential uses. The Property is not presently served with the facilities and/or services proposed to be provided by the District, nor does the County or any other special district have any plans to provide such services within a reasonable time and on a comparable basis. The Financial Plan set forth in **Exhibit D** attached hereto and incorporated herein by this reference assumes approximately 125 single-family lots. Based upon an estimated 2.5

persons per dwelling unit, the projected population within the District at final build out is approximately Three Hundred Thirteen (313) persons. In order to facilitate the development of the Property as planned, organized provision of facilities and services proposed to be provided by the District will be necessary.

VII. ASSESSED VALUATION

The current assessed valuation of the Property is assumed to be \$-0- as set forth in the Financial Plan section of this Service Plan.

VIII. PRELIMINARY ENGINEERING ANALYSIS

A. Facilities to be Constructed and/or Acquired.

The District proposes to provide and/or acquire those facilities generally described in the Description of Proposed Services section above. A general description and preliminary engineering survey of the facilities to be constructed and/or acquired are shown on **Exhibit C-1** attached hereto.

B. Standards of Construction/Statement of Compatibility.

All street and safety protection facilities to be dedicated to the Homeowners' Association will be constructed in accordance with the applicable standards and specifications, including Jefferson County private road standards.

Based on an analysis of jurisdictions which are interested parties in the Service Plan proceedings according to Colorado statutes, the District's engineers have determined that the standards by which the facilities are to be constructed are compatible with the facilities of such other jurisdictions.

C. Estimated Costs of Facilities.

The estimated costs of the facilities to be constructed, installed and/or acquired by the District are set forth in **Exhibit C-2** attached hereto. A table of estimated costs for each type of service or facility to be provided by the District are included. The total estimated cost for all facilities to serve the Property including contingencies is Two Million Five Hundred Nineteen Thousand Five Hundred Thirty-One Dollars (\$2,519,531).

As set forth in **Exhibit C-2**, the estimated cost of the improvements exceeds the amount of debt anticipated to be issued in accordance with the Financial Plan. To the extent that the cost of the improvements cannot be financed with bond proceeds, the developer shall be required to pay such costs. Any obligations issued or otherwise contracted for to reimburse the developer for advanced construction costs shall be included within the debt limits described below.

D. Operation and Maintenance/Estimated Costs.

The District intends to dedicate certain facilities constructed or acquired to the appropriate entity for operations and maintenance. The dedication of facilities shall be made to the appropriate entity free and clear of all liens and encumbrances not otherwise accepted by such entity.

Annual administrative, operational and maintenance expenses are estimated as shown on **Exhibit D**. The District reserves the right to supplement these revenues with additional revenue sources as permitted by law. The District shall have the authority to repay the proponent of the District's organization for amounts advanced for operations and maintenance expenses and to seek electorate approval for such obligation to be deemed a multiple-fiscal year obligation.

The mill levy cap proposed herein for repayment of the bonds does not apply to the District's ability to increase its mill levy as necessary for provision of operation and maintenance services to its taxpayers and service users. However, there are statutory and constitutional limits on

the District's ability to increase its mill levy for provision of operation and maintenance services without an election.

IX. FINANCIAL PLAN/PROPOSED INDEBTEDNESS

A. General Discussion.

The Financial Plan attached hereto as **Exhibit D** describes how the proposed facilities and/or services are to be financed, including the estimated costs of engineering services, legal services, administrative services, proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and operation of the District. The Financial Plan demonstrates the issuance of the debt and the anticipated repayment based on the projected development in the District's boundaries. The Financial Plan demonstrates that, at various projected levels of development, the District has the ability to finance the facilities identified herein, and will be capable of discharging the proposed indebtedness on a reasonable basis.

The provision of facilities by the District will be primarily financed by the issuance of general obligation bonds, secured by the *ad valorem* taxing authority of the District with limitations as discussed below. Prior to that time, the organizational expenses and the construction costs for necessary improvements will be advanced by the developer(s) within the District, subject to subsequent acquisition by the District of the completed improvements and reimbursement to the developer(s) of such advanced construction costs. Any obligations issued or otherwise contracted for to reimburse the developer(s) for the organizational expenses and advanced construction costs shall be included within the debt limits described below.

B. Proposed General Obligation Indebtedness.

The Financial Plan reflects the estimated amount of bonds to be sold and fees to be imposed to finance the completion, construction, acquisition and/or installation of the proposed facilities, including all costs and expenses related to the anticipated bond issuances. The amount of bonds actually sold will be based upon the final engineering estimates and/or actual construction contracts.

It is proposed that a total maximum amount of Two Million Four Hundred Thousand Dollars (\$2,400,000) of bonds that are secured by *ad valorem* property taxes (including general obligation and any bonds issued, the repayment of which is from the pledge of revenue from a capped debt service mill levy) for various purposes be submitted to the electors of the District for their approval at an election. Based upon construction cost estimates and financing cost estimates as computed during the preparation of this Service Plan, it is anticipated that a total of Two Million Dollars (\$2,000,000) of bonds will be issued. The amount to be voted exceeds the amount of bonds anticipated to be sold, as shown in the Financial Plan, to allow for unforeseen contingencies and increases in construction costs due to inflation, and to cover all issuance costs, including capitalized interest, reserve funds, discounts, legal fees and other incidental costs of issuance; provided, however, in no event shall the amount of the bonds which are secured by *ad valorem* property taxes exceed Two Million Four Hundred Thousand Dollars (\$2,400,000). Such limitation shall not be applicable to refundings of the bonds authorized to be issued hereunder.

All issuances of general obligation bonds shall be deemed to be in compliance with the Financial Plan so long as the Minimum Criteria, as hereinafter defined, have been met. Minimum Criteria shall mean that the general obligation bonds are: (1) subject to a limited mill levy, if required by this Service Plan; (2) together with other outstanding general obligation bonds, not in

excess of the general obligation debt authorization set forth in this Service Plan, as may be amended from time to time; and (3) together with other outstanding general obligation bonds, not in excess of the general obligation debt authority approved by the District's electorate.

The proposed maximum voted interest rate is estimated at eighteen percent (18%) and the maximum underwriting discount at five percent (5%). The exact interest rates, terms and discounts will be determined at the time the bonds are sold by the District and will reflect market conditions at the time of sale. The District may also issue notes, certificates, debentures, or other evidence of indebtedness or long-term contracts, which issuances shall be subject to the limitations set forth in this Service Plan.

C. Mill Levy.

The District will have a mill levy assessed on all taxable property in the District as a primary source of revenue for repayment of debt service and for operations and maintenance. Although the mill levy may vary depending upon the elected Board's decision to fund the projects contemplated in this Service Plan, it is estimated that a mill levy of thirty-five (35) mills will produce revenue sufficient to support the operations and maintenance and debt retirement throughout the bond repayment period. In addition, the District may capitalize interest to permit payment of interest during the time lapse between development of taxable properties and the collection of tax levies therefrom. Interest income through the reinvestment of construction funds, capitalized interest and annual tax receipts will provide additional funds. These revenue sources should be sufficient to retire the proposed indebtedness if growth occurs as projected; otherwise, increases in the mill levy and/or the imposition of rates, tolls, fees and charges may be necessary.

In addition to property taxes, the District may also rely upon various other revenue sources authorized by law and this Service Plan to offset the expenses of capital construction and

district management, operations and maintenance. These will include the power to assess fees, rates, tolls, penalties, or charges as provided in Title 32, as amended. The Financial Plan anticipates the collection of a development fee in the amount of Three Thousand Five Hundred Dollars (\$3,500) per single-family equivalent unit (“Residential Development Fee”).

The “Mill Levy Cap” shall be the maximum mill levy the District is permitted to promise to impose for payment of general obligation debt, and shall be determined as follows:

1. For debt which equals or exceeds 50% of the District’s assessed valuation, the Mill Levy Cap shall be fifty (50) mills; reduced by the number of mills necessary to pay the unlimited mill levy general obligation debt, provided however, that in the event the method of calculating assessed valuation is changed after the date of approval of this Service Plan, by any change in law, change in method or calculation, or in the event of any legislation or constitutionally mandated tax credit, cut or abatement, the mill levy limitation applicable to such debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board 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. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

2. For debt which is less than 50% of the District’s assessed valuation, either on the date of issuance or at any time thereafter, the Mill Levy Cap shall be such amount as may be necessary to pay the debt service on such debt, without limitation of rate.

For purposes of the foregoing, once debt has been determined to be within C.2. above so that the District is entitled to pledge to its payment an unlimited ad valorem mill levy, the District

may provide that such debt shall remain secured by such unlimited mill levy, notwithstanding any subsequent reduction in the assessed valuation of the District.

D. Cost Summary and Bond Development.

The Financial Plan reflects the total amount of bonds to be sold to finance the completion, construction, acquisition and/or installation of the proposed facilities, including all costs and expenses related to the anticipated bond issuances. The amount of bonds sold will be based upon the final engineering estimates and/or actual construction contracts. Organizational costs, including legal fees, and capitalized engineering costs, are to be paid from the proceeds of each bond issue. The interest rates as set forth in the Financial Plan are based upon the advice of The Yale Group, Incorporated.

The Financial Plan projects the anticipated flow of funds and is based upon estimates of construction and project needs for bond proceeds to finance the proposed District's improvements. The District's engineer has evaluated the timing and cost estimate of the proposed District's improvements which are necessary to support the proposed absorptions of development as projected in the Financial Plan and has concurred with the assumptions. The Financial Plan sets forth a reasonable estimate of growth within the proposed District and allows the Board of Directors a measure of flexibility such that the proposed District need not incur debt in excess of what it needs to meet a growing population's demands for facilities and services.

E. Economic Viability.

The Financial Plan illustrates the estimated income and expenses for the District over a thirty (30) year period presuming issuance of bonds maturing within a thirty (30) year period. The analysis reflects a total build-out period of three (3) years for the development, and a mill levy of thirty-five (35) mills. It is also assumed that the assessed valuation will be realized one year after

construction and that tax collections will be realized two years after initial construction. The Financial Plan also includes the collection of a Facility Fee of Three Thousand Five Hundred Dollars (\$3,500) per single-family equivalent unit. The Financial Plan contained in this Service Plan demonstrates the economic viability of the Eagle View Metropolitan District.

F. Voter Authorization.

The District shall have the authority to and will exercise such authority to obtain the required voter authorization in order to effectuate the purposes of this Service Plan.

X. DISSOLUTION

It is intended that the District shall file a petition in the District Court for dissolution when there are no financial obligations or outstanding bonds, or any such financial obligations or outstanding bonds are adequately secured by escrow funds or securities meeting the investment requirements in Part 6 of Article 75 of Title 24, C.R.S., and upon an independent determination by the County that the purposes for which the District was created have been achieved. Dissolution of the District is subject to compliance with the statutory requirements of Part 7 of Article 1 of Title 32, C.R.S. The District will work closely and cooperate with the County to serve and promote the health, safety, prosperity, security and general welfare of its inhabitants.

XI. CONCLUSION

It is submitted that this Service Plan for the proposed Eagle View Metropolitan District, as required by Section 32-1-203(2), C.R.S., establishes that:

A. There is sufficient existing and projected need for organized service in the area to be serviced by the District.

B. The existing service in the area to be served by the District is inadequate for present and projected needs.

C. The District is capable of providing economical and sufficient service to the area within its proposed boundaries.

D. The area to be included in the District does have or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

E. Adequate Service is not, or will not be, available to the area through the County or other existing municipal or quasi-municipal corporations, including special districts, within a reasonable time and on a comparable basis.

F. The facility and service standards of the District are compatible with the facility and service standards of each county within which the District is located and each municipality which is an interested party under Section 32-1-204(1), C.R.S.

G. The proposal is in compliance with a master plan adopted pursuant to Section 30-28-106, C.R.S.

H. The proposal is in compliance with any duly adopted county, regional or state long range water quality management plan for the area.

I. The creation of the District will be in the best interests of the area proposed to be served.

EXHIBIT A

Legal Description of the Property

EAGLE VIEW

18

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21 AND IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; COUNTY OF JEFFERSON, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING ASSUMED TO BEAR N 89°44'17" E;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 21;
THENCE N 89°44'17" E, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 21, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;

THENCE N 00°00'05" E, 50.00 FEET EASTERLY OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 21, A DISTANCE OF 609.75 FEET;
THENCE S 89°59'08" E, A DISTANCE OF 184.88 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 39°48'20", AND AN ARC LENGTH OF 86.84 FEET;
THENCE N 50°12'32" E, A DISTANCE OF 139.96 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 66°25'06", AND AN ARC LENGTH OF 86.94 FEET;
THENCE S 63°22'22" E, A DISTANCE OF 932.27 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 63°06'39", AND AN ARC LENGTH OF 82.61 FEET;
THENCE S 00°15'43" E, A DISTANCE OF 247.04 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 21;
THENCE N 89°44'17" E, ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 21, A DISTANCE OF 495.80 FEET;
THENCE S 19°40'04" W, A DISTANCE OF 850.47 FEET;
THENCE S 75°40'14" W, A DISTANCE OF 412.35 FEET;
THENCE N 67°27'06" W, A DISTANCE OF 503.05 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SIMMS AVENUE.
THENCE N 55°26'20" W, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 583.39 FEET;
THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 55°26'30", AND AN ARC LENGTH OF 435.44 FEET, THE CHORD OF WHICH BEARS N 27°45'34" W, A DISTANCE OF 418.65 FEET;
THENCE N 00°01'23" E, A DISTANCE OF 0.25 FEET TO THE POINT OF BEGINNING;

CONTAINING 43.193 ACRES, MORE OR LESS.


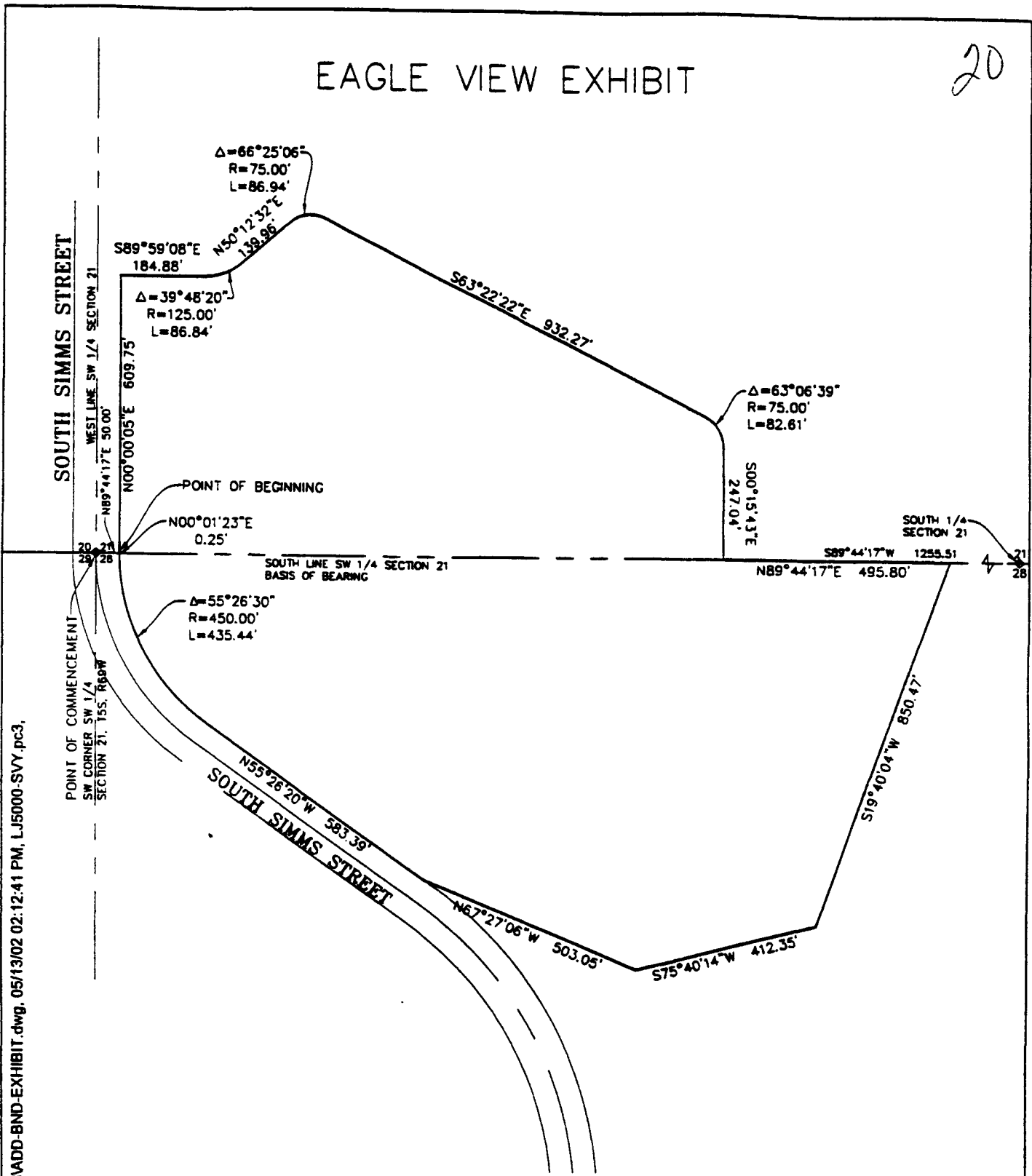
	<p>Stantec Consulting Inc. 2135 South Cherry St. Ste 310 Denver, CO 80222 Tel. 303.758.4058 Fax. 303.758.4828 www.stantec.com</p>
<p>Stantec</p>	

EXHIBIT B-1

District Map

EAGLE VIEW EXHIBIT

20



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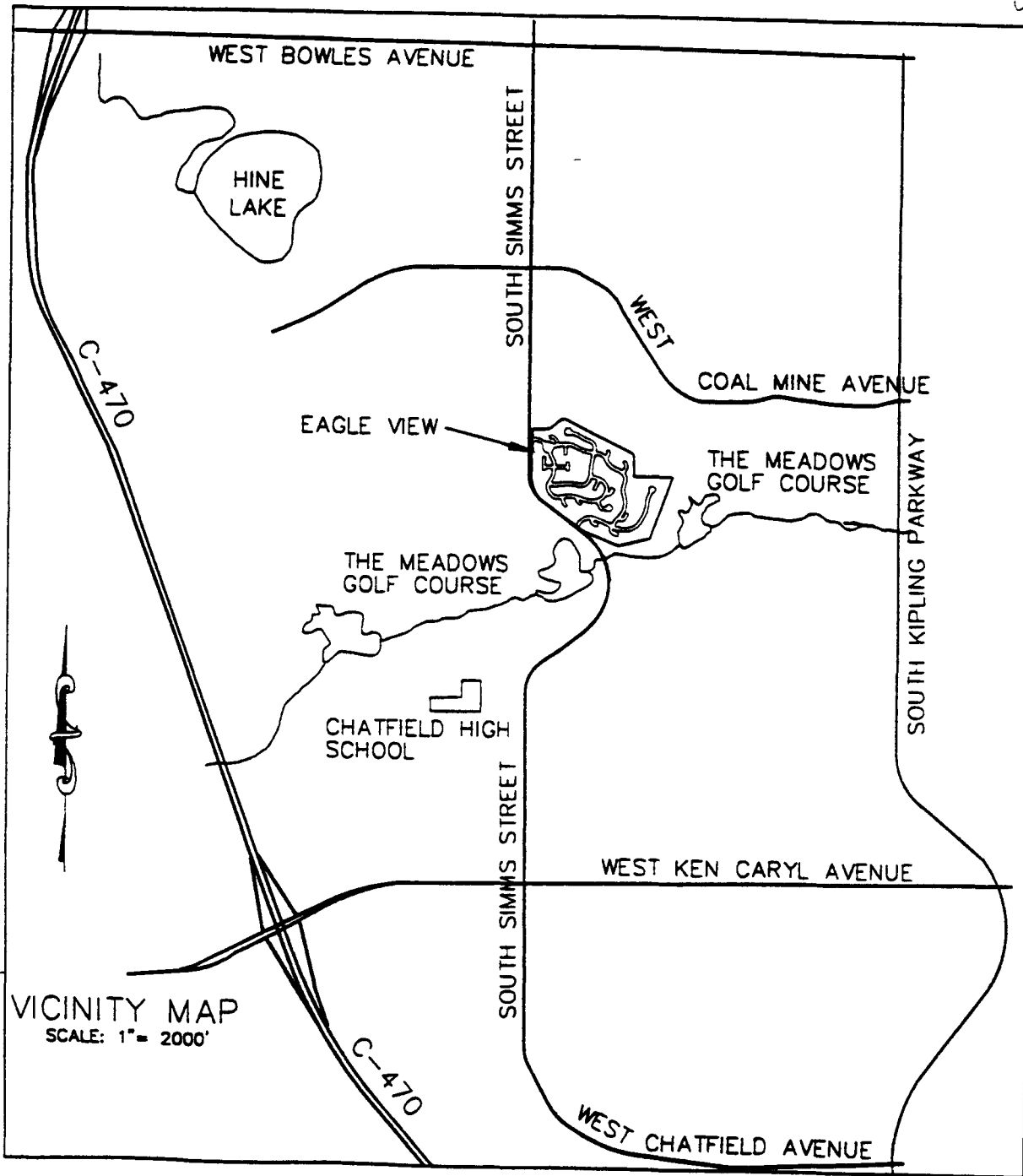


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EXHIBIT B-2

Vicinity Map

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EXHIBIT C-1

Depiction of Improvements

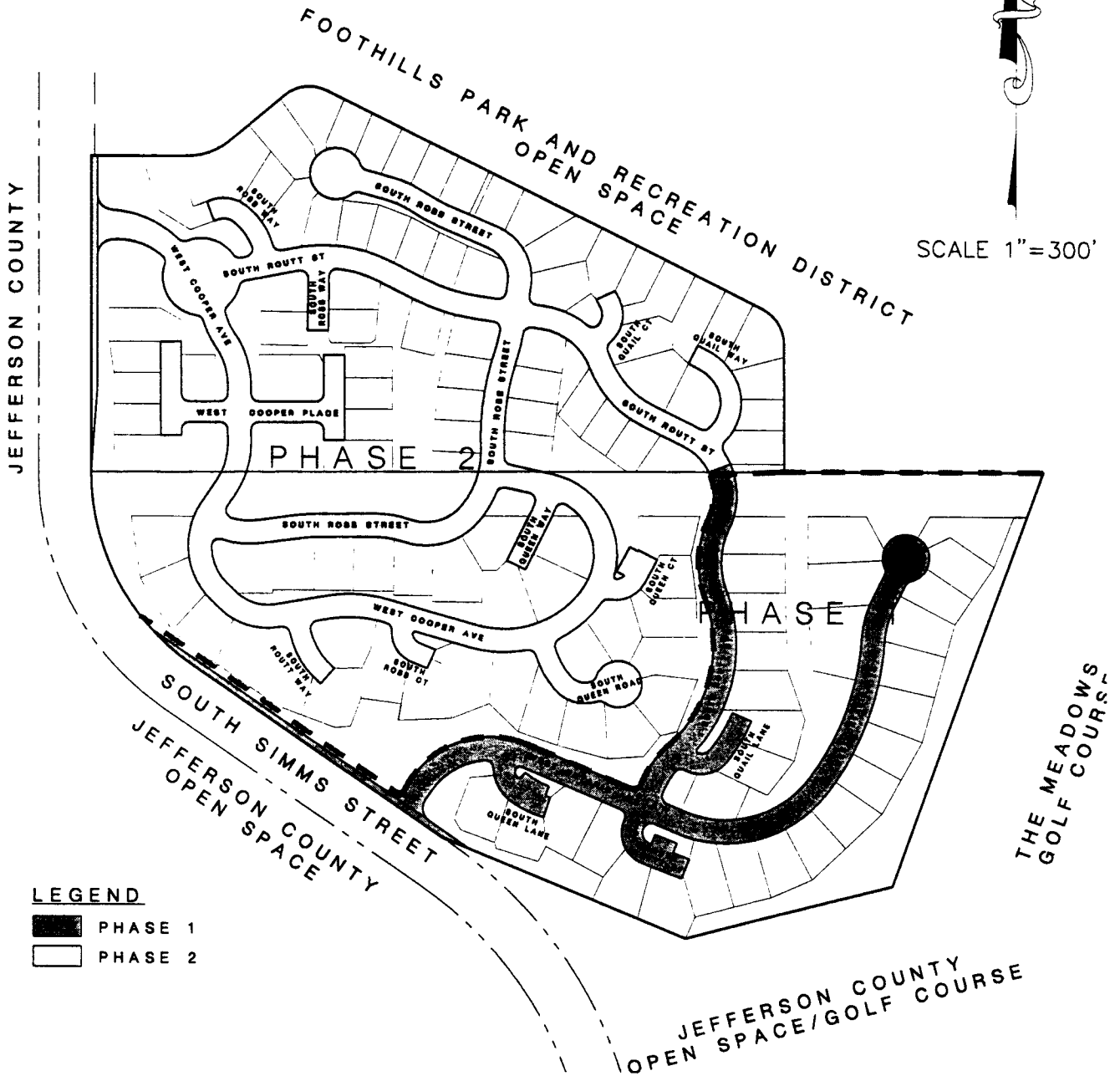
ROAD IMPROVEMENTS

PAGE 1 OF 2

23



SCALE 1"=300'



LEGEND

-  PHASE 1
-  PHASE 2



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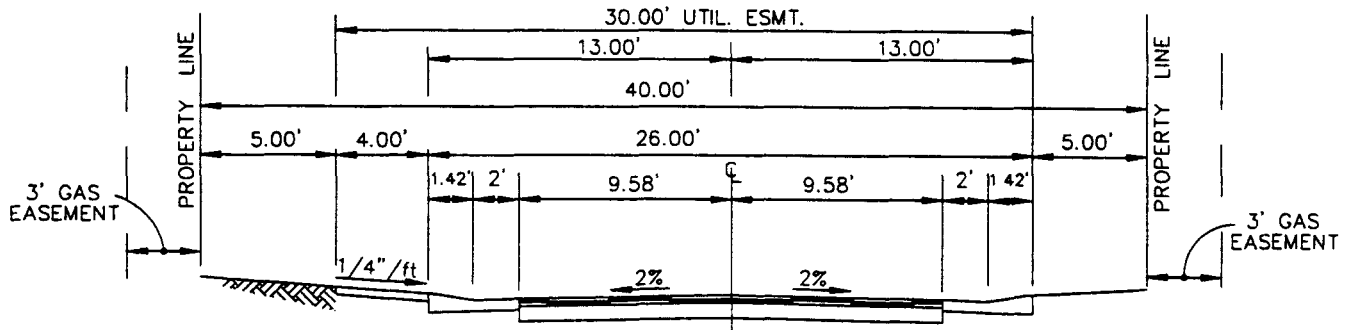
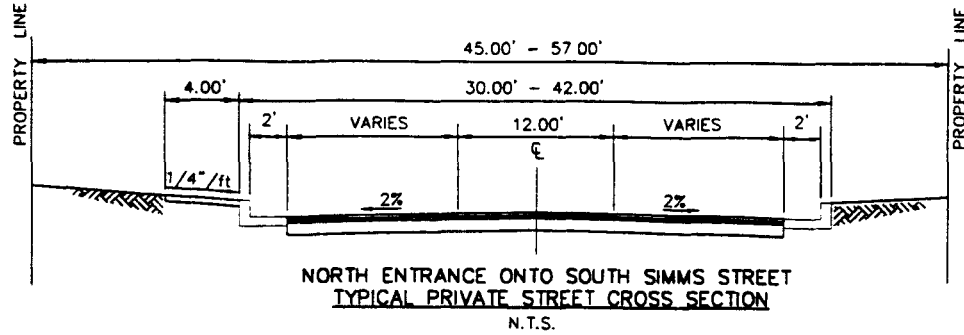
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ROAD IMPROVEMENTS

PAGE 2 OF 2

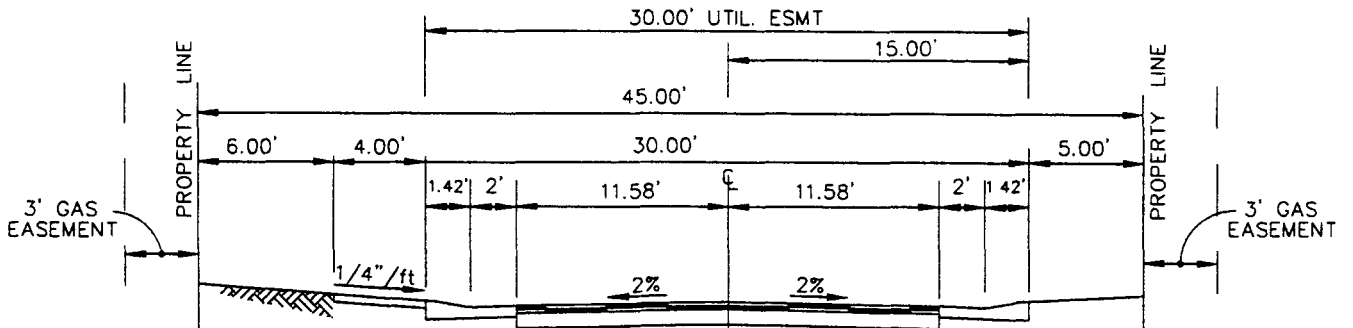
24



MINOR STREET (TYPE 2)
TYPICAL PRIVATE STREET CROSS SECTION

N.T.S.

(WEST COOPER PLACE, SOUTH ROUTT WAY, SOUTH ROBB COURT, SOUTH QUEEN ROAD, SOUTH QUEEN COURT, SOUTH QUEEN WAY, SOUTH ROBB LANE, SOUTH ROBB WAY, SOUTH QUAIL COURT, SOUTH QUAIL LANE, SOUTH QUEEN LANE, SOUTH ROUTT STREET)



MINOR STREET (TYPE 1)
TYPICAL PRIVATE STREET CROSS SECTION

N.T.S.

(WEST COOPER AVENUE, SOUTH ROBB STREET, SOUTH ROUTT STREET, WEST ONTARIO AVENUE)



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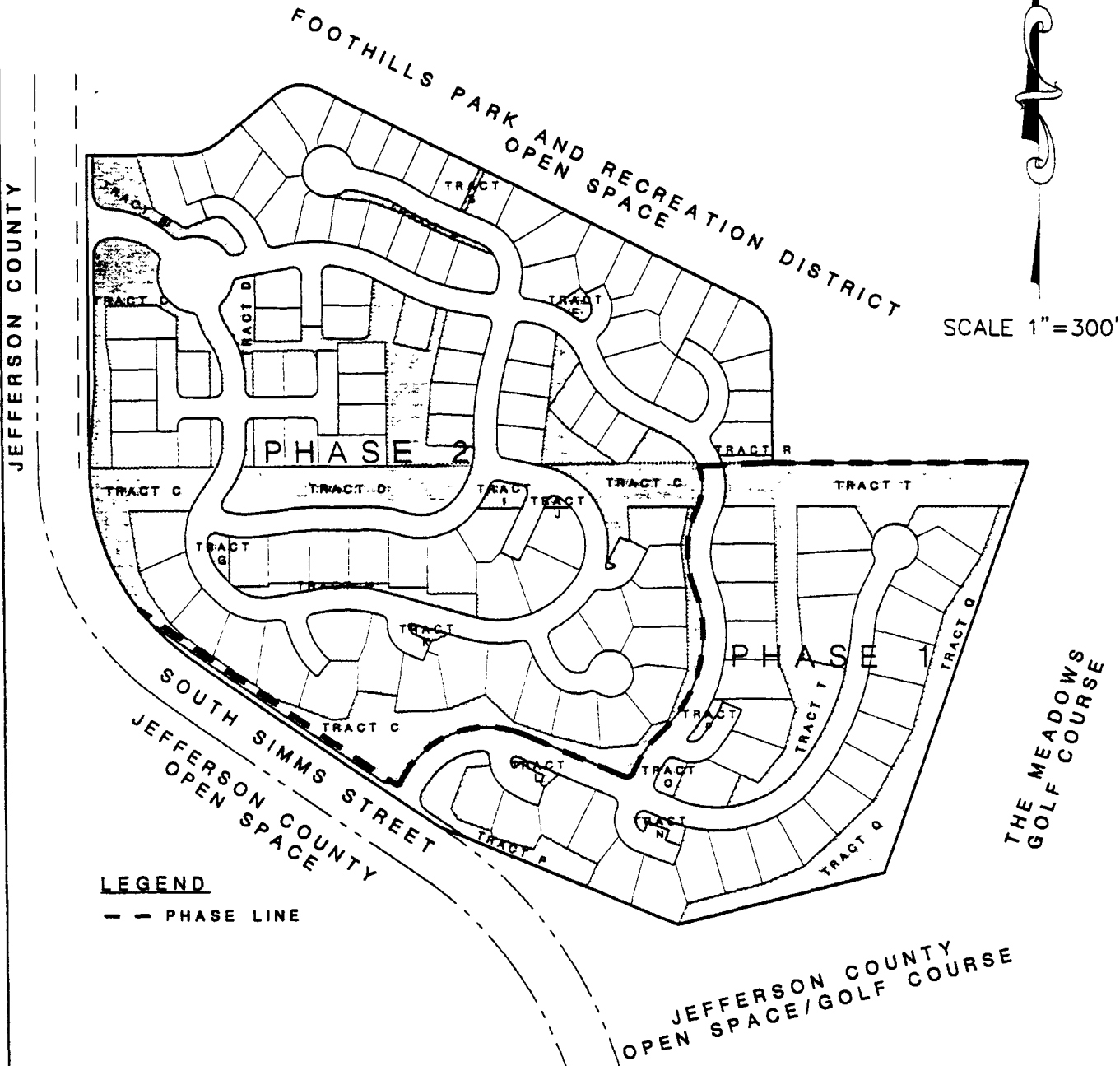
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LANDSCAPE IMPROVEMENTS

25



SCALE 1"=300'



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EXHIBIT C-2

Public Improvements Cost Estimates

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Eagle View Subdivision
JEFFERSON COUNTY
Public Improvements

Phase 1	Unit	Quantity	Price	Amount
I. Street Improvements				
Earthwork	CY	80,573	\$ 1.12	\$ 90,241.76
Remove Asphalt Pavement	SF	436	\$ 5.00	\$ 2,180.00
Saw Cut	LF	1,948	\$ 1.00	\$ 1,948.00
Striping	LF	3,450	\$ 0.50	\$ 1,725.00
Construction Seal	SY	2,661	\$ 0.50	\$ 1,330.50
Asphalt Pavement	TN	4,105	\$ 41.00	\$ 168,305.00
Asphalt Subgrade Preparation	SY	8,734	\$ 2.00	\$ 17,468.00
Traffic Signs (Regulation)	EA	5	\$ 150.00	\$ 750.00
Traffic Signs (Combination)	EA	5	\$ 350.00	\$ 1,750.00
Street Light	EA	11	\$ 1,500.00	\$ 16,500.00
Combination Curb, Gutter w/ 4' Attached Walk	LF	2,399	\$ 15.00	\$ 35,985.00
Mountable Curb & Gutter - 4" w/ 2' pan	LF	2,505	\$ 9.00	\$ 22,545.00
Curb Return w/ Handicap Ramp - 15' Radius	EA	5	\$ 840.00	\$ 4,200.00
4' Cross Pan	LF	227	\$ 24.00	\$ 5,448.00
6' Cross Pan	LF	23	\$ 36.00	\$ 828.00
				<u>\$ 371,204.26</u>
II. Landscape Improvements				
Landscape & Irrigation System				\$ 159,970.00
Entry Monuments				\$ 21,500.00
Fencing				\$ 8,700.00
Lighting				\$ 6,000.00
Trails (Crusher Fines)				\$ 4,000.00
				<u>\$ 196,170.00</u>
SUB-TOTAL				\$ 567,374.26
Contingency (10%)				\$ 56,737.43
			Subtotal	<u>\$ 624,111.69</u>

Eagle View Subdivision
JEFFERSON COUNTY
Public Improvements

28

Phase 2

I. Street Improvements

Earthwork	CY	199,812	\$	1.12	\$	223,789.44
Asphalt Pavement	TN	3,661	\$	41.00	\$	150,101.00
Asphalt Subgrade Preparation	SY	16,788	\$	1.60	\$	26,860.80
Traffic Signs (Regulation)	EA	3	\$	150.00	\$	450.00
Traffic Signs (Combination)	EA	25	\$	350.00	\$	8,750.00
Street Light	EA	13	\$	1,500.00	\$	19,500.00
Combination Curb, Gutter w/ 4' Attached Walk	LF	5,698	\$	15.00	\$	85,470.00
Mountable Curb & Gutter - 4" w/ 2' pan	LF	5,928	\$	9.00	\$	53,352.00
Curb Return w/ Handicap Ramp - 15' Radius	EA	29	\$	840.00	\$	24,360.00
Mid-block Handicap Ramp	EA	6	\$	840.00	\$	5,040.00
4' Cross Pan	LF	50	\$	24.00	\$	1,200.00
6' Cross Pan	LF	299	\$	36.00	\$	10,764.00
Boulder Retaining Walls	LS				\$	370,000.00
					\$	<u>979,637.24</u>

II. Landscape Improvements

Landscape & Irrigation System					\$	484,371.00
Water Feature					\$	151,000.00
Entry Monuments					\$	44,000.00
Fencing					\$	36,500.00
Lighting					\$	<u>27,600.00</u>
					\$	743,471.00

SUB-TOTAL					\$	1,723,108.24
Contingency (10%)					\$	<u>172,310.82</u>
					Subtotal	\$ 1,895,419.06
					TOTAL	\$ 2,519,530.75

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EXHIBIT D

Financial Plan

30

EAGLE VIEW METROPOLITAN DISTRICT

KEY ASSUMPTIONS

The primary assumptions of the Finance Plan for Eagle View Metropolitan District are as follows:

- 125 residential units at an initial cost of \$400,000 per unit, will be built over the next three years, commencing in 2003. Inflation is assumed to be 4 percent every two years, or slightly less than 2 percent annually.
- Mill levies will be assessed at an amount no greater than 35 mills. Such levies are anticipated to decline beginning in 2008 and will decline to 21.5 mills by 2032.
- There will be a \$3,500 per lot development fee payable at the date the building permit is issued. It is anticipated all permits will have been issued by the end of 2004.
- Ad valorem property taxes will be based upon an assessed value of 9.15 percent of statutory actual value, adjustable for Gallagher Amendment changes. Construction completed in 2003 will not generate ad valorem property tax collections until 2005.
- Specific ownership taxes will equal approximately 6 percent of ad valorem property tax receipts.
- Bond interest will be at a fixed rate of 6 percent.
- A debt service reserve, equal to one year maximum debt service, will be maintained throughout the life of the bonds.

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SOURCES AND USES OF FUNDS
Eagle View Metropolitan District
Metropolitan Improvement District Bonds, Series 2002

Dated Date 12/1/02
Delivery Date 12/1/02

Sources:

Bond Proceeds:	
Par Amount	2,000,000
Total Sources	2,000,000

Uses:

Project Fund Deposits:	
Project Construction Fund	1,553,000
Other Fund Deposits:	
Capitalized Interest	120,000
Debt Service Reserve Fund	162,000
	<hr/> 282,000
Delivery Date Expenses:	
LOC Fees	-
Cost of Issuance	125,000
Underwriter's Discount	40,000
	<hr/> 165,000
Total Uses	2,000,000

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Bond Debt Service

**Eagle View Metropolitan District
Metropolitan Improvement District Bonds, Series 2002**

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
12/01/02					
06/01/03			60,000	60,000	
12/01/03	5,000	6.00%	60,000	65,000	125,000
06/01/04			59,850	59,850	
12/01/04	5,000	6.00%	59,850	64,850	124,700
06/01/05			59,700	59,700	
12/01/05	5,000	6.00%	59,700	64,700	124,400
06/01/06			59,550	59,550	
12/01/06	10,000	6.00%	59,550	69,550	129,100
06/01/07			59,250	59,250	
12/01/07	10,000	6.00%	59,250	69,250	128,500
06/01/08			58,950	58,950	
12/01/08	30,000	6.00%	58,950	88,950	147,900
06/01/09			58,050	58,050	
12/01/09	30,000	6.00%	58,050	88,050	146,100
06/01/10			57,150	57,150	
12/01/10	35,000	6.00%	57,150	92,150	149,300
06/01/11			56,100	56,100	
12/01/11	40,000	6.00%	56,100	96,100	152,200
06/01/12			54,900	54,900	
12/01/12	40,000	6.00%	54,900	94,900	149,800
06/01/13			53,700	53,700	
12/01/13	40,000	6.00%	53,700	93,700	147,400
06/01/14			52,500	52,500	
12/01/14	45,000	6.00%	52,500	97,500	150,000
06/01/15			51,150	51,150	
12/01/15	45,000	6.00%	51,150	96,150	147,300
06/01/16			49,800	49,800	
12/01/16	50,000	6.00%	49,800	99,800	149,600
06/01/17			48,300	48,300	
12/01/17	55,000	6.00%	48,300	103,300	151,600
06/01/18			46,650	46,650	
12/01/18	55,000	6.00%	46,650	101,650	148,300
06/01/19			45,000	45,000	
12/01/19	60,000	6.00%	45,000	105,000	150,000
06/01/20			43,200	43,200	
12/01/20	65,000	6.00%	43,200	108,200	151,400
06/01/21			41,250	41,250	
12/01/21	75,000	6.00%	41,250	116,250	157,500
06/01/22			39,000	39,000	
12/01/22	80,000	6.00%	39,000	119,000	158,000
06/01/23			36,600	36,600	
12/01/23	80,000	6.00%	36,600	116,600	153,200
06/01/24			34,200	34,200	
12/01/24	85,000	6.00%	34,200	119,200	153,400
06/01/25			31,650	31,650	
12/01/25	95,000	6.00%	31,650	126,650	158,300
06/01/26			28,800	28,800	
12/01/26	100,000	6.00%	28,800	128,800	157,600
06/01/27			25,800	25,800	
12/01/27	105,000	6.00%	25,800	130,800	156,600
06/01/28			22,650	22,650	
12/01/28	105,000	6.00%	22,650	127,650	150,300
06/01/29			19,500	19,500	
12/01/29	110,000	6.00%	19,500	129,500	149,000
06/01/30			16,200	16,200	
12/01/30	120,000	6.00%	16,200	136,200	152,400
06/01/31			12,600	12,600	
12/01/31	125,000	6.00%	12,600	137,600	150,200
06/01/32			8,850	8,850	
12/01/32	295,000	6.00%	8,850	303,850	312,700
	2,000,000		2,581,800	4,581,800	4,581,800

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NET DEBT SERVICE

**Eagle View Metropolitan District
Metropolitan Improvement District Bonds, Series 2002**

Period Ending	Total Debt Service	Debt Service Reserve Fund	Capitalized Interest	Net Debt Service
12/01/03	125,000		120,000	5,000
12/01/04	124,700			124,700
12/01/05	124,400			124,400
12/01/06	129,100			129,100
12/01/07	128,500			128,500
12/01/08	147,900			147,900
12/01/09	146,100			146,100
12/01/10	149,300			149,300
12/01/11	152,200			152,200
12/01/12	149,800			149,800
12/01/13	147,400			147,400
12/01/14	150,000			150,000
12/01/15	147,300			147,300
12/01/16	149,600			149,600
12/01/17	151,600			151,600
12/01/18	148,300			148,300
12/01/19	150,000			150,000
12/01/20	151,400			151,400
12/01/21	157,500			157,500
12/01/22	158,000			158,000
12/01/23	153,200			153,200
12/01/24	153,400			153,400
12/01/25	158,300			158,300
12/01/26	157,600			157,600
12/01/27	156,600			156,600
12/01/28	150,300			150,300
12/01/29	149,000			149,000
12/01/30	152,400			152,400
12/01/31	150,200			150,200
12/01/32	312,700	-		312,700
Totals	4,581,800	-	120,000	4,461,800

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Exhibit E
Eagle View
Metropolitan District

Reserve Fund EO Year
Beginning Cash Available

Total	2003	2004	2005	2006	2007	2008	2009
	166,000	166,000	166,000	166,000	166,000	166,000	166,000
	-	96,480	108,113	31,255	3,200	30,261	31,180

Revenues:

Property Taxes	4,286,415	-	-	53,375	108,750	162,280	154,879	152,573
6.00% Specific Ownership Tax	150,890	-	-	3,203	6,405	6,533	6,090	5,824
3,500 Residential Development Fees	437,500	291,667	145,833	-	-	-	-	-
Bond Proceeds	2,000,000	2,000,000	-	-	-	-	-	-
4.00% Investment Income	244,826	6,640	10,499	10,965	7,890	6,768	7,850	7,887
Total Annual Income	7,119,431	2,298,307	166,333	67,642	121,048	178,561	168,820	166,284

Expenditures:

Debt Service	4,581,800	125,000	124,700	124,400	129,100	128,500	147,900	146,100
Construction	1,745,827	1,745,827	-	-	-	-	-	-
Operating Expenses	911,000	331,000	20,000	20,000	20,000	20,000	20,000	20,000
Total Annual Expenses	7,238,627	2,201,827	144,700	144,400	149,100	148,500	167,900	166,100
Reserve Fund	166,000	166,000	166,000	166,000	166,000	166,000	166,000	166,000
Ending Cash Available	46,804	292,480	274,112	197,264	199,199	196,290	197,189	197,394

Mill Levy

	35.0	35.0	35.0	35.0	35.0	32.1	31.2
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Assessed Valuation

Phase I	-	16,666,667	16,666,667	17,333,333	17,333,333	16,026,667	18,026,667
Phase II	-	-	16,666,667	16,666,667	17,333,333	17,333,333	18,026,667
Phase III	-	-	-	16,666,667	16,666,667	17,333,333	17,333,333
Phase I- Inflation Increase	-	-	-	666,667	-	693,333	721,067
Phase II- Inflation Increase	-	-	-	-	666,667	-	-
Phase III- Inflation Increase	-	-	-	-	-	693,333	-
Phase I- Construction Inc	16,666,667	16,666,667	-	-	-	-	693,333
Phase II- Construction Inc	16,666,667	-	-	-	-	-	-
Phase III- Construction Inc	16,666,667	16,666,667	-	-	-	-	-
Cumulative	50,000,000	33,333,333	50,666,667	51,333,333	52,693,333	53,396,667	54,801,067

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
166,000	166,000	166,000	166,000	166,000	166,000	166,000	166,000	166,000	166,000	166,000	166,000
31,365	30,374	30,761	32,026	32,741	32,849	32,389	31,501	33,043	35,822	37,401	39,525
154,476	158,676	157,225	154,525	156,377	153,427	155,211	159,564	157,560	158,074	159,849	164,397
5,938	6,057	5,970	5,669	5,780	5,459	5,568	5,678	5,557	5,432	5,539	5,650
-	-	-	-	-	-	-	-	-	-	-	-
7,895	7,855	7,870	7,921	7,950	7,954	7,936	7,900	7,962	8,073	8,136	8,221
168,309	172,688	171,066	168,116	170,107	168,840	168,713	173,142	171,079	171,679	173,624	178,267
149,300	152,200	149,800	147,400	150,000	147,300	149,600	151,600	148,300	150,000	151,400	157,500
20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
169,300	172,200	169,800	167,400	170,000	167,300	169,600	171,600	168,300	170,000	171,400	177,500
166,000	166,000	166,000	166,000	166,000	166,000	166,000	166,000	166,000	166,000	166,000	166,000
198,373	198,761	198,026	198,741	198,848	198,388	197,601	199,043	201,822	203,401	205,826	206,392
30.8	31.2	30.1	29.2	28.8	27.9	27.5	27.9	28.8	28.5	25.9	25.6
18,747,733	18,747,733	19,497,643	19,497,643	20,277,548	20,277,548	21,088,650	21,088,650	21,932,196	21,932,196	22,809,484	22,809,484
18,026,667	18,747,733	18,747,733	19,497,643	19,497,643	20,277,548	20,277,548	21,088,650	21,088,650	21,932,196	21,932,196	22,809,484
18,026,667	18,026,667	18,747,733	18,747,733	19,497,643	19,497,643	20,277,548	20,277,548	21,088,650	21,088,650	21,932,196	21,932,196
-	749,909	-	779,906	-	811,102	-	843,546	-	877,288	-	912,379
721,067	-	749,909	-	779,906	-	811,102	-	843,546	-	877,288	-
-	721,067	-	749,909	-	779,906	-	811,102	-	843,546	-	877,288
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
55,522,133	56,993,109	57,743,019	59,272,834	60,052,739	61,843,747	62,454,849	64,109,497	64,953,043	66,873,877	67,551,185	69,340,832

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2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
166,000	166,000	166,000	166,000	166,000	166,000	168,000	168,000	168,000	168,000	168,000
40,292	38,122	40,909	40,864	40,680	38,244	36,666	36,111	40,669	41,523	44,274
162,069	162,457	159,869	164,528	161,749	161,899	158,829	158,796	160,299	160,167	156,554
5,510	5,365	5,209	5,314	5,147	4,973	4,789	4,598	4,668	4,483	4,266
-	-	-	-	-	-	-	-	-	-	-
8,252	8,185	8,276	8,275	8,267	8,170	8,107	8,164	8,267	8,301	8,411
176,830	176,987	173,365	178,116	176,163	176,042	171,726	171,658	173,253	172,961	169,231
158,000	153,200	153,400	158,300	157,600	156,600	150,300	149,000	152,400	150,200	312,700
20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
178,000	173,200	173,400	178,300	177,600	176,600	170,300	169,000	172,400	170,200	332,700
166,000	166,000	166,000	166,000	166,000	166,000	168,000	168,000	168,000	168,000	168,000
204,122	206,909	206,864	206,680	204,243	202,686	204,111	206,669	207,622	210,273	46,804
25.2	25.6	25.2	24.8	24.1	23.8	23.2	23.0	22.4	22.1	21.5
23,721,864	23,721,864	24,670,738	24,670,738	25,657,568	25,657,568	26,683,870	26,683,870	27,751,225	27,751,225	28,861,274
22,809,484	23,721,864	23,721,864	24,670,738	24,670,738	25,657,568	25,657,568	26,683,870	26,683,870	27,751,225	27,751,225
22,809,484	22,809,484	23,721,864	23,721,864	24,670,738	24,670,738	25,657,568	25,657,568	26,683,870	26,683,870	27,751,225
-	948,875	-	986,830	-	1,026,303	-	1,067,355	-	1,110,049	-
912,379	-	948,875	-	986,830	-	1,026,303	-	1,067,355	-	-
-	912,379	-	948,875	-	986,830	-	1,026,303	-	1,067,355	-
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
70,253,211	72,114,465	73,063,340	74,999,044	75,985,873	77,999,006	79,025,308	81,118,966	82,186,321	84,383,724	84,383,724

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**Eagle View
Metropolitan District**

	Residential Value By Year	Cumulative Value By Year	9 15% Residential Assessed By Year	Cumulative Assessed
2002	-	-	-	-
2003	16,666,667	16,666,667	-	-
2004	16,666,667	33,333,333	3,050,000	3,050,000
2005	17,333,333	50,666,667	4,636,000	7,686,000
2006	666,667	51,333,333	4,697,000	12,383,000
2007	1,360,000	52,693,333	4,821,440	17,204,440
2008	693,333	53,386,667	4,884,880	22,089,320
2009	1,414,400	54,801,067	5,014,298	27,103,618
2010	721,067	55,522,133	5,080,275	32,183,893
2011	1,470,976	56,993,109	5,214,870	37,398,762
2012	749,909	57,743,019	5,283,486	42,682,249

Eagle View Homeowners Association

*C/O 10106 W. San Juan Way Ste. 210
Littleton, CO 80127
303-933-6279*

December 19, 2024

Jefferson County Board of County Commissioners
100 Jefferson County Parkway
Golden, Colorado 80419

Re: Dissolution of Eagle View Metropolitan District

Dear Board of County Commissioners:

Our office serves as the Community Manager for the Eagle View Homeowners Association and the Eagle Point Homeowners Association (the “**HOAs**”). We have been directed by the Boards of Directors of the HOAs to provide this letter to you regarding the HOAs’ position with regard to the dissolution of the Eagle View Metropolitan District (the “**District**”).

The HOAs own, operate and maintain the tracts, within their respective boundaries, in the subdivision filing known as EAGLE VIEW, more specifically Tracts A-2, A-3, C-5, D-3, G, H, J, K, L, M, N, O, P and T, EAGLE VIEW, County of Jefferson, State of Colorado (the “**HOAs’ Tracts**”).

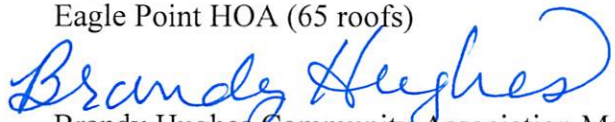
The District funded the improvements on the Tracts which have been maintained by the HOAs since they were installed in 2004. The HOAs have never provided mosquito control services.

The District paid off its Bonds in October of 2024 and no longer has a reason to exist.

The HOAs do not require or request that the District provide any services and is in support of the dissolution of the District and the elimination of property taxes that would otherwise need to be paid by the residents of the HOAs to continue the District in existence when it does not provide any services.

Very truly yours,

Eagle View HOA (61 roofs) AND
Eagle Point HOA (65 roofs)



Brandy Hughes Community Association Manager
KC & ASSOCIATES, LLC

CATTAILS HOMEOWNERS ASSOCIATION

1101 WEST MINERAL AVE. SUITE 107

LITTLETON, COLORADO 80120

December 4, 2024

Jefferson County Board of County
Commissioners
100 Jefferson County Parkway
Golden, Colorado 80419

Re: Dissolution of Eagle View Metropolitan District

Dear Board of County Commissioners:

Our office serves as the Community Manager for the Cattails In the Meadows Homeowners Association, Inc. (the "**HOA**"). We have been directed by the Board of Directors of the HOA to provide this letter to you regarding the HOA's position with regard to the dissolution of the Eagle View Metropolitan District (the "**District**").

The HOA owns, operates and maintains the tracts in the subdivision filing known as CATTAILS IN THE MEADOWS, specifically Tracts A, B, C, D, E, F, G, H and I CATTAILS IN THE MEADOWS, County of Jefferson, State of Colorado (the "**HOA Tracts**").

The District funded the improvements on the Tracts which have been maintained by the HOA since they were installed in 2005. The HOA has never provided mosquito control services.

The District paid off its Bonds in October of 2024 and no longer has a reason to exist.

The HOA does not require or request that the District provide any services and is in support of the dissolution of the District and the elimination of property taxes that would otherwise need to be paid by the residents of the HOA to continue the District in existence when it does not provide any services.

Very truly yours,



Charise Kirtright,
Community Manager
Avenue One Properties, LLC
303-804-9800
www.ave1properties.com

December 4, 2024

Jefferson County Board of County
Commissioners
100 Jefferson County Parkway
Golden, Colorado 80419

Re: Dissolution of Eagle View Metropolitan District

Dear Board of County Commissioners:

I serve as the District Manager for Southwest Metropolitan Water and Sanitation District (“**Southwest Metro**”).

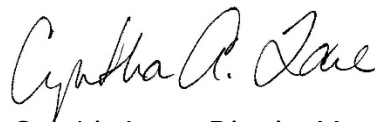
Since 2005, Southwest Metro has owned, operated and maintained the water and sewer system that serves the homes within the subdivision known as CATTAILS IN THE MEADOWS, County of Jefferson, Colorado and the subdivision known as EAGLE VIEW, County of Jefferson, Colorado (the “**Subject Water and Sewer Improvements**”). The Eagle View Metropolitan District (the “**District**”) has no interest in or responsibility for the Subject Water and Sewer Improvements.

Southwest Metro does not provide mosquito control services.

The District has advised Southwest Metro that they have paid off its Bonds in October of 2024 and no longer has a reason to exist.

Southwest Metro does not require or request that the District provide any services and is in support of the dissolution of the District and the elimination of property taxes that would otherwise need to be paid to continue the District in existence when it does not provide any services.

Very truly yours,



Cynthia Lane, District Manager
Southwest Metropolitan Water and Sanitation District

Policy Title: Special Districts

Policy Number: Part 7, Planning and Land Use; Chapter 2, Regulations; Section 5

Type of Policy: Regulatory

Adopting Resolution: CC06-541

References: Title 32 Colorado Revised Statutes; Land Development Regulation, Zoning Resolution; Resolutions CC92-47; CC97-544; CC03-388, CC05-398

Effective Date: December 5, 2006

Adoption Date: December 5, 2006

Administrative Revision Date: July 2018

Policy Custodian: Planning and Zoning Division

Purpose: To review applications for the creation, consolidation and modification of Title 32 Special Districts located wholly or partially in unincorporated Jefferson County in an effort to 1. provide a thorough, efficient and consistent review and assessment process; 2. prevent unnecessary proliferation, duplication and fragmentation of local government; 3. avoid excessive diffusion and application of local taxes; 4. promote a more logical, coordinated and orderly creation and extension of special district services in Jefferson County; and, 5. promote the health, safety, prosperity, security and general welfare of Jefferson County special district residents and property owners.

- A. The policies in this section serve as a guide for use by Jefferson County staff, the Jefferson County Planning Commission, and the Board of County Commissioners in making decisions regarding the creation and consolidation of special districts, and the modification of special district service plans.
1. The use of special districts as a method of providing needed services to activity areas or centers designated in the county's community plans and to economic development areas or centers designated in other county documents or policies is encouraged.
 2. When possible, the creation of one (1) metropolitan special district in an area of need is preferred over the creation of many single-purpose special districts.
 3. When possible, service provision by agreement with an existing service provider or inclusion into the boundaries of an existing special district or other service provider is encouraged.
 4. Cooperation with other governmental jurisdictions in the planning of special districts and the review of service plans is promoted.

5. When a special district is proposed to be created, consolidated or modified in conjunction with a rezoning, plat application or other land development application, the service plan application should be coordinated with that land development application and the proposed special district should be identified as the service provider on the rezoning application, the plat application, or other land development application.
6. For residential developments, the use of special districts solely as a financing mechanism for the construction of improvements listed in the Land Development Regulation is discouraged.
7. The creation of new or expanded special districts which would have the effect of stimulating more growth or higher densities than those recommended by the relevant community plans is discouraged.
8. Special districts are encouraged to provide information to developers or builders within the district to enable the developers or builders to describe, in marketing materials (e.g. brochures, marketing packets, lot signage, etc.) aimed at prospective homeowners, the amount of mill levy imposed by their particular district and how this translates into an annual cost/tax to homeowners.

B. Service Plan Review

1. All review, notice, hearing, and approval requirements not set forth within this policy shall be governed by the terms of the Special District Act and Title 32 of the Colorado Revised Statutes.
2. Criteria

All service plan applications shall be reviewed using criteria established in §32-1-203(2), C.R.S. and the following. Evidence satisfactory to the Board shall include, but not be limited to:

Colorado Revised Statute Reference	Colorado Revised Statute Criteria	Evidence
32-1-203(2)(a)	Need	<ol style="list-style-type: none"> 1. The existing zoning authorizes the types, uses, and densities to support the services proposed. 2. Documentation indicating that the area within the proposed special district boundary is currently under-served.

Colorado Revised Statute Reference	Colorado Revised Statute Criteria	Evidence
32-1-203(2)(b) 32-1-203(2.5)(a)	Inadequacy	<ol style="list-style-type: none"> 1. Documentation indicating inability and/or unwillingness of all existing adjacent or nearby service providers offering similar services to provide the proposed services. 2. Documentation indicating that the area within the proposed special district boundary is currently under-served.
32-1-203(2)(c) and (d)	Capability and Financial Ability	<ol style="list-style-type: none"> 1. For special districts offering water services, documentation indicating sufficient water supply (both physical and legal) to meet the proposed needs of the district. 2. Documentation indicating that the proposed special district is capable of providing economical service to the area within its proposed boundaries and is able to discharge the proposed indebtedness on a reasonable basis.
32-1-203(2.5)(b)	Compatibility	<ol style="list-style-type: none"> 1. Documentation indicating compliance with applicable standards and application procedures for all facilities proposed and services provided.
32-1-203(2.5)(c)	Master Plan	<ol style="list-style-type: none"> 1. Documentation indicating compliance with the appropriate Jefferson County comprehensive plans, including community plans, transportation plans, mineral extraction plans, and other land use plans, such as they exist.
32-1-203(2.5)(d)	Water Plan	<ol style="list-style-type: none"> 1. Documentation indicating compliance with Jefferson County water plans, such as they exist.

Colorado Revised Statute Reference	Colorado Revised Statute Criteria	Evidence
32-1-203(2.5)(e)	Best Interest	<ol style="list-style-type: none"> 1. Documentation indicating that the total mill levy of all taxing entities within the special district boundary is not too onerous for individual homeowners to sustain. 2. Documentation indicating that the proposed special district serves the long term interests of residents within the district.

3. Submittal Requirements

- a. The application for pre-filing or formal filing shall not be deemed complete by the county until all of the Submittal Requirements and the requirements of 32-1-202(2) C.R.S., in the quantity specified by the Planning and Zoning Division, have been submitted.
- b. The Director of Planning and Zoning may waive or vary the submittal requirements specified if the Director finds that such waiver or variation does not conflict with requirements specified in Colorado Revised Statutes and does not create a substantial detriment to the public good nor harm the intent of this chapter.
- c. Descriptions and Maps
 - 1) A written general summary describing the services proposed.
 - 2) A vicinity map (on paper no larger than 8.5x11 inches in size) indicating, within a 3-mile radius of the proposed special district boundaries, the general location of the special district in relation to primary streets/roads and section lines, names of adjacent subdivisions, un-subdivided parcels, public lands, and other existing special districts.
 - 3) A boundary map (on paper no larger than 24x36 inches in size) indicating the proposed special district boundaries in heavy lines. Within the special district boundaries, this map shall show existing contour lines, proposed parcels, and approximate 100-year floodplain (where applicable). Immediately abutting and adjacent to the proposed special district boundaries, this map shall show existing parcels, and the name and

location of all existing special districts immediately abutting and/or overlaying the proposed special district.

- 4) Legal Description: The legal description of the entire area to be included in the proposed special district shall be designated by the current legal description of the parcel(s) to be included. Platted subdivisions or any part thereof (lot, block or tract) shall be noted with reception number. Additional information, such as copies of documents called for or made reference to in the legal description, or current deeds for all parcels included in the legal description shall be provided if requested by the Planning and Zoning Division.

- 5) List of Contacts:

A list of all persons or organizations responsible for each section of the service plan including names of persons and organizations, addresses, telephone numbers, and professional stamps or seals (where applicable).

- 6) Ownership: A list of residents and owners of real property within the proposed district complete with a map indicating the location of their property.

d. Financial Plan

- 1) A written statement indicating the source and assumptions for each category of numbers presented (including but not limited to interest rates, buildout rates, and mill levies) plus all calculations performed.
- 2) A development anticipation section which describes development projections in amount, time, type, value, including an estimate of the population and valuation for assessment of the proposed special district. These projections shall be supported by a report from an independent market analyst, which report provides sufficient background information supporting the growth rates utilized in the financial alternatives, or a market study to support the alternative financial scenarios.
- 3) A year by year listing for the period of expected indebtedness beginning with the expected date of special district formation, including a detailed description of all funding mechanisms to be employed by the district; a list of individual yearly totals for bond issues, debt service, operating and maintenance expenses, legal and administrative expenses, capital expenses, buildout rate, assessed valuation, mill levy, facility fees, development fees, tap fees, and other fees; and all other costs and revenues. Any extraordinary or one-time expenses shall be explained.
- 4) Maximum bonded indebtedness proposed to be incurred by the special district and assumptions supporting that amount of indebtedness.

Because the issuance of bonds by one entity may adversely affect the bond rating of another entity due to overlapping debt, the plan shall contain a list of indebtedness for all cities, counties, and special districts within which any part or all of the proposed special district will be located.

- 5) A description of the relationship between the scheduling and phasing of improvements and the financial stability of the special district.
- 6) A description of the percentage of improvements to be financed.
- 7) If the financial plan identifies any contributions by the developer to the special district, a copy of any agreement between the developer and the proposed special district explaining the developer's financial participation shall be included.
- 8) A description of the flexibility that has been built into the financial plan, including alternative means of repaying the debt, if the estimated revenue stream is not realized.
- 9) A mill levy and fees comparison of proposed, operating and overlapping mill levies and fees with at least two other special districts in Colorado supplying similar services for a similar market.
- 10) A mill levy statement listing all of the taxing entities within the special district boundaries and their respective mill levies, complete with an estimate of the total taxes that can be expected by a resident of the proposed special district.
- 11) A cost estimate of acquiring land, engineering services, legal services, administrative services, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the district.

e. Engineering Survey

A detailed written description of the improvements proposed to be constructed, listing local and regional infrastructure improvements, the standards of such construction (including a statement of how the facility and service standards of the proposed special district are in compliance with standards of the county and other permitting agencies), materials and labor costs, a preliminary or potential siting of the infrastructure improvements, and the scheduling and phasing of the construction.

f. Statement of Compliance with Water Plans:

For proposed special districts offering water or sanitation services, a written statement from the management agency or the board of existing watershed

association within the boundaries of the special district indicating compliance or noncompliance with their plans or policies and the Clean Water Plan; and a written statement indicating compliance or noncompliance with the Clean Water Act. If water is proposed by another entity, a letter shall be provided from that entity showing agreement with the proposal, adequate capacity and willingness to serve. For a list of watershed associations and management agencies, please contact the Restoration and Protection Unit Manager, Watershed Section, Water Quality Control Division of the Colorado Department of Public Health and Environment.

g. Other Agency Reviews and Agreements:

For proposed special districts offering sanitation services, information regarding the wastewater treatment facility, including any existing local and state reviews of the facility plan for wastewater treatment facilities and copies of all written arrangements and agreements relating to wastewater treatment and effluent disposal. If treatment is proposed by another entity, a letter shall be provided from that entity showing agreement with the proposal, adequate capacity and willingness to serve.

h. Mosquito Control Report:

For special districts proposing mosquito control services, a report shall be submitted by an entomologist indicating the need or lack thereof for an Integrated Mosquito Management (IMM) program within the special district and extending outside the special district to the average flight distance of indigenous mosquitoes. This report shall include, as appropriate, but not be limited to: the basis of the recommendation; the nature of the threat in nuisance and public health terms; a mapping of potential mosquito harborages/hatching areas; ongoing surveillance and monitoring data of the mosquito populations and mosquito borne public health threats; any type of control proposed; and the estimated cost of the IMM program. This report shall be coordinated with Jefferson County Public Health prior to pre-filing of the Service Plan application.

i. Inclusion Policy:

An explanation of the proposed special district's policy for inclusion which provides objective procedures for the determination of costs, standards and criteria to allow the orderly extension of services to adjacent lands.

j. Maintenance/Operational Plan: A 10-year maintenance/operational plan, including costs, for the improvements proposed within the special district and a description of who will be responsible for maintenance of the proposed improvements.

- k. Fees: Each formal service plan filed shall be accompanied by a processing fee of \$500.00, which shall be utilized to reimburse the county for reasonable direct costs related to processing such service plan and the hearing including, but not limited to the costs of notice, publication, and recording of testimony. A fee of \$250.00 shall be paid to the county for review of any material modifications of the service plan as defined by § 32-1-207 (2), C.R.S.
- l. Other Documentation: Any other documents requested by Planning and Zoning.

C. Service Plan Review Process

1. Prefiling Application: The purpose of the prefiling application review is to identify concerns as early as possible and to more efficiently and effectively evaluate the feasibility of the proposed service plan.
 - a. Persons proposing organization of a special district, including modifications to existing service plans, shall file a Prefiling Application.
 - b. The petitioner shall submit a complete prefiling application, including all Submittal Requirements, to the Planning and Zoning Division a minimum of eight (8) weeks prior to formal service plan filing.
 - c. After review by various divisions/departments within Jefferson County and/or professionals and agencies outside the county, the Planning and Zoning Division case manager shall provide a copy of all referral comments to the applicant no later than eight (8) weeks after receipt of the complete prefiling application.
2. Formal Service Plan Filing
 - a. Persons proposing organization of a special district shall file copies of the formal service plan with the Clerk to the Board section of the Clerk and Recorder's Office.
 - b. The Clerk to the Board section of the Clerk and Recorder's Office will notify the Planning and Zoning Division that a service plan has been formally filed and will transmit copies of the service plan to the Planning and Zoning Division.
 - c. The Planning and Zoning Division will send copies of the service plan to the Assessor's Office to determine all municipalities and special districts that have levied an ad valorem tax within the next preceding tax year and which has boundaries within a radius of three (3) miles of the proposed special district boundaries.

- d. Upon receipt of the information from the Assessor's Office, the Planning and Zoning Division will provide written notice as required by Planning and Zoning of the date, time, and location of the Board of County Commissioner's hearing.
 - e. Within five (5) days after filing of the service plan, the Planning and Zoning Division will report to the Division of Local Government in the Department of Local Affairs the name and type of the proposed special district for which the service plan has been filed, and the Board of County Commissioner's hearing date, time and location.
 - f. All service plans for special districts and material modifications to service plans, except as noted below, shall be referred to the Planning Commission to consider and make a recommendation thereon pursuant to the requirements of § 32-1-202 and 32-1-203, C.R.S.
 - 1) Material modifications to an approved service plan that are limited to an increase in the authorized indebtedness or other change in the financial plan shall not be required to be reviewed by the Planning Commission prior to hearing by the Board of County Commissioners.
 - g. At the next regular meeting of the Board of County Commissioners that is at least ten (10) days after final planning commission action on the service plan, the Board of County Commissioners shall schedule the matter for hearing. The hearing must be within thirty (30) days of such meeting.
 - h. The Planning and Zoning Division will cause notice of the date, time, location, and purpose of the Board of County Commissioner's hearing on the proposed special district to be published, the first of which publication shall be at least twenty (20) days prior to the hearing date. The notice will include a general description of the land contained within the boundaries of the proposed special district and information outlining methods and procedures for exclusion of territory.
 - i. It is the petitioner's responsibility to send notification of the hearing to the property owners within the proposed special district as listed on the records of the county assessor unless the petitioners represent one hundred percent (100%) of the property owners. Such notice must be sent not more than thirty (30) days nor less than twenty (20) days prior to the hearing.
3. Special Review Procedures
- a. At the time of pre-filing or formal filing, the county may require special review of the service plan for any special district when the proposed bonded indebtedness exceeds \$5,000,000. If the county requires special review, it

shall notify the petitioner within ten (10) days of pre-filing or filing of the service plan.

- b. Special review shall be used to examine the adequacy of the proposed mill levy or other debt repayment mechanism, the reasonableness of the estimated costs of providing the proposed services, the ability of the property to sustain the proposed level of indebtedness, and any other factors necessary to enable county staff, the Board and Planning Commission to make the findings required by § 32-1-203, C.R.S. The results of the review shall be presented to the Planning Commission and the Board of County Commissioners during the regular hearing on the service plan.
- c. An additional fee as specified by § 32-1-202(3) C.R.S shall be paid to the county if the county requires special review of a service plan. Such fee represents the estimated direct costs related to such review by county staff and/or professional services that may be contracted in order to undertake special review of a service plan application. If special review is requested, the special review fee shall be due and payable no later than the date set for Planning Commission review of the service plan.

4. Quinquennial Finding of Reasonable Diligence

- a. Any special district required by the Board of County Commissioners pursuant to § 32-1-1101.5 C.R.S. to file an application for a quinquennial (occurring or being done every 5 years) finding of reasonable diligence shall file an application containing, at a minimum, copies of audited financial statements for the previous three (3) years. Such application shall also contain such additional documents as may be necessary to establish whether the service plan and financial plan of the special district are adequate to meet the debt financing requirements of the authorized and unissued general obligation debt based on conditions within the district at the time of such application.
- b. The Board may review the application for quinquennial finding of reasonable diligence at a public hearing. The applicant shall provide published notice of such hearing at least twenty (20) but no more than thirty (30) days prior to the hearing and, during that same period of time, shall mail notice of the hearing by first class mail to all property owners within the special district as listed on the records of the county assessor at the time the notice is mailed.
- c. At the close of the hearing, the Board shall make a finding as authorized by § 32-1-1101.5, C.R.S.

D. Post Election Action:

- 1. If the organization of the special district is approved by the voters, then one copy of the court-approved service plan shall be submitted to the Clerk to the Board

section of the Jefferson County Clerk and Recorder's Office and three copies to the Jefferson County Planning and Zoning Division.

STATE OF COLORADO)
) ss.
COUNTY OF JEFFERSON)

)

NOTICE OF HEARING

PUBLIC NOTICE IS HEREBY GIVEN that there was filed with the Board of County Commissioners of Jefferson County, Colorado, an application for Dissolution of the Eagle View Metropolitan District (the "District"), Case No. 25-104413AR. The application and related documents are on file in the Planning and Zoning Division and are available for public inspection. The application for Dissolution and related documents are also available electronically here: <https://www.jeffco.us/casesearch>

AND, NOTICE IS HEREBY GIVEN that the Board of County Commissioners of the County of Jefferson, State of Colorado, will hold a hybrid (in-person and virtual) public hearing on said Service Plan and related documents on Tuesday April 8, 2025 at 9:00 a.m. The public hearing will be held in Hearing Room 1 at the Jefferson County Administration and Courts Facility, 100 Jefferson County Parkway, Golden, Colorado 80419 with the virtual hearing link being available on the County's website at <https://www.jeffco.us/meetings>.

The purpose of the hearing shall be to consider whether the purposes for which the District was created have been achieved and adopting a resolution consenting to, or not consenting to the dissolution.

The District is located within Jefferson County, Colorado, and the District Boundary is generally located south of the intersection of Coal Mine Avenue and Simms Street, on the east side of Simms Street in Jefferson County, Colorado.

BY ORDER OF THE BOARD OF COUNTY
COMMISSIONERS OF JEFFERSON COUNTY
/s/ Lesley Dahlkemper, Chairman

Published March 13, 2025

CERTIFICATE OF MAILING

I hereby certify that on March 12, 2025, a true and correct copy of the foregoing Notice of Hearing on the proposed dissolution of Eagle View Metropolitan District was sent via regular mail to the person(s) and/or entities named on **Exhibit A** attached hereto.

McGeady Becher Cortese Williams P.C.

By: 
Legal Assistant / Paralegal Assistant

EXHIBIT A

Mailing List

Inter-Canyon Fire Protection District
7939 S Turkey Creek Road
Morrison, CO 80465

South Metro Fire Rescue Fire Protection
9195 E. Mineral Ave.
Centennial, CO 80112

West Metro Fire Protection District
433 S. Allison Parkway
Lakewood, CO 80226

Urban Drainage & Flood Control District
12575 W. Bayaud Ave.
Lakewood, CO 80228

Belleview Village MD
4725 S. Monaco Street, Suite 360
Denver, Colorado 80237

Bowles MD
8390 E Crescent Parkway, Ste 300
Greenwood Village, CO 80111-2814

Dakota Ridge MD
450 East 17th Avenue, Suite 400
Denver, CO 80203-1254

Dancing Willows MD
7995 E. Prentice Avenue, Ste 103E
Greenwood Village, CO 80111

Deer Creek MD
8390 E Crescent Parkway, Ste 300
Greenwood Village, CO 80111-2814

Deer Creek Villas MD
1700 Lincoln Street, Suite 2000
Denver, CO 80203-4554

Hogback MD
1700 Lincoln Street, Suite 2000
Denver, CO 80203-4554

Ken-Caryl Ranch MD
7676 South Continental Divide Road
Littleton, CO 80127

Lyons Ridge MD
8390 E. Crescent Pkwy., Suite 300
Greenwood Village, CO 80111

Meadowbrook Heights MD
1700 Lincoln Street, Suite 2000
Denver, CO 80203-4554

Meadowbrook-Fairview MD
9850 B W Girton Drive
Lakewood, CO 80227

Mountain's Edge MD
8390 E Crescent Parkway, Ste 500
Greenwood Village, CO 80111

Plains MD
4725 S. Monaco Street #360
Denver, CO 80237

Section 14 MD
405 Urban Street, Suite 310
Lakewood, CO 80228

Silver Leaf MD
450 East 17th Avenue, Suite 400
Denver, CO 80203

Southwest Plaza MD
1700 Lincoln St Ste 2000
Denver, CO 80203

Three Hills MD
2154 E. Commons Ave., Suite 2000
Centennial, CO 80122

TrailMark MD
7995 E Prentice Avenue, Ste. 103E
Greenwood Village, CO 80111-2710

Vintage Reserve MD
1660 Lincoln Street, Suite 3000
Denver, CO 80264

West Meadows MD
2154 E Commons Avenue, Ste 2000
Centennial, CO 80122

Westend Ridge MD
4725 South Monaco Street, Suite 360
Denver, CO 80237

Columbine Knolls-Grove Metro Rec District
6191 West Plymouth Drive
Littleton, CO 80128

Foothills Park & Rec District
6612 S. Ward Street
Littleton, CO 80127

Leewood Metro Rec & Park District
P.O. Box 620802
Littleton, CO 80162

Normandy Estates Metro Rec District
PO Box 1045
Littleton, CO 80160

South Suburban Park & Rec District
6631 South University Boulevard
Centennial, CO 80121-2913

Regional Transportation District
1660 Blake Street
Denver, CO 80202-1399

Meadowbrook Water District
9850 B W Girton Drive
Lakewood, CO 80227

Grant Water & Sanitation District
2922 Evergreen Parkway, Suite 207
Evergreen, CO 80439-7915

Ken-Caryl Ranch Water & Sanitation District
10698 W. Centennial Road
Littleton, CO 80127-4221

Lakehurst Water & Sanitation District
7995 W Quincy Avenue
Littleton, CO 80123

Platte Canyon Water & Sanitation District
8739 West Coal Mine Avenue
Littleton, CO 80123

Southwest Metro Water & Sanitation District
8739 W. Coal Mine Ave.
Littleton, CO 80123

Southwest Suburban Denver W&S District
2922 Evergreen Parkway, Suite 320
Evergreen, CO 80439

Willowbrook Water & Sanitation District
9850 B West Girton Drive
Lakewood, CO 80227

City of Lakewood
445 South Allison Parkway
Lakewood, CO 80226-3105

City of Littleton
2255 West Berry Avenue
Littleton, CO 80120

Arapahoe County
5334 South Prince Street
Littleton, CO 80166

City and County of Denver
201 W. Colfax, Department 1010
Denver, CO 80202

Douglas County
100 Third Street
Castle Rock, CO 80104-2424

Jefferson County
Board of County Commissioners
100 Jefferson County Pkwy Ste 5500
Golden, CO 80401

Town of Bow Mar
7995 E Prentice Avenue, Ste 103E
Greenwood Village, CO 80111

Columbine Valley
2 Middlefield Road
Columbine Valley, CO 80123

Arapahoe County L.E.A.
c/o Arapahoe County Finance Department
5334 South Prince Street
Littleton, CO 80166

Arapahoe Library District
12855 E. Adam Aircraft Circle
Englewood, CO 80112

Aspen Grove Business Improvement
1660 Lincoln Street, Suite 3000
Denver, CO 80264

Urban Drainage & Flood (S. Platte)
12575 W. Bayaud Ave.
Lakewood, CO 80228

Littleton DDA
2516 West Main Street
Littleton, CO 80120

Bow Mar Water & Sanitation District
8739 W Cole Mine Avenue
Littleton, CO 80123

Highline BID
141 Union Boulevard, Suite 150
Lakewood, CO 80228-1898

Centennial Downs MD
14143 Denver West Parkway, Ste 450
Lakewood, CO 80401

Columbine Water & Sanitation
8739 W Coal Mine Avenue
Littleton, CO 80123

Polo Reserve MD
1660 Lincoln Street, Suite 3000
Denver, CO 80264

Santa Fe Park MD Nos. 1-4
2154 East Commons Avenue, Suite 2000
Centennial, CO 80122-1880

Normandy Estates MD
PO Box 1045
Littleton, CO 80160

Wild Plum MD
191 University Boulevard, #358
Denver, CO 80206

RiverPark MD
450 East 17th Avenue, Suite 400
Denver, CO 80203-1254

Southeast Englewood Water
1660 Lincoln Street, Suite 3000
Denver, CO 80264

Valley Sanitation District
8739 W Coal Mine Avenue
Littleton, CO 80160

W. Arapahoe Conservation District
133 W. Bijou Avenue
Byers, CO 80103

Douglas County Law Enforcement
100 Third Street
Castle Rock, CO 80104

Douglas County Soil Conservation District
PO Box 688
Franktown, CO 80116

Douglas Public Library District
100 S. Wilcox Street
Castle Rock, CO 80104

Eagle View MD
141 Union Boulevard, Suite 150
Lakewood, CO 80228

Division of Local Government
1313 Sherman Street, Ste. 521
Denver, CO 80203

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MILLER HICKS SANDRA KAY
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EAGLE VIEW HOMEOWNERS ASSC
INC
7400 E CRESTLINE CIR
GREENWOOD VILLAGE, CO 80111

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INC
7400 E CRESTLINE CIR
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EAGLE POINT HOMEOWNERS
ASSOCIATION INC
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The Denver Post, LLC

PUBLISHER'S AFFIDAVIT

City and County of Denver)
State of Colorado)
)

The undersigned Nicole Maestas being first duly sworn under oath, states and affirms as follows:

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2. The Denver Post and Your Hub are newspapers of general circulation that have been published continuously and without interruption for at least fifty-two weeks in Denver County and meet the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in Your Hub for West Jeffco (including the counties of Jefferson, Arapahoe, Arvada, Denver, Lakewood, Gilpin, Clear Creek, and Westminster) on the following date(s):

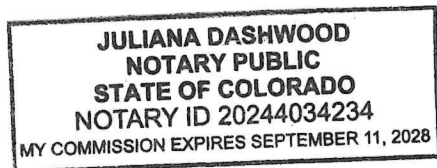
March 13, 2025

STATE OF COLORADO }
COUNTY OF JEFFERSON } ss.

Signature of Nicole Maestas

Subscribed and sworn to before me this 14 day of March, 2025.

Signature of Juliana Dashwood
Notary Public



(SEAL)

NOTICE OF HEARING

PUBLIC NOTICE IS HEREBY GIVEN that there was filed with the Board of County Commissioners of Jefferson County, Colorado, an application for Dissolution of the Eagle View Metropolitan District (the "District"), Case No. 25-104413AR. The application and related documents are on file in the Planning and Zoning Division and are available for public inspection. The application for Dissolution and related documents are also available electronically here: https://www.jeffco.us/casesearch.

AND, NOTICE IS HEREBY GIVEN that the Board of County Commissioners of the County of Jefferson, State of Colorado, will hold a hybrid (in-person and virtual) public hearing on said Service Plan and related documents on Tuesday April 8, 2025 at 9:00 a.m. The public hearing will be held in Hearing Room 1 at the Jefferson County Administration and Courts Facility, 100 Jefferson County Parkway, Golden, Colorado 80419 with the virtual hearing link being available on the County's website at https://www.jeffco.us/meetings.

The purpose of the hearing shall be to consider whether the purposes for which the District was created have been achieved and adopting a resolution consenting to, or not consenting to the dissolution.

The District is located within Jefferson County, Colorado, and the District Boundary is generally located south of the intersection of Coal Mine Avenue and Simms Street, on the east side of Simms Street in Jefferson County, Colorado.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY /s/ Lesley Dahlkemper, Chairman

Published March 13, 2025

Please note: The Denver Post will no longer be issuing paper tears. There will only be a digital copy.

APPEAL OF ELK CREEK FIRE PROTECTION DISTRICT RESOLUTION
NO. 2024-09
RESOLUTION AND ORDER OF EXCLUSION (NORTH FORK
CONSOLIDATION)

1. ECFPD Appeal - Case Summary
2. ECFPD Appeal – Factors for Exclusion – Table
3. Appeal of Resolution and Order of Exclusion to Jefferson County BoCC – final – 11-27-24
4. KSS Ltr to Parties re ECFPD Appeal Procedure 122024
5. 20250110 – ECFPD Response to Record on Appeal
6. Exhibit 1 – Nov 21, 2024 Elk Creek FPD Resolution, 2024-09
7. Exhibit 2 – Elk Creek FPD November 21, 2024, Board Hearing Documents
8. Exhibit 3 – Recording of Public Hearing on Resolution 2024-09.mp4
9. Exhibit 4 – Appellants’ Exhibit C – Emails and Letters
10. Appellants’ Brief in Appeal of Elk Creek FPD Resolution No. 2024-09 Approval Whitehead III & Newby – final-
11. Appellee’s 20250306 – Elk Creek FPD Response Brief
12. Appellants’ Reply Brief – Whitehead and Newby

CASE SUMMARY
Regular Agenda

BCC Hearing Date: April 8, 2025

Case Name: **Appeal of Elk Creek Fire Protection District Resolution No. 2024-09 Resolution and Order of Exclusion (North Fork Consolidation).**

Appellants: Neil H. Whitehead III and Charles F. Newby

Appellee: The Board of Directors of the Elk Creek Fire Protection District

Subject Property: The Elk Creek Fire Protection District Service Area in Jefferson County

Issue: Whether evidence supporting the statutory factors for exclusion was established at the hearing before the District Board.

Question on Appeal: Whether evidence supporting the statutory factors for exclusion was established at the hearing before the District Board?

CRS § 32-1-501(3) - FACTORS FOR EXCLUSION	YES	NO
(a)(I) The best interests of the property to be excluded;		
(a)(II) The best interests of the special district from which the exclusion is proposed;		
(a)(III) The best interests of the county or counties in which the special district is located;		
(b) The relative cost and benefit to the property to be excluded from the provision of the special district services;		
(c) The ability of the special district to provide economical and sufficient service to both the property to be excluded and all of the properties within the special district's boundaries;		
(d) Whether the special district is able to provide services at a reasonable cost compared with the cost that would be imposed by other entities in the surrounding area to provide similar services in the surrounding area or by the fire protection district or county fire improvement district that has agreed to include the property to be excluded from the special district;		
(e) The effect of denying the petition on employment and other economic conditions in the special district and surrounding area;		
(f) The economic impact on the region and on the special district, surrounding area, and state as a whole if the petition is denied or the resolution is finally adopted;		
(g) Whether an economically feasible alternative service may be available; and		
(h) The additional cost to be levied on other property within the special district if the exclusion is granted.		

**APPEAL OF ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION NO. 2024-09
RESOLUTION AND ORDER OF EXCLUSION
(NORTH FORK CONSOLIDATION)**

Neil Whitehead III
31634 Black Widow Way
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Charles F (Chuck) Newby
8868 William Cody Drive
Evergreen CO 80439

Jefferson County Board of County Commissioners
100 Jefferson County Parkway, suite 5550
Golden CO 80419

VIA EMAIL

November 27, 2024

Neil H Whitehead III and Charles F (Chuck) Newby (the "Petitioners"), each owners of real property that is situated within the Elk Creek Fire Protection District ("Elk Creek FPD"), for the reasons expressed below, file this Appeal, pursuant to CRS 32-1-501(5)(b)(I), of the November 21, 2024 approval by the Elk Creek FPD Board of Directors of ELK CREEK FIRE PROTECTION DISTRICT RESOLUTION NO. 2024-09, RESOLUTION AND ORDER OF EXCLUSION (NORTH FORK CONSOLIDATION) (the "Exclusion Order") attached hereto in Exhibit A the Hearing Record—which seeks by order of the 1st Judicial District Court (the "Court")—the exclusion of all real property within the boundaries of Elk Creek FPD for subsequent inclusion into the North Fork Fire Protection District ("North Fork FPD"). The Exclusion Order is apparently a step in the process of consolidating Elk Creek FPD and Inter-Canyon Fire Protection District ("Inter-Canyon FPD") into North Fork FPD.

INTRODUCTION

1. In the present matter, through the ORDER SETTING CONSOLIDATION ELECTION issued by the Court on July 26, 2023 the question of Consolidation was submitted to the voters of each of the respective fire districts which election was subsequently held on November 7, 2023. In the ordered ballot election, Elk Creek FPD voters rejected Consolidation with a vote of NO 51% and YES 49% while voters within the other two fire districts accepted Consolidation.
2. On August 17, 2024 the Elk Creek, Inter-Canyon, and North Fork FPDs jointly

launched new efforts towards a Consolidation Plan—which they have termed "Unification"—setting out that, in concert with the North Fork FPD, Elk Creek and Inter-Canyon FPDs will utilize CRS 32-1-501(1.5) to exclude all real property within their respective boundaries while North Fork FPD will utilize CRS 32-1-501(4)(a)(II) (B) to include the subject excluded real properties into its boundaries. The additional intent is that Elk Creek and Inter-Canyon FPDs will be subsequently dissolved under the provisions of CRS 32-1-710.

3. At its September 2024 meeting, the Elk Creek FPD Board of Directors approved a FIRST AMENDMENT TO PRE-CONSOLIDATION INTERGOVERNMENTAL AGREEMENT (the "Amended IGA"), attached hereto in Exhibit A the Hearing Record, which initiated exclusion of all real property from District boundaries. On October 23, 2024, North Fork FPD filed in District Court Case Number 1992CV2416 a NOTICE OF RESOLUTION AGREEING TO INCLUDE PROPERTY (ELK CREEK), attached hereto in Exhibit A the Hearing Record, which seeks to immediately effectuate the inclusion of all Elk Creek FPD real property into North Fork FPD upon approval of Exclusion Order, attached hereto in Exhibit A the Hearing Record.

FIRST ISSUE ON APPEAL

ELK CREEK FPD EXCLUSION ORDER VIOLATES THE STATUTORY REQUIREMENTS OF CRS 32-1-501

4. As a prima facie matter, the exclusion of ALL of the real property from Elk Creek FPD into North Fork FPD is not in the best interests of the excluded property pursuant to the requirements of CRS 32-1-501(3) nor will that property be provided with the same service after its exclusion pursuant to CRS 32-1-501(1.5) given that: 1) the excluded property would be removed from Elk Creek FPD where fire and EMS services are supported by annual property tax revenue of approximately \$49,100 per square mile and placed under the jurisdiction of North Fork FPD where fire and EMS services are supported by annual property tax revenue of approximately \$1,300 per square mile, see Exhibits AA and BB, Elk Creek and North Fork FPD for annual revenue actuals and forecasts; 2) the excluded property would be removed from Elk Creek FPD that holds a reserve balance of approximately \$7 million and placed under the jurisdiction of North Fork FPD that holds a reserve balance of \$0, see Exhibit BB for North Fork FPD annual operating reserves; and 3) the excluded property would be removed from Elk Creek FPD with an ISO Rating of 5 and placed inside North Fork FPD with an ISO Rating of 10, see Elk Creek and North Fork FPD website more information. The Elk Creek FPD Board of Directors not only failed to make any findings to demonstrate that the exclusion of the real property from Elk Creek FPD would benefit that property by placing it into an underfunded North Fork FDP with its markedly inferior fire insurance risk rating, but

also the Elk Creek FPD Board of Directors failed to reasonably investigate, deliberate, or evaluate the evidence necessary to make findings regarding each of the items set forth in Colorado Revised Statutes Title 32-1-501(3)(a)–(h)).

SECOND ISSUE ON APPEAL

THE ELK CREEK FPD EXCLUSION ORDER IS AN UNLAWFUL ATTEMPT TO SUBVERT THE WILL OF THE CITIZENS OF ELK CREEK WITH RESPECT TO THE ISSUE OF CONSOLIDATION

5. The issue of Consolidation of Elk Creek FPD, North Fork FPD and Inter-Canyon FPD was placed on the ballot to the citizens of Elk Creek FPD in November 2023 and was rejected. Rather than respecting the decision of the voters, the Board of Directors of Elk Creek FPD is now attempting to use the provisions for exclusion under CRS 32-1-501 to effectively accomplish consolidation. Not only is this action an egregious affront to the expressed will of the citizens of Elk Creek FPD, but it is also contrary to Colorado statutory law. Consolidation of special districts is to be effectuated through CRS 32-1-601 et al. The Elk Creek FPD Board of Directors inexplicably avoided use of the consolidation provisions of CRS 32-1-601 et al. and instead, disingenuously invoked the exclusion provisions of CRS 32-1-501 in its attempt to accomplish consolidation. The exclusion provisions of CRS 32-1-501 allow property owners and special district governing bodies the ability to make microadjustments to boundaries within those special districts only where appropriate to better serve particular areas of real property. In this matter, however, the Board of Directors of Elk Creek FPD has attempted to impermissibly vacate the entirety of the geographical area of the Elk Creek FPD. This action is not aligned with the purpose of the exclusion statute.

THIRD ISSUE ON APPEAL

ELK CREEK FPD EXCLUSION ORDER VIOLATES RIGHTS TO AN ELECTION UNDER COLORADO STATUTORY LAW AND UNDER THE COLORADO CONSTITUTION ARTICLE X SECTION 20 THE TAXPAYER'S BILL OF RIGHTS

6. Under the Colorado Constitution, Article X Section 20, and under Colorado Statutory Law, CRS 32-1-501(4)(c), taxes may not be raised on citizens of Colorado without voter approval. Currently, the mill levy rate imposed on real property by Elk Creek FPD is 12.551 mills (see Exhibit AA) while the mill levy rate imposed on real property by North Fork FPD is 12.896 (see Exhibit BB). The 2018 Ballot Question 7D which authorized the 12.896 mill levy rate for North Fork FPD is attached hereto as Exhibit CC. As a result, through the Exclusion Order, the real property excluded from Elk Creek FPD would be subject to an actual increase in mill levy rate. This increase in tax rate without a vote of the Elk Creek FPD electorate is a violation of both Section 20(4)(a) of Article X of the Colorado Constitution and CRS 32-1-501(4)

(c)(I).

EXCLUSION ORDER HEARING RECORD AND ADDITIONAL EXHIBITS

PETITIONERS ATTACH HERETO THE HEARING RECORD AND ADDITIONAL RELEVANT EXHIBITS

7. Petitioners have attached hereto below the November 2024 Exclusion Order Hearing Record items, to the best of our understanding per the CORA Requests sent on November 21, 2024 to the Elk Creek FPD District Administrator, the following: a) November 2024 Elk Creek FPD Board of Directors Meeting Packet with Record of Director Newby Statements of Opposition, b) November 2024 Elk Creek FPD Board of Directors Meeting Audio/Video Recording Universal Resource Locator, and c) November 2024 Elk Creek FPD Board of Directors Exclusion Order Hearing Public Correspondence. Petitioners reserve the right to supplement the Exclusion Order Hearing Record before the requested hearing before the Jefferson County Board of County Commissioners.
8. The Elk Creek FPD Exclusion Order Hearing Record includes the following items:
 - A. EXHIBIT A: NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS MEETING PACKET WITH RECORD OF DIRECTOR NEWBY STATEMENTS OF OPPOSITION
 - B. EXHIBIT B: NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS MEETING AUDIO/VIDEO RECORDING UNIVERSAL RESOURCE LOCATOR
 - C. EXHIBIT C: NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS EXCLUSION ORDER HEARING PUBLIC CORRESPONDENCE
9. Additional evidence relevant to Petitioners' claims for relief, includes the following items:
 - (I) EXHIBIT AA: ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE
 - (II) EXHIBIT BB: NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024
 - (III) EXHIBIT CC: NORTH FORK FPD BALLOT QUESTION 7D

WHEREFORE, as described in each of the claims above, we ask that the Jefferson County Board of County Commissioners hear the present Appeal.

[signature page follows]

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PETITIONER ADDRESS:

8868 William Cody Drive
Evergreen, Colorado 80439

BY: /s/ Neil H Whitehead III

Neil H Whitehead III

DATE: November 27, 2024

BY: /s/ Charles F Newby

Charles F (Chuck) Newby
Trustee for the Charles F and
Joanne Newby Living Trust

DATE: November 27, 2024

NOVEMBER 21, 2024
ELK CREEK FPD EXCLUSION ORDER HEARING RECORD

EXHIBIT A

NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS MEETING PACKET WITH RECORD OF DIRECTOR NEWBY STATEMENTS OF OPPOSITION

**Elk Creek Fire Protection District
Board of Directors**

Regular Meeting Agenda

Thursday, November 21, 18:00hr

In person and Via Zoom

(located on ECFPD website)

Due to the substantive action items and public hearings scheduled for the meeting, the Board has suspended all normal business and will have a limited Agenda as noted below. All normal business will be tabled until the December meeting

I.Call to order

II.Pledge of Allegiance

III.Moment of Silence for Fallen Responders

IV.Roll call of Board members

V.Additions or Deletions to, and Approval of the Agenda

→ *Public Comment*
VI 2024-11-21 Resolution Concerning the Adoption of a Budget and Appropriation

of Funds for Fiscal Year 2025, Budget Hearing

VII 2024-11-21-2 Resolution to set Mill Levies

VIII 2024-11 Resolution Transferring Assets and Delegating Authority

IX 2024-09 Resolution and Order of Exclusion, North Fork Unification Hearing

X Adjournment

	2023 Final Budget	2023 YTD Actuals	2024 Revised Budget as of 10/2024	2025 Draft Budget
Beginning Balance	\$ 5,803,199		\$ 5,810,471	\$ 6,441,382 (starting pt is py bgt ending bal)
REVENUES				
Tax Revenue				
Property Taxes	\$ 3,629,336	\$ 3,574,658	\$ 4,545,365	\$ 4,584,635
Specific Ownership Taxes	\$ 217,845	\$ 252,848	\$ 275,000	\$ 275,000
Delinquent Taxes			\$ (10,000)	\$ (10,000)
Total Tax	\$ 3,847,181	\$ 3,827,506	\$ 4,810,365	\$ 4,849,635
Non-Tax Revenue				
Net Ambulance Billings	\$ 380,000	\$ 395,069	\$ 395,000	\$ 395,000
CRRF Wildfire Reimbursements	\$ 925,000	\$ 875,687	\$ 1,341,650	\$ 1,554,356
Grants	\$ -	\$ 105,326	\$ -	\$ -
Interest Income	\$ 30,500	\$ 274,872	\$ 369,500	\$ 369,500
Lease Revenue	\$ 50,000	\$ 58,081	\$ 60,000	\$ 60,000
Mitigation Contracts	\$ 123,000	\$ -	\$ -	\$ 50,000
Other Income	\$ 32,000	\$ 47,603	\$ 25,000	\$ 257,000
Total Non-Tax Revenue	\$ 1,540,500	\$ 1,756,639	\$ 2,191,150	\$ 2,685,856
Total Revenue	\$ 5,387,681	\$ 5,584,144	\$ 7,001,515	\$ 7,535,491
EXPENDITURES				
Expenses-Administration	\$ 1,068,300	\$ 422,020	\$ 599,450	\$ 696,073
Admin Labor		\$ 377,633	\$ 500,785	\$ 593,389
Expenses-CRRF	\$ 765,142	\$ 87,248	\$ 154,024	\$ 190,725
CRRF Labor		\$ 525,631	\$ 926,204	\$ 1,060,763
Expenses-EMS	\$ 881,106	\$ 238,858	\$ 256,800	\$ 293,140
EMS Labor		\$ 735,442	\$ 842,736	\$ 912,161
Expenses-Fire	\$ 657,470	\$ 190,243	\$ 187,600	\$ 196,980
Fire Labor		\$ 469,384	\$ 601,491	\$ 599,668
Expenses-Fuels Crew	\$ 12,200	\$ 865	\$ 19,800	\$ 20,790
Fuels Labor		\$ (63,633)	\$ -	\$ 214,155
Expenses-Fire Stations	\$ 127,330	\$ 106,312	\$ 146,930	\$ 154,277
Expenses-Leases/Capital	\$ 570,000	\$ 367,442	\$ 570,000	\$ 865,000
Expenses-Maintenance	\$ 309,968	\$ 103,705	\$ 180,000	\$ 189,000
Maintenance Labor		\$ 93,169	\$ 176,257	\$ 219,126
Expenses-Prevention	\$ 137,954	\$ 1,721	\$ 23,350	\$ 24,518
Prevention Labor		\$ 242,246	\$ 121,984	\$ 198,757
Expenses-Training	\$ 267,494	\$ 62,020	\$ 110,700	\$ 116,235
Training Labor		\$ 140,141	\$ 178,776	\$ 187,340
Expenses-Wildland/Suppression	\$ 583,445	\$ 98,609	\$ 125,800	\$ 135,240
Wildland/Suppression Labor		\$ 553,894	\$ 647,917	\$ 576,406
Total Expenditures	\$ 5,380,409	\$ 4,752,948	\$ 6,370,604	\$ 7,443,742
TOTAL REVENUE IN EXCESS OF EXPENDITURES	\$ 7,272	\$ 831,196	\$ 630,911	\$ 91,749
Available Funds	\$ 5,810,471	\$ 831,196	\$ 6,441,382	\$ 6,533,131
RESERVES				
Tabor Reserves	\$ 161,630		\$ 210,045	\$ 226,065
General Fund (Carryover) Reserves	\$ 500,000		\$ 500,000	\$ 500,000
Board Designated Reserves	\$ 100,000		\$ 100,000	\$ 100,000
Capital Reserve Fund Savings	\$ 1,000,000		\$ 3,450,000	\$ 3,450,000
Unrestricted Reserves	\$ 4,048,841		\$ 2,181,337	\$ 2,257,067
Total Reserves	\$ 5,810,471		\$ 6,441,382	\$ 6,533,131

ELK CREEK FIRE PROTECTION DISTRICT

**RESOLUTION 2024 – 11-21
A COMBINED RESOLUTION CONCERNING THE ADOPTION OF A BUDGET AND
APPROPRIATION OF FUNDS FOR FISCAL YEAR 2025**

A. A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING THE BUDGET FOR THE ELK CREEK FIRE PROTECTION DISTRICT FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2025 AND ENDING ON THE LAST DAY OF DECEMBER 2025.

WHEREAS, the Board of Directors of the Elk Creek Fire Protection District (District) has appointed the District's Budget Officer and Budget Committee to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, the District's Budget Officer and Budget Committee submitted a proposed budget to this governing body on or before October 15, 2024, for its consideration; and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 21, 2024 and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increases may have been made in the expenditure, like increases were added to the revenues or planned to be expended from reserves so that the budgets remain in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT, THAT:

Section 1. The budget as submitted, and summarized by fund, is approved and adopted as the budget of the District for the year stated above.

Section 2. The budget hereby approved and adopted shall be signed by the President and Secretary and made a part of the public records of the District.

B. A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE ELK CREEK FIRE PROTECTION DISTRICT FOR THE 2025 BUDGET YEAR.

WHEREAS, the Board of Directors of the District ("Board") has adopted the District's annual budget in accordance with the Local Government Budget Law; and

WHEREAS, the Board has made provision therein for revenues in an amount equal to, or greater than, the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary, to appropriate the revenues and reserves provided in the budgets to and for the purposes described below, so as not to impair the operations of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT, THAT:

The following sums are hereby appropriated from the revenue of each Fund, to each Fund, for the purposes stated:

General Fund:	
Current Operating Expenses	\$ 6,578,742
Other Expenditures	\$ 0
Capital Projects	\$ 865,000
Debt Service	\$ 0

ADOPTED AND APPROVED this ____ day of _____, 2024.

ELK CREEK FIRE PROTECTION DISTRICT

By: _____
President

ATTEST:

Secretary

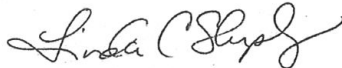
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

Elk Creek Fire Protection Dist (dist) **
1199 Blackfoot Rd
PO Box 607
Conifer CO 80433

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Jefferson } ss

This Affidavit of Publication for the Canyon Courier, a weekly newspaper, printed and published for the County of Jefferson, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 11/7/2024, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



For the Canyon Courier

State of Colorado }
County of Jefferson } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Linda Shapley, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 11/7/2024. Linda Shapley has verified to me that she has adopted an electronic signature to function as her signature on this document.

20134029363-952662
Jean Schaffer
Notary Public
My commission ends January 16, 2028



Public Notice
**NOTICE CONCERNING
PROPOSED BUDGET OF
ELK CREEK FIRE PROTECTION DISTRICT**

NOTICE is hereby given that a proposed budget has been submitted to the Board of Directors of Elk Creek Fire Protection District for the ensuing year of 2025; that a copy of such proposed budget has been filed in the office of the District at 11993 Blackfoot Road, Conifer, Colorado 80433, where the same is open for public inspection; and that such proposed budget will be considered at a public hearing of the Board of Directors of the District to be held at Station 1, 11993 Blackfoot Road, Conifer, Colorado 80433 on Thursday, November 21, 2024, at 8:00 p.m. Any elector within the District may, at any time prior to the final adoption of the budget, inspect the budget and file or register any objections thereto.

ELK DISTRICT CREEK FIRE PROTECTION
By: President

Legal Notice No. CAN 1712
First Publication: November 7, 2024
Last Publication: November 7, 2024
Publisher: Canyon Courier

ELK CREEK FIRE PROTECTION DISTRICT

**RESOLUTION 2024 – 11-21-2
RESOLUTION TO SET MILL LEVIES**

**A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE 2024 TAX YEAR
TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE
ELK CREEK FIRE PROTECTION DISTRICT,
FOR THE 2025 BUDGET YEAR.**

WHEREAS, on November 21, 2024 the Board of Directors (“Board”) of the Elk Creek Fire Protection District (“District”) adopted the District’s annual budget in accordance with the Local Government Budget Law;

WHEREAS, the amount of money necessary to balance the District’s budget for the General Fund and Capital Projects Fund is \$7,443,742, which includes a Mill Levy amount of \$4,570,151;

WHEREAS, the amount of money necessary to balance the budget for the District’s budget for the Debt Service Fund is \$0; and,

WHEREAS, the valuation for assessment for the District as recently certified by the County Assessor(s) is \$365,612,049;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT, THAT:

Section 1. For the purpose of meeting all general operating expenses of the District during the District’s 2025 budget year, there is hereby levied a tax of 12.5 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the previous year (tax year).

Section 2. The District’s Secretary is hereby authorized and directed to certify to the County Commissioners of Jefferson and Park Counties, Colorado, the mill levies for the District as hereinabove determined and set, and to execute such form or forms as may be required by the County Commissioners for such purposes; provided, however, that in the event that the final notice of assessed valuation will cause an adjustment to such mill levy in order to raise the amounts stated to balance the District’s budget, the District’s Budget Officer is authorized to make such adjustment based upon the final assessed valuations received from the County Assessors. In no event shall such adjustments result in any unauthorized non-voter approved increase in the mill levy.

ADOPTED: _____, 2024.

ELK CREEK FIRE PROTECTION DISTRICT

By: _____
President

ATTEST:

Secretary

ELK CREEK FIRE PROTECTION DISTRICT

RESOLUTION NO. 2024-11

**A RESOLUTION TRANSFERRING ASSETS AND PERSONNEL, AND
DELEGATING AUTHORITY TO COMPLETE THE UNIFICATION OF
INTER-CANYON FIRE PROTECTION DISTRICT,
ELK CREEK FIRE PROTECTION DISTRICT, AND
NORTH FORK FIRE PROTECTION DISTRICT**

WHEREAS, Inter-Canyon Fire Protection District (“Inter-Canyon”), Elk Creek Fire Protection District (“Elk Creek”), and North Fork Fire Protection District (“North Fork”) (Inter-Canyon, Elk Creek, and North Fork jointly the “Districts”) entered into the Pre-Consolidation Intergovernmental Agreement, effective April 12, 2023, as amended by the First Amendment (the “Agreement”), to form a single fire protection district to serve the area currently served by the Districts;

WHEREAS, Section 3.1.1.3 of the Agreement calls for Inter-Canyon and Elk Creek to designate the Board of Directors of North Fork, as successor to Inter-Canyon’s and Elk Creek’s jurisdictional territory, service responsibilities, assets, property and personnel, to receive Inter-Canyon’s and Elk Creek’s remaining property tax revenue, to seek the dissolution of Inter-Canyon and Elk Creek, and to do all things necessary to accomplish the terms of the Exclusion Resolutions and Orders and the Agreement; and

WHEREAS, Elk Creek wishes to affirm the express and ongoing delegation of authority under the Agreement for the North Fork Board of Directors to do all things necessary to implement the Agreement and the unification of the Districts, including authority to seek administrative dissolution of Elk Creek, confirm the transfer of all assets to North Fork, provide for Elk Creek employees to become employees of North Fork, and receive all Elk Creek tax revenue, and take all other actions necessary to carry out the Agreement and continue the provision of services to the areas currently within Elk Creek.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Elk Creek Fire Protection District that:

1. Transfer of Assets. Effective upon the exclusion of all property from Elk Creek and inclusion of the same into North Fork, Elk Creek hereby transfers legal and equitable title of all assets and property of Elk Creek to North Fork. Assets include but are not limited to: real property, personal property, improvements, buildings, furniture, appliances, supplies, plans, tools, vehicles, apparatus, mobile equipment, machinery, intangible personal property, cash, bank accounts, notes, bonds, insurance policies, leases, accounts receivable, warranties, guarantees, indemnifications, licenses, permits, contracts, and agreements.

2. Transfer of Pension Funds. Effective upon the exclusion of all property from Elk Creek and inclusion of the same into North Fork, Elk Creek hereby transfers all pension funds to North Fork, subject to the statutory requirements and the requirements, authorities, and obligations of the trust or pension agreements, or other documents and agreements establishing and pertaining to such pension funds.

3. Employees. Effective upon the exclusion of all property from Elk Creek and inclusion of the same into North Fork, all employees of Elk Creek shall become employees of North Fork.

4. Delegation to Execute Documents. On behalf of Elk Creek, the Chair of the Board of Directors of North Fork is delegated authority to sign any and all deeds, bills of sale, assignments, or other documents as necessary to confirm and affect the transfer of all assets of Elk Creek to North Fork.

5. Dissolution of Elk Creek. Effective upon the exclusion of all property from Elk Creek and inclusion of the same into North Fork, Elk Creek grants to North Fork all authority and power to act on behalf of Elk Creek to do all things necessary to include all property within Elk Creek into North Fork, to receive Elk Creek's tax revenue including 2024 taxes payable in 2025, to request the dissolution of Elk Creek, and to wind up the business and affairs of Elk Creek.

The foregoing Resolution was adopted by a vote of ____ in favor and ____ against at a meeting of the Board of Directors of Elk Creek Fire Protection District, duly called and held on November 21, 2024.

Elk Creek Fire Protection District

By: _____
Greg Pixley, Chair

ATTEST:

Melissa Baker, Secretary

ELK CREEK FIRE PROTECTION DISTRICT

RESOLUTION NO. 2024-09

**RESOLUTION AND ORDER OF EXCLUSION
(North Fork Consolidation)**

WHEREAS, Elk Creek Fire Protection District (“Elk Creek”) presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, North Fork Fire Protection District (“North Fork” and Elk Creek and North Fork jointly the “Districts”) also presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, pursuant to the Pre-Consolidation Intergovernmental Agreement between the Districts, effective April 12, 2023, as amended by the First Amendment, Elk Creek wishes to take initial action to begin such consolidation utilizing the procedures available under Section 32-1-501(1.5), C.R.S.; and

WHEREAS, the Board of Directors of Elk Creek has determined that it is beneficial to exclude all the real property described on Exhibit A attached hereto and incorporated herein by this reference (“Property”) from Elk Creek pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4), C.R.S., on the condition that the Property thereafter immediately be included within North Fork; and

WHEREAS, on initial approval of this Resolution it is anticipated that by resolution, (“Inclusion Resolution”), North Fork will agree to include the Property into North Fork immediately after the effective date of the Court’s Order excluding the Property from Elk Creek, which Inclusion Resolution will be filed with the District Court of Jefferson County, Colorado, as required by Section 32-1-501(4)(a)(II)(B), C.R.S., and thereafter North Fork will provide the same services to the Property as provided by Elk Creek; and upon final approval of this Resolution a copy of the approved Inclusion Resolution will be and is attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, the mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. North Fork’s mill levy is equal to or less than the mill levy assessed by Elk Creek, and as a result, no election for the exclusion of the Property from Elk Creek and inclusion of the Property into North Fork is required pursuant to Section 32-1-501(4)(c)(I), C.R.S.; and

WHEREAS, Elk Creek has no outstanding obligations related to capital improvements which will remain obligations of the property owners within its boundaries until paid; and

WHEREAS, the Board of Directors, having reviewed all relevant information related thereto, hereby determines that:

A. The exclusion of the Property will be in the best interests of all of the following: (i) the Property itself; (ii) Elk Creek; and (iii) the counties in which Elk Creek is located;

B. The relative costs and benefits to the Property justify exclusion from Elk Creek and inclusion within North Fork;

C. The ability of Elk Creek to provide economical and sufficient service to both the Property and all of the properties within Elk Creek's boundaries are the same;

D. Elk Creek is able to provide services to the Property, but the costs of providing services by North Fork will be less than the cost of providing services solely by Elk Creek;

E. There will be no effect on employment and other economic conditions in Elk Creek and surrounding area if this Resolution is or is not finally adopted;

F. There will be no economic impact on the region or on Elk Creek, the surrounding area, or the state as a whole if this Resolution is or is not finally adopted;

G. There are no economically feasible alternative services available except from North Fork;

H. There will be no additional cost levied on other property within Elk Creek as a consequence of the exclusion; and

I. Elk Creek currently has no outstanding bonded indebtedness for which the Property is liable.

WHEREAS, on initial approval of this Resolution it is anticipated that letter notification of the public hearing of the Board of Directors to consider final adoption of this Resolution will be mailed to the fee owners of 100% of all the real property proposed to be excluded, as listed on the records of the County Assessor, not more than 45 days and no less than 30 days prior to such public hearing, pursuant to Section 32-1-501(1.5)(b)(I), C.R.S.; and upon final approval of this Resolution the Board will confirm and does hereby confirm such notice was provided as anticipated and required, as set forth in Exhibit C; and

WHEREAS, upon initial approval of this Resolution it is anticipated that the Board will provide notice of the public hearing to consider final adoption of this Resolution by publication in the Canyon Courier in Jefferson County, a newspaper of general circulation within Elk Creek, pursuant to Section 32-1-501(2), C.R.S.; and upon final approval of this Resolution the Board will confirm and does hereby confirm that such notice was published as anticipated and required and a copy of the notice will be and is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, the exclusion of the Property was initially considered by the Board of Directors at a meeting held September 26, 2024; and

WHEREAS, no person has filed a written objection to this exclusion except as will be noted in the minutes of the public meeting and hearing at which this Resolution is considered for final approval, and any written objection will be and as of final approval of this Resolution has been duly considered by the Board; and

WHEREAS, the exclusion of the Property is deemed in the best interest of the health and safety, prosperity, security and general welfare of the Property owners and inhabitants of the Property and of Elk Creek, and for the orderly and uniform administration of Elk Creek's affairs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Elk Creek Fire Protection District, pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4), C.R.S., hereby approves the exclusion of the Property from the boundaries of Elk Creek Fire Protection District; and

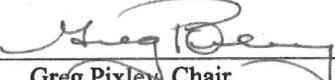
IT IS THEREFORE ORDERED that:

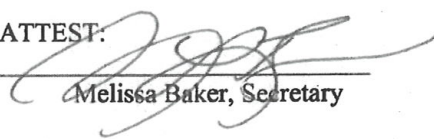
1. The Property described in Exhibit A attached hereto and incorporated herein shall be excluded from Elk Creek Fire Protection District.
2. The boundaries of Elk Creek Fire Protection District shall be altered by the exclusion of the Property.
3. Such exclusion shall be contingent upon the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing this District, having entered an Order that such real property be excluded from Elk Creek Fire Protection District, and thereafter the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing North Fork, immediately order the Property included within North Fork Fire Protection District, pursuant to Section 32-1-501(4)(b), C.R.S.

The foregoing Resolution and Order of Exclusion was initially adopted by a vote of 4 in favor and 1 against at a meeting of the Board of Directors of Elk Creek Fire

Protection District, duly called and held on September 26, 2024, at the hour of 6
p.m.

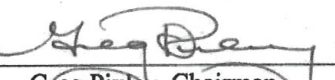
Elk Creek Fire Protection District

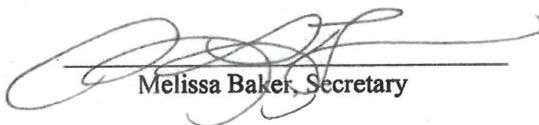
By: 
Greg Pixley, Chair

ATTEST: 
Melissa Baker, Secretary

The foregoing Resolution and Order of Exclusion was finally adopted by a vote of ___ in
favor and ___ against at a meeting of the Board of Directors of Elk Creek Fire Protection
District, duly called and held on November 21, 2024, at the hour of _____ p.m.

Elk Creek Fire Protection District

By: 
Greg Pixley, Chairman

ATTEST: 
Melissa Baker, Secretary

**EXHIBIT A TO
RESOLUTION AND ORDER OF EXCLUSION**

Description of Property to be Excluded

All real property located within the boundaries of the Elk Creek Fire Protection District.

**EXHIBIT B TO
RESOLUTION AND ORDER OF EXCLUSION
North Fork Inclusion Resolution**

EXHIBIT C TO
RESOLUTION AND ORDER OF EXCLUSION
Mailed and Published Notice of Exclusion Hearing, Certificate of Mailing, and
Certificate of Publication

**ELK CREEK FIRE PROTECTION DISTRICT
NOTICE OF PUBLIC HEARING TO CONSIDER A
RESOLUTION INITIATING EXCLUSION PROCEEDINGS**

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Directors of the Elk Creek Fire Protection District (“Elk Creek”) has determined that it is in the best interest of the health and safety, prosperity, security and general welfare of the property owners and inhabitants of Elk Creek to consider excluding all real property currently located within the boundaries of the Elk Creek Fire Protection District (the “Property”) on the condition that the Property thereafter immediately be included within North Fork Fire Protection District.

The Board of Directors of the Elk Creek Fire Protection District at its September 26, 2024, board meeting preliminarily adopted and will consider a final adoption of a Resolution initiating exclusion of the Property from the Elk Creek at a public hearing to be held on November 21, 2024, at 6:00 p.m., at Elk Creek Station 1 located at, 11993 Blackfoot Road, Conifer, Colorado.

The mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. If the Property is excluded from Elk Creek and included within North Fork the mill levy will be reduced by 0.500 mills, exclusive of refunds or abatements.

All interested parties may appear at such hearing to show cause in writing why such Resolution should not be finally adopted.

BY ORDER OF THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT.

ELK CREEK FIRE PROTECTION DISTRICT

By: /s/ Melissa Baker
Secretary

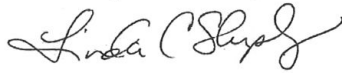
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

Elk Creek Fire Protection Dist (ccfw) **
c/o Collins Cole Winn Ulmer
165 Union Boulevard, Suite 785
Lakewood CO 80228

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Jefferson } ss

This Affidavit of Publication for the Canyon Courier, a weekly newspaper, printed and published for the County of Jefferson, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 10/17/2024, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



For the Canyon Courier

State of Colorado }
County of Jefferson } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Linda Shapley, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 10/17/2024. Linda Shapley has verified to me that she has adopted an electronic signature to function as her signature on this document.

20134029363-020373
Jean Schaffer
Notary Public
My commission ends January 16, 2028



Public Notice

ELK CREEK FIRE PROTECTION DISTRICT NOTICE OF PUBLIC HEARING TO CONSIDER A RESOLUTION INITIATING EXCLUSION PROCEEDINGS

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Directors of the Elk Creek Fire Protection District ("Elk Creek") has determined that it is in the best interest of the health and safety, prosperity, security and general welfare of the property owners and inhabitants of Elk Creek to consider excluding all real property currently located within the boundaries of the Elk Creek Fire Protection District (the "Property") on the condition that the Property thereafter immediately be included within North Fork Fire Protection District.

The Board of Directors of the Elk Creek Fire Protection District at its September 26, 2024, board meeting preliminarily adopted and will consider a final adoption of a Resolution initiating exclusion of the Property from the Elk Creek at a public hearing to be held on November 21, 2024, at 8:00 p.m., at Elk Creek Station 1 located at, 11993 Blackfoot Road, Conifer, Colorado.

The mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. If the Property is excluded from Elk Creek and included within North Fork the mill levy will be reduced by 0.500 mills, exclusive of refunds or abatements.

All interested parties may appear at such hearing to show cause in writing why such Resolution should not be finally adopted.

BY ORDER OF THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT.

ELK CREEK FIRE PROTECTION DISTRICT

By: /s/ Melissa Baker, Secretary

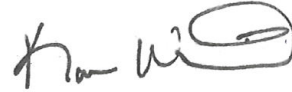
Legal Notice No. CAN 1678
First Publication: October 17, 2024
Last Publication: October 17, 2024
Publisher: Canyon Courier

CERTIFICATE OF MAILING

I hereby certify that the letter attached hereto as Exhibit A was mailed, by Gran Farnum Printing, to all property owners within the Elk Creek Fire Protection District between the dates of October 7 and October 22, 2024, which dates are not more than 45 days and no less than 30 days prior to such public hearing:

Kara Winters

Printed Name



Signature

November 20, 2024

Date

NORTH FORK FIRE PROTECTION DISTRICT

RESOLUTION 2024-10/16 A

**A RESOLUTION AGREEING TO INCLUDE PROPERTY INTO THE NORTH
FORK FIRE PROTECTION DISTRICT
(Elk Creek Fire Protection District)**

WHEREAS, North Fork Fire Protection District (“North Fork”) presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, Elk Creek Fire Protection District (“Elk Creek”) also presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, North Fork and Elk Creek (jointly, the “Districts”) have entered into that Pre-consolidation Intergovernmental Agreement between the Districts, effective April 12, 2023, as amended by the First Amendment (“Pre-Consolidation Agreement”), in which Elk Creek, Inter-Canyon Fire Protection District, and North Fork have agreed to consolidate into the North Fork Fire Protection District; and

WHEREAS, the Pre-Consolidation Agreement sets forth a process for permanently integrating the Districts into a single fire protection district utilizing the procedures available under Section 32-1-501(1.5), C.R.S.; and

WHEREAS, the Board of Directors of Elk Creek has proposed that certain real property described on Exhibit A attached hereto and incorporated herein by this reference (“Property”) be excluded from Elk Creek pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4)(b), C.R.S., on the condition that the Property thereafter immediately be included within North Fork; and

WHEREAS, the Property is capable of being served by North Fork; and

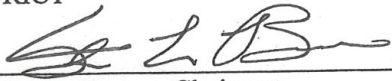
WHEREAS, it is deemed to be in the best interest of North Fork and the taxpaying electors thereof that such Property be included within North Fork’s boundaries.

IT IS THEREFORE RESOLVED that the Board of Directors of the North Fork Fire Protection District, pursuant to the provisions of Sections 32-1-501(1.5)(a), hereby agrees to serve the Property and orders it be included into North Fork immediately after the effective date of an Order of the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing North Fork, excluding such Property from Elk Creek.

I certify that the foregoing Resolution Agreeing to Include Property into the North Fork Fire Protection District was unanimously passed at a meeting of the Board of Directors

of the North Fork Fire Protection District, duly called and held on October 16, 2024, at the hour of 1:00 p.m. and that the undersigned is the duly acting and authorized Chairman of the District.

NORTH FORK FIRE PROTECTION
DISTRICT

By: 
Steven Brown, Chairman

ATTEST:

By: 
Elinor White, Secretary

EXHIBIT A TO RESOLUTION OF INCLUSION
(Description of Property to be Included)

All real property located within the boundaries of the Elk Creek Fire Protection District.

{00689496.DOCX / }

3

ELK CREEK FIRE PROTECTION DISTRICT
STATEMENT OPPOSING APPROVAL
OF
CONSOLIDATION ENABLING RESOLUTIONS

November 21, 2024

After due diligence, due to the fact that [it]/they [is]/are not in the best interests of residents of Elk Creek FPD, I oppose adoption of [this]/the following consolidation enabling resolution[s]:

1. RESOLUTION 2024 – 11-21 A COMBINED RESOLUTION CONCERNING THE ADOPTION OF A BUDGET AND APPROPRIATION OF FUNDS FOR FISCAL YEAR 2025
2. RESOLUTION 2024 – 11-21-2 RESOLUTION TO SET MILL LEVIES
3. RESOLUTION NO. 2024-11 A RESOLUTION TRANSFERRING ASSETS AND PERSONNEL, AND DELEGATING AUTHORITY TO COMPLETE THE UNIFICATION OF INTER-CANYON FIRE PROTECTION DISTRICT, ELK CREEK FIRE PROTECTION DISTRICT, AND NORTH FORK FIRE PROTECTION DISTRICT

Sincerely,

Chuck Newby
Director, Elk Creek FPD



Elk Creek FPD
C. Newby, Director
cnewby@elkcreekfire.org

1 of 1

-final-
November 21, 2024

ELK CREEK FIRE PROTECTION DISTRICT
STATEMENT OPPOSING APPROVAL
OF
RESOLUTION AND ORDER OF EXCLUSION

November 21, 2024

After due diligence, for the following reasons, I oppose adoption of this Resolution and Order of Exclusion (North Fork Consolidation) (the "consolidation plan"):

1. During the November 2023 ballot election, by a vote of 51% NO and 49% YES, Elk Creek FPD voters rejected the consolidation plan proposed by the District. Critically, the current consolidation plan ignores and subverts the will of the Elk Creek FPD voters who rejected consolidation at the ballot box, a situation that will undermine local democracy going forward.
2. The current consolidation plan will move property from the Elk Creek FPD—which operates at a lesser authorized mill levy rate of 12.551 mills—into North Fork FPD which operates at a greater authorized mill levy rate of 12.896 mills, without a vote by the Elk Creek FPD electorate, as required by law. Therefore, the proposed consolidation plan violates both Section 20 of Article X of the Colorado Constitution and Title 32 Special Districts Act of the Colorado Revised Statutes.
3. The Elk Creek FPD Board of Directors has failed to make the findings necessary for approval of the proposed exclusion/inclusion of real property within District as set forth in Title 32-1-501 of the Colorado Revised Statutes.

Sincerely,

Chuck Newby
Director, Elk Creek FPD



Elk Creek FPD
C. Newby, Director
cnewby@elkcreekfire.org

1 of 1

-final-
November 21, 2024

EXHIBIT B

**NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS MEETING AUDIO/VIDEO RECORDING
UNIVERSAL RESOURCE LOCATOR**

https://drive.google.com/file/d/1BrFleGqt70dYuzUfw9FV7N8U-W3N5VZ2/view?usp=share_link

EXHIBIT C
**NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS EXCLUSION ORDER HEARING PUBLIC
CORRESPONDENCE**

Remarks Before the Elk Creek FPD Board of Directors
Special Hearing in Advance of Board vote on Resolution NO 2024-09
November 21, 2024

Neil Whitehead, III Resident & Property Owner of ECFPD since 1998
31634 Black Widow Way Conifer CO 80433
303-618-6721 neil3@g.com

**STATEMENT OF OPPOSITION TO UNIFICATION AND “ELK CREEK FPD
RESOLUTION NO 2024-09 -- RESOLUTION AND ORDER OF EXCLUSION”**

VIA -- Hand Delivery to Board members

Good Evening Board Members,

In November 2023, 3,057 voters of the Elk Creek Fire Protection District [FPD] rejected Consolidation with the North Fork FPD and the Inter-Canyon FPD -- winning by 132 votes. In our Exceptional Nation, the results at the ballot box are to be accepted – Without Exception.

The three Fire Districts accepted defeat and went away to lick their wounds. BUT, WAITon November 15, 2023 (eight days after the Election), two of the Three Fire Chiefs got up on the stage at the Conifer Area Council Town Hall meeting and declared that the defeat was a “bump in the road [to Consolidation]” and here we are today.

According to the Pre-Consolidation Agreement, the three Districts can have as many attempts to bite the apple of Consolidation as they want. I fully expected another ballot box attempt and soon.

I did not know it at the time -- what could not be achieved at the Ballot Box would be attempted to be taken by brute force through another “legal” mechanism. This is clearly Democracy denied. The End DOES NOT justify the Means.

I was dumbfounded when out of the blue, in August 2024, the Three Chiefs decided to override the Voter's decision and not just stifle but eliminate political opposition by going the route of an "annexation" where North Fork annexes Inter-Canyon and Elk Creek and simultaneously Elk Creek and Inter-Canyon convey their properties to North Fork. Then, at some point North Fork renames itself as the Conifer Fire Protection District. (to be headquartered in the Morrison zip code). The Three Boards followed the Chiefs lead.

Clearly, the Three Fire Districts are afraid to put this Unification/Consolidation question before the Voters again and found a way to attempt to "legally" bypass the ballot box.

What am I asking for?

Stop the unification = consolidation process – until the electors give permission [if they ever do]. The central premise of Democracy is that the Governors [in this case the Elk Creek Board] accept the will of the voters who rejected consolidation in November 2023. Place Unification/Consolidation on the ballot again in May or November 2025.

Even voters in the Elk Creek FPD who are for Unification/Consolidation should be appalled at the brutish attempt to override the will of the Voters.

That portion of TABOR that requires the approval by voters of a Tax Increase seems to be sacred to Colorado voters. The attempt here to override the will of voters just a year later – pretending tonight it never happened is not acceptable.

Unification / Consolidation is a highly contentious issue. At least one more vote on this question is essential to the democratic process. I believe the County Commissioners and the District Judge will agree.

Here are the main reasons why I think residents of the Elk Creek FPD rejected consolidation, and these reasons still hold for "unification."

- 1.) The Elk Creek FPD is the last bit of Local Government in this part of unincorporated Jefferson County and consolidation would mean the loss of local control. BIGGER government is NOT BETTER government.
- 2.) Elk Creek FPD has a population of about 17,000 and a property valuation of about \$365 million. The other two Districts combined have a population of about 7,000 and a property valuation of about \$208 million. Emergency services in the early years of the consolidation run the risk of being diluted for Elk Creek District residents.
- 3.) Vaguely defined plans for Unification/Consolidation – basically a blank check.

I am worried that the Elk Creek board's reckless behavior will negatively impact the ability of the Elk Creek FPD to obtain mill levy increases in the future.

In 2019, voters approved a 5 mill levy increase by 66% in both Jefferson and Park Counties. In November 2023, the conversion of an expiring 2.5 mill levy to permanent status got 60% of the vote and the mill levy increase yoked to a YES on consolidation, only got 48%.

I ask each Board Member, during deliberations for this Resolution, if voting YES, to present their reason for overriding the will of the Voters of the Elk Creek FPD in November 2023.

It is my opinion that the decision to override the ballot box constitutes folly and will be seen by the Commissioners, the Court, and the electors of the Elk Creek Fire Protection District as such.

If Unification does come to pass -- when the inevitable mill levy appears on the ballot, you the Board are risking loss of that ballot issue because of your brutish treatment of the voters in this matter tonight. Think about it.

What is going on here is clearly unconstitutional.

Unconstitutional actions take place all the time. But, it takes money to hire lawyers to fight for Justice. Knowledge of this fact is probably baked into the strategy of the Three Districts which have essentially endless taxpayer money to spend on legal. Opponents do not.

For me, it is a foregone conclusion that my pleadings this evening will be ignored. But, I will have participated in the struggle of keeping our magnificent and glorious Republic and Democracy intact and that is of great importance to me.

I object to my property at 31634 Black Widow Way to being excluded from the Elk Creek Fire Protection District. Please place this letter in the Official Record of the hearing.

###

Neil H. Whitehead, III has been a resident of the Elk Creek FPD since 1998. In 2013 he was a founding member of the issue committee, "Friends of Elk Creek." The Committee advocated for a 2.5 mill levy increase that won voter approval. In 2019, Neil led the Friends of Elk Creek effort for a 5 mill levy increase. This increase was approved by 66% of the voters. In 2023, Neil was a member of the issue committee, "Save Elk Creek Fire." The Committee did save Elk Creek Fire from Consolidation.

11/21/2024 final



Doug Wagner <sdwmmwejw@gmail.com>

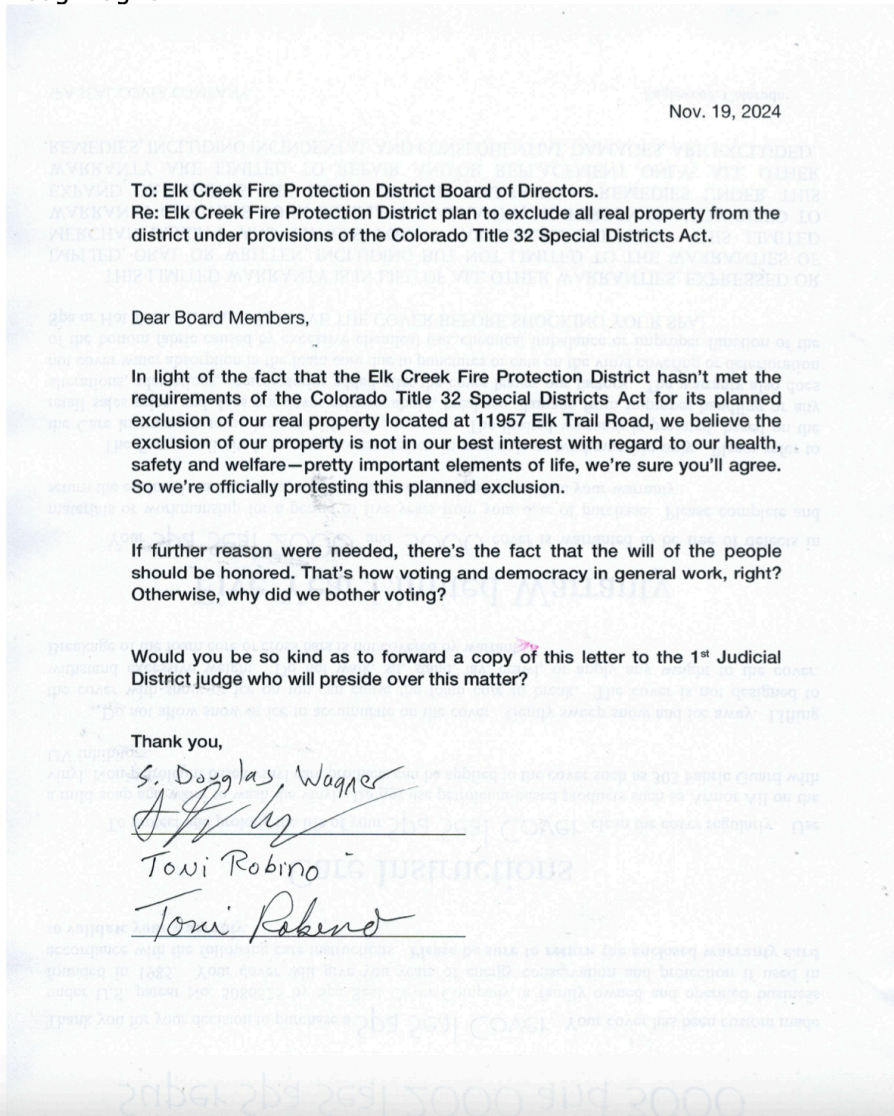
November 19, 2024 at 1:23 PM

unification

To: ECFPD Board of Directors <board@elkcreekfire.org>

Attached please find a letter regarding the proposed unification plan.

Doug Wagner



Nov. 19, 2024

To: Elk Creek Fire Protection District Board of Directors.

Re: Elk Creek Fire Protection District plan to exclude all real property from the district under provisions of the Colorado Title 32 Special Districts Act.

Dear Board Members,

In light of the fact that the Elk Creek Fire Protection District hasn't met the requirements of the Colorado Title 32 Special Districts Act for its planned exclusion of our real property located at 11957 Elk Trail Road, we believe the exclusion of our property is not in our best interest with regard to our health, safety and welfare—pretty important elements of life, we're sure you'll agree. So we're officially protesting this planned exclusion.

If further reason were needed, there's the fact that the will of the people should be honored. That's how voting and democracy in general work, right? Otherwise, why did we bother voting?

Would you be so kind as to forward a copy of this letter to the 1st Judicial District judge who will preside over this matter?

Thank you,

S. Douglas Wagner

[Handwritten signature]

Toni Robino

[Handwritten signature]



Dean Stansbury <hnuenergy@hotmail.com>

Inbox - c...reekfire.org November 16, 2024 at 8:44 AM

Elk Creek Fire Protection Districts Issues

Hide

To: John Chmil <JChmil@lyonsgaddis.com>, Melissa Baker <mbaker@elkcreekfire.org>, Sharon Woods <swoods@elkcreekfire.org>, Dominique Devaney <ddevaney@elkcreekfire.org>, Greg Pixley <gregpixley@gmail.com>, Chuck Newby <cnewby@elkcreekfire.org>, Fire Chief Jacob Ware <jware@elkcreekfire.org>

Hello Mr. Chmil and others,

Please be advised that there are at least two legal actions in Jefferson County District Court against Elk Creek Fire Protection District that relate directly to issues of the consolidation plan:

1)The recent letter to all residence in all districts regarding a resolution initiating exclusion proceedings.

I plan to present evidence to the Court that this letter represents a misrepresentation of material fact (false report) and should be considered as a violation of the property owner's rights under the Tabor Amendment. Additionally judging from the significant adjustment in Fire Protection Services in the three Districts, mailing a letter with a very confusing explanation, **is not proper or legal notification.**

2)Elk Creek FPD has a documented history of imposing regressive taxation on property owners with poor quality & diminished services.

I plan to produce evidence in courts to demonstrate that the tax payers do not substantially benefit from the excessive mil levy or the increases in revenue from property valuations.

3)Lyons & Gaddis is directly culpable for any damage that results from this failed attempt to burden the property owner in what appears to be fraudulent conduct (including misuse of public funds) by the several board members of Elk Creek Fire Protection District and Fire Chief Jacob Ware.

I plan to produce evidence that demonstrates that Elk Creek used intimidation tactics to affect the results of the Consolidation Ballot Measure in 2023, as well as many voter irregularities.

4)Elk Creek FPD board of directors has acted beyond its original charter, scope of authority and mission.

I plan to produce evidence to the court that all Fire Protection Districts have failed in their responsibility to the community and funding is not commiserate with their performance.

Therefore, I recommend that the scheduled vote on exclusion proceedings be postponed until you have clear instruction from the Jefferson County District Court.

If you have any plans to do otherwise, I will request a Contempt Citation from the Court.

Sincerely,
Dean Stansbury



Pam Rothman <pammur1708@gmail.com>

Inbox - c...reekfire.org

November 21, 2024 at 9:16 AM

Unification

To: ECFPD Board of Directors <board@elkcreekfire.org>

We want to believe the District is acting in the best interests of the community, both on the unification issue now, and on any other issues in the future. However, we disagree on how the unification decision is being decided. We believe all such impactful decisions should be decided through a PUBLIC vote. Regardless of our position on this unification matter, we hope we will be able to make our voices heard via PUBLIC vote in all future important issues which impact our Community.

Thank you,

Murray and Pam Rothman



Bethany Urban <burban@elkcreekfire.org>

To the Board

Marco Pesce <marcopesce1957@gmail.com>
To: info@elkcreekfire.org

Sun, Nov 17, 2024 at 7:05 AM

My name is Mark Fisher. I have been a local residents since 1982. I've had several positive interactions with Elk Creek Fire and found our volunteers to be first rate. Our family have been evacuated as a result of wildfires and have actually assisted the ECFPD when a lightning strike started a fire near our property. (The responding volunteers were a bit delayed and we had the small grass fire out before they arrived)

When making decisions I look analytically at the pros and cons of every proposal and make my choices based on fact rather than silly cartoons, speculation or hearsay. As a retired career public safety professional (41 years at the county and state level), who has worked closely with consolidated and smaller fire protection agencies, I can attest to only what I've seen firsthand. Those consolidated agencies I've worked with have had higher levels of professionalism, seamless multi-agency emergency response, consistency in training, and lessened response time because of on-duty staffing. In my opinion, the proposed mountain area fire department consolidation would result in all of these improvements, which are a definite benefit to our community.

I'm firmly convinced the proposed merger of our fire agencies will HELP our community MUCH more than hurt it. As a family the Fisher's are 'all in' on supporting our knowledgeable fire professionals with this proposal.

Mark Fisher
29228 Sunset Trail
Pine, CO 80470



Bethany Urban <burban@elkcreekfire.org>

Unification

Fredrik Naess <fred.naess@gmail.com>
To: info@elkcreekfire.org

Fri, Oct 25, 2024 at 8:05 AM

We support the planned unification.

Fred & Leah Naess
South Ridge Rd, Conifer



Charles Newby <cnwby.co@gmail.com>
We oppose your plan for consolidation...

Inbox - ...creekfire.org November 21, 2024 at 10:04 AM

To: ECFPD Board of Directors <board@elkcreekfire.org>,
Cc: Fire Chief Jacob Ware <jware@elkcreekfire.org>

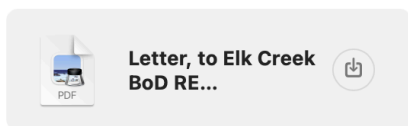
[Hide](#)

Dear Elk Creek FPD Board of Directors,

Please find attached our letter in opposition to the present Elk Creek FPD plan for consolidation with the North Fork FPD.

Best,

Chuck & Joanne Newby
8868 William Cody Drive
Evergreen, Colorado 80439



Elk Creek FPD Board of Directors
11993 Blackfoot Road
Conifer CO 80433
VIA EMAIL

November 21, 2024

To: Elk Creek FPD Board of Directors
Cc: Fire Chief Jacob Ware
From: Charles F and Joanne Newby

RE: Inclusion of our property located at 8868 William Cody Drive, Evergreen CO 80439 into North Fork FPD as proposed by Elk Creek FPD.

After due diligence, it is our judgement that the property we own, located at 8868 William Cody Drive in Evergreen, Colorado, is currently well served by the Elk Creek FPD as is and that, it is our further judgement that the inclusion of our property into the North Fork FPD would not be in the best interests of our property, other similarly situated properties within the Elk Creek FPD, and would not promote the general welfare of the residents of Jefferson County, more specifically:

1. During the November 2023 ballot election, by a vote of 51% NO and 49% YES, Elk Creek FPD voters soundly rejected the consolidation plan then proposed by the District. Critically, the current plan for exclusion/inclusion of our property ignores and subverts the will of those Elk Creek FPD voters who rejected these very actions at the ballot box, a situation that will undermine local democracy going forward.
2. The proposed exclusion/inclusion operates to immediately move our property from the Elk Creek FPD—which operates at a lesser authorized mill levy rate of 12.551 mills—into the North Fork FPD which operates at a greater authorized mill levy rate of 12.896 mills, doing so without a vote by the Elk Creek FPD electorate, as required by law. Therefore, the proposed exclusion/inclusion is a violation of Section 20 of Article X of the Colorado Constitution as well as a violation of Colorado Revised Statutes Title 32-1-501.
3. The Elk Creek FPD Board of Directors has failed to make the findings necessary for approval of the proposed exclusion/inclusion related to

C and J Newby
cnewby.co@gmail.com

1

-final-
11/21/2024

our property, as set forth in law.

For the reasons cited above, we ask that the proposed exclusion/inclusion process not be approved without an express vote of the Elk Creek FPD electorate.

Sincerely,

s/Charles F and Joanne Newby

Trustees for the Charles F and Joanne Newby Living Trust

C and J Newby
cnewby.co@gmail.com

2

-final-
11/21/2024



Barbara Moss-Murphy <bmossmurphy@gmail.com>

Inbox - c...reekfire.org

November 21, 2024 at 9:08 AM

Unification

To: ECFPD Board of Directors <board@elkcreekfire.org>

To The Board at Elk Creek Fire,

In looking at Unification, I wish I would have had the opportunity to vote on the issue. I am concerned as the community already voted, although the results were very close, on Consolidation. I do think a reelection was needed.

My idea would have been to provide the community with a type of Blue Book format where I could have read the pros and cons and then voted.

I believe in supporting our firefighters. In this Blue Book format that I mentioned, I would have wanted to read the pro/con positions of our firefighters.

Thank you,

Barbara Moss Murphy
28942 Shadow Mtn. Drive
Conifer, CO 80433
(303) 717-4192

Sent from my iPhone



Bethany Urban <burban@elkcreekfire.org>

Email of Support for Unification - Please present to the Board of Directors

Al Leo <al.leo2012@gmail.com>
To: Info@elkcreekfire.org

Thu, Oct 31, 2024 at 8:06 AM

Good Morning,

Please present this email of support for Unification to the Board of Directors. Both Linda and I agree with the statements in this email (2 votes).

As residents of the **Elk Creek** Fire Protection District, we **urge** the Elk Creek Fire Protection District (FPD) Board of Directors to **Approve** the proposed Unification Amendment to the Pre-Consolidation IGA, allowing Elk Creek and Inter-Canyon FPDs to unify with North Fork FPD.

Unification would favorably affect the life safety of every resident in the 400 sq. mi. area currently served by three FPDs – ECFPD, NFFPD, and ICFPD. Chief Ware, Chief Rogers, and Chief Shirlaw have stated that Unification is the best way for the FPDs to move into the future and continue to serve this community at a higher level of service than the present. The challenges the Chiefs articulate — inadequate staffing, retention issues, increasing call volume and acuity, aging equipment, and outdated facilities — are occurring in Conifer and are part of a crisis being experienced across the state and the nation.

All of this puts us on the edge of catastrophe, creating situations where there may not be resources to respond to the next emergency, or response times will increase dramatically. In addition to the information provided by the Chiefs and the FPDs, information from the Colorado Department of Fire Prevention and Control 2022 Colorado Fire Service Needs Assessment shows Colorado needs 1,085 career and 1,327 volunteer firefighters over the next 2 years to meet demands.

The status quo isn't an option: it is the answer to yesterday's problems. We can't wish away today's problems and hope volunteers will come. We must take action, and Unification is the right action for our safety today and for tomorrow.

By submitting this email, Linda and Al both affirm that we agree with the statement above and urge the Elk Creek FPD BoD to **Approve** the proposed Unification Amendment to the Pre-Consolidation IGA for the reasons stated above.

Name: Al and Linda Leo

Address: 19293 Silver Ranch Rd, Conifer

Contact Information: al.leo2012@gmail.com

Al Leo
+1 (214) 801-7638
al.leo2012@gmail.com



Bethany Urban <burban@elkcreekfire.org>

Residents in Support of Unification

Al Leo <al.leo2012@gmail.com>
To: Info@elkcreekfire.org

Thu, Nov 21, 2024 at 10:35 AM

Good Morning,
Please forward this email to all Elk Creek Fire Protection District Board of Directors members for consideration during the November 21st Meeting.

Dear Elk Creek Fire Protection District Board of Directors members,

The **60** residents identified in the attached response document, **53** of whom live in the Elk Creek Fire Protection District, have signed the **Statement of Support** below urging the Elk Creek Fire Protection District Board of Directors to vote **YES** for Unification.

- **Statement of Support**
- I, the undersigned, urge the Elk Creek FPD BoD to approve the unification of Elk Creek FPD with Inter-Canyon FPD and North Fork FPD via the exclusion/exclusion process.

I have attached:

1. Screenshot of the I Support Unification Google Form Survey
2. Listing of all residents who signed the **Statement of Support**

Please contact me directly if you have questions about this email.

Al Leo
+1 (214) 801-2838
al.leo2012@gmail.com

2 attachments

 I Support Unification - Google Form Survey.pdf
131K

 Unification Responses - 11.21.2024 10AM.pdf
137K

I Support Unification

A group of concerned ECFPD residents, **Citizens for Unification**, is asking you to submit this form as a statement of your support for the Unification of Elk Creek, Inter-Canyon, and North Fork Fire Protection Districts into one new District to be known as Conifer Fire.

* Indicates required question

Statement of Support

I, the undersigned, urge the Elk Creek FPD Board of Directors to approve the Unification of Elk Creek FPD with Inter-Canyon FPD and North Fork FPD via the Exclusion/Inclusion process.

1. **Name ***

2. **Address ***

3. **In which Fire Protection District do you live? ***

Mark only one oval.

- Elk Creek FPD
- Inter-Canyon FPD
- North Fork FPD
- None of the above

4. Contact Information

This content is neither created nor endorsed by Google.

Google Forms

Timestamp	Name	Address	In which Fire Protection District do you live?	
1	11/1/2024 7:36	Ken Shine	13856 S. Cypress St, Pine	Elk Creek FPD
2	11/1/2024 7:37	Carol Phelps	11502 S. Elk Creek Rd. Pine 80470	Elk Creek FPD
3	11/1/2024 8:15	Sheena Tamburlin	31511 Shadow Mountain Dr., Conifer, 80433	Elk Creek FPD
4	11/1/2024 8:45	Meryl Gura	20150 Silver Ranch Rd. Conifer	Elk Creek FPD
5	11/1/2024 10:09	Wendi Van Lake	8675 Armadillo Trail	Elk Creek FPD
6	11/1/2024 10:29	Patrick Bouchard	13903 Shiloh Ridge Rd Conifer CO	Elk Creek FPD
7	11/1/2024 13:11	James McAllister	16334 Deer Mountain Drive, Littleton CO 80127	Inter-Canyon FPD
8	11/1/2024 14:42	Vicky Shine	13856 S Cypress St, Pine, CO. 80470.	Elk Creek FPD
9	11/1/2024 14:56	Amy Burdett	34538 Cedar Lane, Pine, CO 80470	Elk Creek FPD
10	11/1/2024 18:47	Susan Knight	15184 Elk Creek Acres Rd	Elk Creek FPD
11	11/2/2024 7:15	Margaret Long	19253 Silver Ranch Rd	Elk Creek FPD
12	11/3/2024 8:04	Pete Whalen	19684 Silver Ranch Rd	Elk Creek FPD
13	11/8/2024 10:36	Beth Schneider	24877 Red Cloud Dr, Conifer, CO 80433	Elk Creek FPD
14	11/16/2024 16:54	Mark Fisher	29228 Sunset Trail, Pine CO 80470	Elk Creek FPD
15	11/16/2024 16:58	Sandra Fisher	29228 Sunset Trail Pine, CO	Elk Creek FPD
16	11/16/2024 17:13	Sandra Olsen	8894 Carol Lane, Conifer CO	Elk Creek FPD
17	11/16/2024 17:14	Neil Olsen	8894 Carol Lane	Elk Creek FPD
18	11/16/2024 18:58	Dominique Devaney	9652 Corsair Drive	Elk Creek FPD
19	11/16/2024 19:05	Robert Gadd	29548 Sunset Trail, Pine, CO 80470	Elk Creek FPD
20	11/16/2024 19:48	Jen Krupp	10046 Crest View Dr	Inter-Canyon FPD
21	11/16/2024 20:52	Linda Locke	13875 Shiloh Drive, Conifer	Elk Creek FPD
22	11/16/2024 20:54	Michael Locke	13875 Shiloh Drive, Conifer CO 80433	Elk Creek FPD
23	11/16/2024 21:14	Ryan A Smith	30878 witteman road, Conifer co. 80433	Elk Creek FPD
24	11/16/2024 21:17	Sally Ball	8699 S Turkey Creek Rd, Morrison 80465	Inter-Canyon FPD
25	11/16/2024 21:18	Jim Ball	8699 S Turkey Creek Rd, Morrison 80465	Inter-Canyon FPD
26	11/16/2024 21:22	Teresa Louis-Tomlinson	11650 Baca Rd	Elk Creek FPD
27	11/16/2024 21:35	Karen Lange	14051 Jubilee Trl Pine, CO	Elk Creek FPD
28	11/16/2024 21:35	Caitlin Morris	12280 Styve Road, Conifer CO 80433	Elk Creek FPD
29	11/16/2024 21:39	Joanna Morsicato	8579 S Turkey Creek Road, Morrison, CO 80465	Inter-Canyon FPD
30	11/17/2024 7:28	Paula Hencke	13699 Elsie Rd Conifer Co	Elk Creek FPD
31	11/17/2024 7:29	David Hencke	13699 Elsie Rd Conifer Co	Elk Creek FPD
32	11/17/2024 8:14	Amber Lotan	31393 Evans View	Elk Creek FPD
33	11/17/2024 8:32	Margaret Flanagan	540 Dawson Rd. Pine CO 80470	Elk Creek FPD
34	11/17/2024 8:55	Jodi Dolph	14400 Peaceful Way, Pine, co 80470	Elk Creek FPD
35	11/17/2024 9:04	Barry Lisk	31383 Kings Valley Drive, Conifer, CO 80433	Elk Creek FPD
36	11/17/2024 9:04	Rinah Levine	21436 Indian Springs Road	Elk Creek FPD
37	11/17/2024 10:06	Judy armbruster	19183 gooseberry lane	Elk Creek FPD
38	11/17/2024 10:48	Laura McCarthy	11333 ConiferMountain Rd, Conifer, CO 80433	Elk Creek FPD
39	11/17/2024 11:13	Jennifer Williams	13906 Kuehster Rd., 80127	Inter-Canyon FPD
40	11/17/2024 12:25	Stephanie Goree	11927 Elk Trail Road Conifer, Co 80433	Elk Creek FPD
41	11/17/2024 12:47	Holly Simon	10452 Beas Lane	Elk Creek FPD
42	11/17/2024 13:06	Kevin Lole	13191 Piute Drive, Pine, CO 80470	Elk Creek FPD
43	11/17/2024 19:52	Kristen Palminteri	34852 aspen lane ct. Pine	Elk Creek FPD
44	11/18/2024 11:10	Diego Zamora	29327 Sunset Trail	Elk Creek FPD
45	11/20/2024 15:12	Missy Winefeldt	41 Sunlight Lane, Bailey, CO 80421	Elk Creek FPD
46	11/20/2024 16:16	Bethany Urban	2290 Nova Rd. Pine, CO 80470	Elk Creek FPD
47	11/20/2024 16:50	Jamie Clark	57 sunlight ln	None of the above
48	11/20/2024 17:33	Amelia Goldman	2290 Nova Rd	Elk Creek FPD
49	11/20/2024 17:55	Daniel Goldman	2290 Nova Rd Pine CO 80470	Elk Creek FPD
50	11/20/2024 18:14	Katie Rothman	10737 Timothys Drive	Elk Creek FPD
51	11/20/2024 18:35	Carly Holden	25 Sunlight Ln	Elk Creek FPD
52	11/20/2024 18:36	Allen Holden	25 Sunlight Ln	Elk Creek FPD
53	11/20/2024 18:59	Kathleen Noonan	8430 S Warhawk Rd	Elk Creek FPD
54	11/20/2024 19:18	Jerry Murr	8430 S Warhawk Rd	Elk Creek FPD
55	11/21/2024 7:41	Jesse Winefeldt	41 Sunlight Ln Bailey, CO 80421	Elk Creek FPD
56	11/21/2024 8:16	Jenny Dean Schmidt	109 Wisp Creek Drive, Bailey, CO 80421	Elk Creek FPD
57	11/21/2024 8:24	Megan Ferris	49 Silver Springs Rd	Elk Creek FPD
58	11/21/2024 8:50	Connor Ferris	49 Silver Springs Rd	Elk Creek FPD
59	11/21/2024 8:56	Mike Schmidt	109 Wisp Creek Dr, Bailey	Elk Creek FPD
60	11/21/2024 9:18	Jeff Poole	19232 Copper Spur	Elk Creek FPD

Elk Creek FPD Residents	53
Inter-Canyon FPD Residents	6
North Fork FPD	0
None of the above	1
Total	60



Bethany Urban <burban@elkcreekfire.org>

Statement of Support for Unification

'Philip Koch' via info <info@elkcreekfire.org>
Reply-To: Philip Koch <pskoch56@icloud.com>
To: info@elkcreekfire.org

Wed, Nov 20, 2024 at 1:31 PM

To the Directors of Elk Creek Fire-Protection District (ECFPD)'s Board (and any other concerned party),

We reside in ECFPD's Wamblee Valley Planning area, and pay property taxes here.

We very much support of ECFPD's proposed Unification with neighboring Inter-Canyon and North Fork FPDs.

Sincerely,

Philip and Faith Curtin Koch



Bethany Urban <burban@elkcreekfire.org>

Current Results of Survey: ECFPD, ICFPD, and NFFPD Responders re Unification

'Philip Koch' via info <info@elkcreekfire.org>
Reply-To: Philip Koch <pskoch56@icloud.com>
To: info@elkcreekfire.org
Cc: Chief Maurice 'Skip' Shirlaw <sshirlaw@icfpd.net>, Chief Curt Rogers <nffpd@hotmail.com>

Wed, Nov 20, 2024 at 1:19 PM

To the Directors of the Elk Creek Fire-Protection District's Board,

Please find appended the latest results of a formal survey of emergency-response personnel from the three FPDs considering Unification. In all, **79 (78%)** of the possible responders) representing **948** combined years of experience (**57 (90%)** at ECFPD alone representing **556** combined years of experience) answered this survey – and without exception, **ALL of them** (career and volunteer alike) **were in favor of Unification.**

The existence and general results from this survey appeared 4 (dated 7 November 2024, p. 4-5) as an article by Jane Reuter in the Canyon Courier. More complete survey results appear as a letter-to-the-editor in this week's (19 (dated 21) November 2024) Canyon Courier, and current results in My Mountain Town (16 November 2024. Links to these articles may be found below.)

The rank-and-file support for Unification is unambiguous, but please let me know if you have any questions.

Be well. Stay safe. Enjoy today!

Thanks. Cheers,

Philip S. 'Flip' Koch – Conifer Resident (and Volunteer Member of ECFPD)



Canyon Courier November 7, 2024
issuu.com

CANYON COURIER

VOLUME 44 | ISSUE 1 WEEK OF NOVEMBER 21, 2024

Evergreen man uses his mountaineering feats to help and inspire others P2

Jefferson County commissioners deny Shadow Mountain Bike Park proposal

PHOTO COURTESY OF SHADOW MOUNTAIN BIKE PARK
A four-year battle between advocates of a proposed Shadow Mountain bike park and opponents of the surrounding community ended Nov. 12 when the Jefferson County Commissioners voted to deny a special use permit for construction.

Canyon Courier November 21, 2024

issuu.com



RECOMMENDATION for UNIFICATION of NFFPD, ECFPD, and ICFPD
mymountaintown.com

 **FPD Member Letter to Citizens PSK for MMT 16Nov24.pdf**
88K

**TO THE CITIZENS OF ELK CREEK, INTER-CANYON, AND
NORTH FORK FIRE-PROTECTION DISTRICTS (FPDs):
GREETINGS!**

We who have signed below are the men and women who devotedly provide emergency services in your FPDs.

We represent 100% percent of the 79 respondents (78% of all Members) to a formal survey of our three collective FPDs' professional firefighting and EMS personnel (both paid and volunteer, **57 of these responders from Elk Creek Fire, representing 90% of its Members**), and 948 years of actual emergency-response experience (**556 of these years in Elk Creek Fire alone**). It is our professional belief that Unifying our three FPDs, as proposed by our respective Fire Chiefs, is in the best interest of every person residing in each of our FPDs.

The current arrangement of separate FPDs is NOT working well for this community: with growing call numbers, severity, and overlap as well as increased mutual-aid needs, we are constantly within one call of catastrophe in our service to our districts and their people. For these and other operational reasons, we believe that we would be much more effective in this community's care and safety as a single, Unified FPD.

If you want more timely and more fully-staffed emergency response, we urge you to support what volunteer and career staff alike endorse: UNIFICATION OF OUR 3 FPDs!

We encourage, and request that you encourage, your FPD's Directors to vote Yes to Unify our three FPDs and to support this fundamental change in how we work together. Unification will allow us to be more effective and efficient in providing our community the better level of emergency service that is necessary as this community evolves.

Please help us to help you!

Elk Creek FPD Members: 57 responses (90% of Members), all 'In Favor'; 556 Years of Service*

Name	Career / Volunteer	Years of Service	Name	Career / Volunteer	Years of Service
Scott Aaronson	Career	23	Mason McCreedy	Career	1
Cavan Barry	Career	6	Alan McIver	Volunteer	9
Alexia Bartells	Volunteer	5	Andrew McManus	Career	3
Andrew Beckwith	Volunteer	4	Brian Moore	Volunteer	2
Hayden Beckwith	Volunteer	1	Katie Moser	Volunteer	11
John Berry	Volunteer	2	Benjamin Moses	Career	11
Xavier Borg	Career	7	Chris Moya	Career	18
Kevin Devaney	Volunteer	25	Adam Nesbitt	Career	15
Devon Evers	Career	9	Corey Nyholm	Career	6
Luca Fabbri	Volunteer	21	Jason Papenfus	Career	16
Kelly Fontaine	Volunteer	3	Patrick Quiesner	Volunteer	21
Billy Gage	Career	16	Rachel Rush	Career	12
John Gardner	Volunteer	4	Paul Scott	Career	28
Garrett Guttman	Career	10	Austin Shearer	Career	1
Nathan Hankins	Volunteer	8	Ken Shine	Volunteer	7
Lorie Hartley	Career	10	Thomas Smith	Career	4
Thomas Hokit	Career	5	Ashton Steed	Career	1
Walter Huber	Volunteer	12	Sheena Tamburlin	Volunteer	13
Peter Igel	Volunteer	32	Colt Thiel	Volunteer	7
Nicholas Jenkins	Career	11	Natalie Trefethen	Volunteer	2
Trevor Jones	Volunteer	5	Sharon Trilk	Volunteer	6
Lucas Knecht	Career	8	Bethany Urban	Career	10
Philip 'Flip' Koch	Volunteer	9	Ayle Wezeman	Career	6
Ryan LeBaron	Career	14	Brennan Wilkins	Volunteer	3
Kelsey Macaulay	Volunteer	2	Jesse Winefeldt	Career	23
Sam Macaulay	Career	3	Benjamin Yellin	Career	14
Sarah Marble	Volunteer	13	John Zeugschmidt	Career	3
Abram McClain	Career	6	Tyler Zoesch	Career	4
Kelleigh McConnaughey	Career	4			

Inter-Canyon FPD Members 13 responses (65% of Members), all 'In Favor'; 244 Years of Service*

Name	Career / Volunteer	Years of Service	Name	Career / Volunteer	Years of Service
J. Adamy	Volunteer	2	W. Fuller	Volunteer	7
S. Buckles	Career	30	M.Hansen	Volunteer	16
D.I Carcone	Volunteer	34	D. Hatlestad	Volunteer	43
T. Elkins	Volunteer	6	T. James	Career	14
S. Epperson	Career	12	J. Mandl	Career	24
T. Fedyna	Volunteer	1	D. Wurts	Volunteer	30
R. Fuller	Volunteer	7			

North Fork FPD Members 8 responses (44% of Members), all 'In Favor'; 148 Years of Service*

Name	Career / Volunteer	Years of Service	Name	Career / Volunteer	Years of Service
M.T. Bono	Career	39	G. Macdonald	Volunteer	1
A. Dyes	Volunteer	1	J. McCoy	Volunteer	24
J. Gardner	Volunteer	1	J. Rogers	Volunteer	8
J. Graves	Volunteer	24	J. Siewertsen	Volunteer	7

*: Names and statistics as of 0700 Mountain Time Thursday 14 November 2024.

Each Fire Chief's' Years of Service included in total; Chiefs otherwise not included in lists or statistics.



Bethany Urban <burban@elkcreekfire.org>

Fwd: Favor unification comment

Jacob Ware <jware@elkcreekfire.org>
To: Bethany Urban <burban@elkcreekfire.org>

Thu, Nov 21, 2024 at 7:49 AM

Jacob N. Ware
Fire Chief
Elk Creek Fire Protection District
11993 Blackfoot Road/ PO Box 607
Conifer, CO 80433
303- 816- 9385 Station 1
720- 548 0277 Mobile

Begin forwarded message:

From: Ann Imse <animse@msn.com>
Subject: Favor unification comment
Date: November 20, 2024 at 10:18:31 PM MST
To: "jware@elkcreekfire.org". <jware@elkcreekfire.org>

Please add to the record.
I favor the unification of our fire departments because wildfire has multiplied in danger in the last 25 years and we need to be spending far more than we are on this existential threat. We don't even have enough staff to apply for all the grants we need and we have missed out on millions of dollars in federal and state funding due to shortsightedness about funding our fire departments. Please vote in favor of unification.
Sent from my iPhone



Bethany Urban <burban@elkcreekfire.org>

Support for Unification

Danny Goldman <goldman.danny@gmail.com>
To: "info@elkcreekfire.org" <info@elkcreekfire.org>

Wed, Nov 20, 2024 at 8:10 PM

Resident Letter to ECFPD and IC FPD BoD in Support of Unification

As a resident of the Elk Creek Fire Protection District, I urge the Elk Creek and Inter-Canyon Fire Protection District (FPD) Board of Directors to Approve the proposed Unification Documents to the Pre-Consolidation IGA, allowing Elk Creek and Inter-Canyon FPDs to unify with North Fork FPD. Unification would favorably affect the life safety of every resident in the 400 sq. mi. area currently served by three FPDs – ECFPD, NFFPD, and ICFPD. Chief Ware, Chief Rogers, and Chief Shirlaw have stated that Unification is the best way for the FPDs to move into the future and continue to serve this community at a higher level of service than the present. The challenges the Chiefs articulate — inadequate staffing, retention issues, increasing call volume and acuity, aging equipment, and outdated facilities — are occurring in Conifer and are part of a crisis being experienced across the state and the nation. All of this puts us on the edge of catastrophe, creating situations where there may not be resources to respond to the next emergency, or response times will increase dramatically. In addition to the information provided by the Chiefs and the FPDs, information from the Colorado Department of Fire Prevention and Control 2022 Colorado Fire Service Needs Assessment shows Colorado needs 1,085 career and 1,327 volunteer firefighters over the next 2 years to meet demands.

The status quo isn't an option: it is the answer to yesterday's problems. We can't wish away today's problems and hope volunteers will come. We must take action, and Unification is the right action for our safety today and for tomorrow.

By submitting this email, I affirm that I agree with the statement above and urge the Elk Creek FPD BoD and the Inter-Canyon FPD BoD to Approve the proposed Unification Amendment to the Pre-Consolidation IGA for the reasons stated above.

Name: Daniel & Amelia Goldman
Address: 2290 Nova Road Pine Colorado
Contact Information: 818-430-4674, 818-294-0900



Bethany Urban <burban@elkcreekfire.org>

Please Approve District Unification

Amelia Goldman <amelia.cb.goldman@gmail.com>
To: info@elkcreekfire.org

Wed, Nov 20, 2024 at 6:19 PM

Resident Letter to ECFPD and IC FPD BoD in Support of Unification

As a resident of the Elk Creek Fire Protection District, I **urge** the Elk Creek and Inter-Canyon Fire Protection District (FPD) Board of Directors to **Approve** the proposed Unification Documents to the Pre-Consolidation IGA, allowing Elk Creek and Inter-Canyon FPDs to unify with North Fork FPD.

Unification would favorably affect the life safety of every resident in the 400 sq. mi. area currently served by three FPDs – ECFPD, NFFPD, and ICFPD. Chief Ware, Chief Rogers, and Chief Shirlaw have stated that Unification is the best way for the FPDs to move into the future and continue to serve this community at a higher level of service than the present. The challenges the Chiefs articulate – inadequate staffing, retention issues, increasing call volume and acuity, aging equipment, and outdated facilities – are occurring in Conifer and are part of a crisis being experienced across the state and the nation.

All of this puts us on the edge of catastrophe, creating situations where there may not be resources to respond to the next emergency, or response times will increase dramatically. In addition to the information provided by the Chiefs and the FPDs, information from the Colorado Department of Fire Prevention and Control 2022 Colorado Fire Service Needs Assessment shows Colorado needs 1,085 career and 1,327 volunteer firefighters over the next 2 years to meet demands.

The status quo isn't an option: it is the answer to yesterday's problems. We can't wish away today's problems and hope volunteers will come. We must take action, and Unification is the right action for our safety today and for tomorrow.

By submitting this email, I affirm that I agree with the statement above and urge the Elk Creek FPD BoD and the Inter-Canyon FPD BoD to **Approve** the proposed Unification Amendment to the Pre-Consolidation IGA for the reasons stated above.

Name: Amelia Goldman

Address: 2290 Nova Rd

Contact Information: Amelia.cb.goldman@gmail.com 818-294-0900



Debbie Ford <debbieford@outlook.com>

Inbox - c...reekfire.org

November 21, 2024 at 9:27 AM

Consolidation - Unification

To: ECFPD Board of Directors <board@elkcreekfire.org> & 1 more

[Details](#)

Dear Honorable Elk Creek Fire Protection District Board and Chief Ware,

I am writing to you today about the proposed unification based on the statutory process that you stated in Section 32-1-501(1.5), which allows for a fire protection district to initiate an exclusion of property at the Board level if another fire protection district agrees to immediately include that property. **An election is not required** if the district excluding the property has a higher mill levy than the district that is including the property.

Since this has been a controversial issue- even though the election isn't required, **I would highly recommend** that the community vote on a referendum to either approve or reject the proposed measure. This could help bring our community together.

I also want to thank Elk Creek Firefighters for their service to the Conifer community, which we directly benefited from. As I have mentioned before we donated a building to Elk Creek for firefighter training and had a good relationship with Elk Creek. Please reach out if you have any questions.

Sincerely,

Debbie Ford
Conifer, Colorado 80433



Bethany Urban <burban@elkcreekfire.org>

Fwd: Request for property exclusion from the North Fork FPD, or a new unified district

Barbara Stockton <bstockton@elkcreekfire.org>
To: Bethany Urban <burban@elkcreekfire.org>

Thu, Nov 21, 2024 at 11:55 AM

----- Forwarded message -----

From: **Gary and Marlys Fisk** <gfisk293@msn.com>

Date: Thu, Nov 21, 2024 at 11:31 AM

Subject: Request for property exclusion from the North Fork FPD, or a new unified district

To: bstockton@elkcreekfire.org <bstockton@elkcreekfire.org>

Gary Fisk
PO Box 1
Pine, CO 80470

Sent from Outlook



Letter to ECFPD requesting my properties be excluded from a unfied new district Nov 21 2024.docx
19K

To: Elk Creek Fire Protection District, Board of Directors, bstockton@elkcreekfire.org
From: Gary and Marlys Fisk, property owners in the ECFPD
Date: Nov 21 2024
RE: Request for exclusion from the North Fork Fire District, and the proposed Conifer Fire Protection District.

We own three properties in Pine, CO, in the ECFPD located as follows:

2097 Woodside Dr,
2001 Woodside Dr, and
1669 Woodside Dr, Pine, CO.

We request that all of these properties not be removed from the ECFPD. The proposed new unification is proposed even though we, and the majority of property owners in ECFPD voted against consolidation at the general election, Nov, 2023. The proposed unification is perceived as a direct repudiation of the will of the voters, and if legal, it devalues the will of the voters. Our properties are better served as part of ECFPD than they would be as part of North Fork or any other fire district, Please respect the will of the voters, and not proceed with the proposed unification scheme. Unification should be submitted to the voters if the ECFPD has any desire to proceed. The need for haste to proceed with unification without a vote is arrogance and seems to serve management of the district at the expense of service to residents of the district,

Sincerely

Gary and Marlys Fisk
PO Box 1
Pine, CO 80470



Elaine Campbell <elaine.campbell9019@gmail.com>

Inbox - c...reekfire.org

November 21, 2024 at 4:19 PM

Protest of Consolidation

To: ECFPD Board of Directors <board@elkcreekfire.org>

I am in the Elk Creek Fire District and am furious that you are attempting to bypass the citizen-voted denial of your past attempt to consolidate.

Your actions make me question your determined motivations. What are the fire chiefs getting out of this??

What you are doing is underhanded and should be illegal.

Do NOT vote to consolidate!

Elaine Campbell
9019 William Cody Drive
Evergreen, CO 80439

NOVEMBER 27, 2024
ADDITIONAL EVIDENCE RELEVANT TO PETITIONERS' APPEAL

EXHIBIT AA

ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE (1)

ELK CREEK FIRE PROTECTION DISTRICT

2024 Budget Message
(Per Colorado Revised Statute 29-1-103(c))

Services

The Elk Creek Fire Protection District (District) is a governmental subdivision incorporated under the laws of the State of Colorado within Jefferson and Park Counties. The function of the District is to provide fire protection and emergency medical services.

Summary of significant accounting policies

The accounting policies of the District conform to U.S. generally accepted accounting principles applicable to governmental entities. The District's budget is based on a modified accrual basis.

Definition of reporting entity

The District follows the Governmental Accounting Standards Board (GASB) accounting pronouncements which provide guidance for determining which governmental activities, organization and functions should be included within the reporting entity. GASB pronouncements set forth the exercise of oversight responsibility by a governmental unit's elected officials as the basic criterion for including a possible component governmental agency in a governmental unit's reporting entity. Oversight responsibility includes, but is not limited to, selection of governing authority, ability to significantly influence operations, financial interdependency and accountability for fiscal matters.

The District does not exercise oversight responsibility over any other entity, nor is the District a component of any other governmental entity.

Important Features of the Budget

In accordance with the State Budget Law, the District's Board of Directors holds public hearings in the fall of each year to approve the budget and appropriate the funds for the ensuing year. The District's Board of Directors can modify the budget and appropriations resolutions upon completion of notification and publication requirements. The appropriation is at the total fund expenditure level and lapses at year end.

In 1996 by voter approval, the District was authorized to keep and spend excess revenues otherwise limited by TABOR and statutory limitations. The District continues to comply with remaining TABOR and state law provisions. It is the intention of the present Board of Directors to maintain at least \$100,000 in board directed emergency reserves in addition to TABOR reserves of 3%. The District generates revenues from property taxes, ambulance billings, and other income from fees and grants. Money is expended for fire suppression and training, administration, vehicle maintenance, EMS, and other District related expenses.

Encumbered accounting (open purchase orders, contracts in process and other commitments for the expenditures of funds in future periods) is not used by the District for budget or financial reporting purposes.

EXHIBIT AA

ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE (2)

**ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION TO ADOPT 2024 BUDGET
Resolution # 2023 12-1**

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE ELK CREEK FIRE PROTECTION DISTRICT, JEFFERSON AND PARK COUNTY COLORADO, FOR THE CALENDAR YEAR BEGINNING THE FIRST DAY OF JANUARY 2024, AND ENDING THE LAST DAY OF DECEMBER 2024.

WHEREAS, the Board Directors of the Elk Creek Fire Protection District has appointed Jacob Ware and Barbara Stockton to prepare and submit a proposed budget to the governing body of the District on or before December 14, 2023, and;

WHEREAS, Jacob Ware has submitted a proposed budget to the Board of Directors at the proper time for its consideration, and;

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 14, 2023 and interested taxpayers were given the opportunity to file or register objections to said proposed budget, and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues, or planned to be expended from reserves, so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Elk Creek Fire Protection District, Jefferson and Park Counties, Colorado:

Section 1. That the budget submitted, amended and hereinabove summarized hereby is approved and adopted as the budget of the Elk Creek Fire Protection District for the year stated above.

Section 2. That the budget hereby approved and adopted shall be signed by the President and Secretary of the Board of Directors and made a part of the public records of the Elk Creek Fire Protection District, Jefferson and Park County, Colorado.

ADOPTED, THIS 14th day of December, 2023.


Greg Pixley, Board President

CERTIFICATION

The undersigned secretary of the Elk Creek Fire Protection District certifies that the foregoing resolution is a true complete and correct copy of a Resolution of the Board of Directors of the Elk Creek Fire Protection District duly and regularly entered by the Board at its regularly scheduled meeting held on December 14th, 2023.


Melissa Baker, Secretary

EXHIBIT AA

ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE (3)

**ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION TO APPROPRIATE SUMS OF MONEY
Resolution # 2023 12-3**

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE ELK CREEK FIRE PROTECTION DISTRICT, COLORADO, FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of Directors has adopted the annual budget in accordance with the Local government Budget Law, on December 14, 2023, and:

WHEREAS, the Board of Directors has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and:

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues and reserves provided in the budget to and for the purposes described below, so as not to impair the operation of the District.

NOW, THEREFORE, BE IT RESOLVED by The Board of Directors of the Elk Creek Fire Protection District, Jefferson and Park Counties, Colorado:

That the following sums are hereby appropriated from the revenue and reserves of the Elk Creek Fire Protection District for the purposes stated:

General Fund: \$ 12,169,985

ADOPTED, THIS 14th day of December, 2023.



Greg Pixley, Board President

CERTIFICATION

The undersigned secretary of the Elk Creek Fire Protection District certifies that the foregoing resolution is a true complete and correct copy of a Resolution of the Board of Directors of the Elk Creek Fire Protection District duly and regularly entered by the Board at its regularly scheduled meeting held on December 14th, 2023.



Melissa Baker, Secretary

EXHIBIT AA

ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE (4)

**ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION TO SET MILL LEVIES
Resolution # 2023 12-2**

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2023 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE ELK CREEK FIRE PROTECTION DISTRICT, COLORADO, FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of Directors of the Elk Creek Fire Protection District has adopted the annual budget in accordance with the Local Government Budget Law, on December 14th, 2023, and:

WHEREAS, the amount of money necessary to balance the budget for general operating purposes is \$4,527,014 and:

WHEREAS, the 2023 valuation for assessment for the Elk Creek Fire Protection District as certified by the Jefferson County and Park County Assessors is \$352,161,144.

NOW, THEREFORE, BE IT RESOLVED by The Board of Directors of the Elk Creek Fire Protection District, Jefferson and Park Counties, Colorado:

Section 1. That for the purpose of meeting all general operating expenses of the Elk Creek Fire Protection District during the 2024 budget year, there is hereby levied a tax of 12.551 mills (12.5 General Operating mills and 0.051 Refunds and Abatement mills) upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2023.

Section 2. That the President is hereby authorized and directed to immediately certify to the County Commissioners of Jefferson County and Park County, Colorado, the mill levy for the Elk Creek Fire Protection District as herein above determined and set.

ADOPTED, THIS 14th day of DECEMBER, 2023


Greg Pixley, Board President

CERTIFICATION

The undersigned secretary of the Elk Creek Fire Protection District certifies that the foregoing resolution is a true complete and correct copy of a Resolution of the Board of Directors of the Elk Creek Fire Protection District duly and regularly entered by the Board at its regularly scheduled meeting held on December 14th, 2023.


Melissa Baker, Secretary

EXHIBIT AA

ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE (5)

	2022 Final Budget	2022 Actuals	2023 Final Budget	2023 YTD Actuals	2024 Proposed Budget
Beginning Balance	\$4,038,625		\$5,800,199		\$5,810,471
REVENUES					
Tax Revenue					
PROPERTY TAXES	\$1,605,678	\$1,699,157	\$1,629,316	\$1,574,938	\$1,545,164
Specific Ownership Taxes	\$148,422	\$171,387	\$217,845	\$252,848	\$175,000
DELINQUENT TAXES					-\$10,000
Total Tax	\$1,954,100	\$1,870,544	\$1,847,161	\$1,827,786	\$1,810,164
Non Tax Revenue					
Net Ambulance Billings	\$176,499	\$197,521	\$198,000	\$195,009	\$195,000
CRRF Wildfire Reimbursements	\$1,242,007	\$1,171,741	\$925,000	\$855,487	\$1,341,650
Grants	\$5,000	\$3,900	\$0	\$105,328	\$0
INTEREST INCOME	\$71,196	\$87,151	\$48,500	\$214,872	\$389,100
Lease Revenue	\$90,879	\$75,163	\$48,000	\$58,081	\$40,000
Mitigation Contracts	\$35,545	\$15,545	\$123,000	\$0	\$0
Other Income	\$70,620	\$12,874	\$23,000	\$43,402	\$15,000
Total Non Tax Revenue	\$1,841,455	\$1,873,834	\$1,546,500	\$1,756,639	\$2,191,150
Total Revenue	\$1,733,154	\$1,944,378	\$1,397,661	\$1,364,144	\$1,901,314
EXPENDITURES					
Expenses-Administration	\$134,540	\$189,710	\$1,054,300	\$471,830	\$712,700
Admin Labor		\$189,710		\$171,632	\$287,636
Expenses-CRRF	\$138,621	\$180,402	\$755,112	\$87,248	\$154,024
CRRF Labor		\$520,173		\$525,631	\$926,104
Expenses-ENG	\$362,095	\$120,088	\$881,106	\$128,838	\$138,800
ENG Labor		\$783,465		\$725,442	\$842,738
Expenses-Fire	\$811,127	\$149,144	\$667,470	\$190,143	\$130,800
Fire Labor		\$170,905		\$485,384	\$558,491
Expenses-Fire: Crew	\$35,478	\$0	\$17,200	\$85	\$19,800
Fire Labor		-\$15,514		-\$61,632	\$0
Expenses-Fire Stations	\$103,079	\$125,908	\$127,330	\$106,332	\$146,900
Expenses-Leases/Capital	\$190,152	\$183,158	\$278,000	\$163,442	\$165,000
Expenses-Maintenance	\$62,658	\$13,825	\$329,968	\$103,703	\$120,000
Maintenance Labor		\$48,412		\$51,059	\$131,757
Expenses-Prevention/PIO	\$81,588	\$68	\$137,994	\$1,721	\$23,150
Prevention Labor		\$65,760		\$142,246	\$171,864
Expenses-Training	\$58,187	\$43,475	\$257,494	\$83,030	\$114,300
Training Labor		\$19,446		\$146,141	\$175,376
Expenses-Wildland/Suppression	\$196,658	\$43,850	\$531,415	\$68,409	\$121,800
Wildland/Suppression Labor		\$60,354		\$51,834	\$51,917
Total Expenditures	\$1,791,180	\$4,346,734	\$5,388,609	\$4,751,948	\$5,261,104
TOTAL REVENUE IN EXCESS OF EXPENDITURES	\$1,764,276	\$1,157,604	\$7,272	\$811,196	\$1,340,410
Available Funds	\$1,803,199	\$1,157,604	\$5,868,871	\$611,196	\$6,350,881
RESERVES					
Labour Reserves	\$132,667		\$141,640		\$110,865
General Fund (Carryover) Reserves	\$500,000		\$530,000		\$500,000
Board Designated Reserves	\$100,000		\$138,000		\$100,000
Capital Reserve Fund Savings	\$750,000		\$1,008,000		\$1,850,000
Unrestricted Reserves	\$4,280,558		\$4,048,231		\$2,510,605
Total Reserves	\$5,863,199		\$5,868,871		\$6,350,881

EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (1)



NORTH FORK FIRE PROTECTION DISTRICT

PO Box 183
Buffalo Creek, CO 80425-0183
Phones 303-838-2270
Fax: 303-838-0412

LETTER OF BUDGET TRANSMITTAL

To: Division of Local Government
1313 Sherman Street, Room 521
Denver, CO 80203

Attached is the 2024 budget for North Fork Fire Protection District in Jefferson County and Douglas County submitted pursuant to Section 29-1-113, CRS. This budget was adopted on December 6, 2023. If there are any questions on the budget, please contact Treasurer Lisa Benevento at 303-838-2270 or at PO Box 183, Buffalo Creek, Colorado, 80425. The mill levy certified to the County Commissioners is 12.896 mills for all general operating purposes including pension funding (not included G.O. bonds and interest or contractual obligations approved at elections or levies for capital expenditures pursuant to CRS 29-2-301 or any other exempt revenue). Based on an assessed valuation of \$25,003,872 in Jefferson County and Douglas County, the property tax revenue is \$322,450. Although we are authorized to assess 12.896 mills plus Refunds and Revenue from Omitted Property, we have elected to forgo assessment for Refunds and Revenue from Omitted Property. This causes our total mill levy to remain at 12.896 mills.

I hereby certify that the enclosed are true and accurate copies of the budget, budget resolutions and certifications of tax levies to the Jefferson County and Douglas County Boards of County Commissioners.


Steven Brown, President 12/27/2023
Date

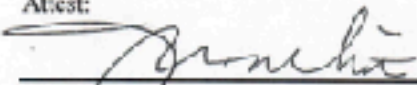
Attest:

Elinor White, Secretary 12-27-2023
Date

EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (2)

**North Fork Fire Protection District
2024 Budget**

	Actual 2022	Planned 2023	Proposed 2024
Revenues			
Taxes			
General Property Taxes	244,075	245,198	322,450
Specific Ownership Taxes	14,420	15,000	15,000
Intergovernmental	157,858	151,877	150,000
Charges for Services-EMS	146,056	110,000	110,000
Fund Raising, Grants, Donations	73,642	63,827	40,000
Wildland Reimbursements	0	0	0
Interest/Misc Other	15,441	26,000	20,000
Total Revenue	651,508	613,902	657,450
Beginning Fund Balance	781,737	971,089	979,737
Total Resources	1,433,240	1,584,991	1,637,187
Expenditures			
Administration and Fund Raising	283,037	321,600	375,450
EMS Billing Write-offs/Reductions	50,426	66,000	66,000
Fire Fighting	24,221	30,000	30,000
Emergency Medical Services	15,600	20,000	20,000
Training	7,410	5,000	5,000
Communications	15,761	20,000	20,000
Equipment Repairs & Maintenance	24,063	40,000	40,000
Stations, Buildings, Grounds	41,743	55,000	50,000
Capital Outlay- Building, Equipment, Reserves	0	47,654*	50,000**
Other	0		
Total Expenditures	462,151	605,254	657,450
Year End Fund Balance Including Reserves	971,089	979,737	979,737
Fund Reserve (3% of fiscal year spending)	19,545	18,417	19,725

*cot upgrade

** extrication equipment

I, Steven Brown, President of North Fork Fire Protection District, certify that the attached is a true and accurate report of the 2024 Adopted Budget.

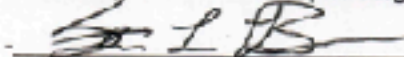


EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (3)

NORTH FORK FIRE PROTECTION DISTRICT

2024 BUDGET NARRATIVE

ITEM	DESCRIPTION
REVENUES	
General Property Taxes-Jefferson & Douglas Counties	12.896 Mills times assessed valuation of \$25,003,872
Specific Ownership Taxes-Jefferson & Douglas Counties	Estimate based on 2023 receipts
Interest	Interest earned on ColoTrust Account
FMS Revenue	Estimate based on 2023 and prior years
Contributions & Fund-Raising	Estimate based on prior years
Intergovernmental Payments	Estimate based on PILT Funds and DWD Contribution
EXPENDITURES	
Administration & Fund Raising	Based on 2023 expenses and future estimates
Fire Fighting	Based on 2023 expenses and future estimates
Emergency Medical Services	Based on 2023 experiences and future estimates
Training	Based on normal and additional training as needed
Communications	Estimated radio maintenance as needed
Equipment Repairs & Maintenance	Estimated normal and necessary expenses
Stations, Buildings, Grounds	Based on 2023 expenses and future estimates
CAPITAL EXPENDITURES	
Capital Outlay and Buildings & Equipment Reserves	Based on estimated replacements and improvements

2024 BUDGET MESSAGE

The North Fork Fire Protection District budget is designed to meet the service needs of our District. The District has one full-time and one part-time paid employee.

The following services are provided to the taxpayers of the District:

Fire Suppression, Fire Prevention, Emergency Medical Services and Transport, Rescue Services.
The services are provided from three stations: Buffalo Creek (St 1), Pine Grove (St 2), Trumbull (St 3).
The North Fork Fire Protection District uses a modified accrual basis of accounting.
Intergovernmental revenues include payments received from: Jefferson and Douglas Counties for PILT funds, Denver Water, and State of Colorado for some pension funds.

EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (4)

**RESOLUTION TO ADOPT BUDGET
RESOLUTION #1
12/06/2023**

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2024, AND ENDING ON THE LAST DAY OF DECEMBER 2024.

WHEREAS, the Board of Directors of the North Fork Fire Protection District has appointed Curt D. Rogers, Chief/CEO, to prepare and submit a proposed budget to said governing body at the proper time and;

WHEREAS, Curt D. Rogers, Chief/CEO, has submitted a proposed budget to this governing body on or before October 15, 2023, for its consideration and;

WHEREAS, upon due and prior notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 6, 2023 and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increases have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves so that the budget remains in balance, as required by law;

WHEREAS, pursuant to SB23B-001, if after adoption of a the budget, a Resolution making a transfer, supplemental appropriation, or revised appropriation is required due to the changes to the assessed valuation of properties within the North Fork Fire Protection District's boundaries pursuant to Senate Bill 23B-001, enacted in 2023, and Senate Bill 22-238, enacted in 2022, the Resolution does not need to comply with the Notice provision of C.R.S. §29-1-106, and does not constitute a change to the North Fork Fire Protection District's adopted budget requiring compliance with C.R.S. §29-1-109;

NOW, THEREFORE, BE IT RESOLVED BY the Board of Directors of the North Fork Fire Protection District, Jefferson and Douglas Counties, Colorado:

Section 1. That estimated expenditures for each fund are as follows:

General Fund	\$657,450
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Section 2. That estimated revenues for each fund are as follows:

General Fund	
From Reserve	\$979,737
From the general property tax levy	\$322,450
From sources other than general tax	\$335,000
Total General Fund	\$1,637,187

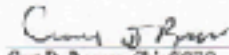
Section 1. That the budget as submitted, amended, and herein above summarized by fund, hereby is approved, and adopted as the budget of the North Fork Fire Protection District for the year stated above.

Section 2. That the budget hereby approved and adopted shall be signed by the President and Secretary of the District and made a part of the public records of the North Fork Fire Protection District of Jefferson and Douglas Counties, Colorado.

ADOPTED, December 06, 2023


Steven Brown, President

Attest: 
Elinor White, Secretary

Numbers finalized and revised by: 
Curt D. Rogers, Chief/CEO

12-27-2023
Date

EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (5)

**RESOLUTION TO SET MILL LEVIES
RESOLUTION #2
12/06/2023**

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2023, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO, FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of Directors of the North Fork Fire Protection District, has adopted the annual budget in accordance with the Local Government Budget Law, on December 6, 2023, and;

WHEREAS, the amount of money necessary to balance the budget for general operating purposes is \$322,450, and;

WHEREAS, the 2023 valuation assessment for the North Fork Fire Protection District as certified by the Jefferson County Assessor is \$21,430,612 and the Douglas County Assessor is \$3,573,260.

WHEREAS, the District has been authorized by its electors to adjust its mill levy to offset reductions in its revenue resulting from reductions of the Residential Assessment Rate from 7.2%, which Rate has been set for the year 2023 at 6.7%, and;

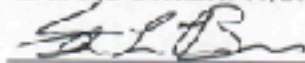
WHEREAS, the reduction of revenue resulting from a reduction of the Residential Assessment Rate is offset by multiplication of the regular mill levy of 12 by (7.20/6.7).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO

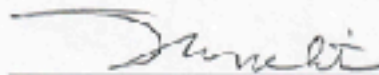
Section 1. That for the purpose of meeting all general operating expenses of the North Fork Fire Protection District during the 2024 budget year, there is hereby levied a tax of 12.896 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2023.

Section 2. That the President is hereby authorized and directed to immediately certify to the County Commissioners of Jefferson County, Colorado, and the County Commissioners of Douglas County, Colorado, the mill levies for the North Fork Fire Protection District as herein above determined and set based upon the final certification of valuation from the county assessors.

ADOPTED December 06, 2023.

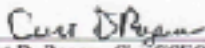


Steven Brown, President



Elinor White, Secretary

Numbers finalized and revised by:


Curt D. Rogers, Chief/CEO

12-27-2023
Date

EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (6)

**RESOLUTION TO APPROPRIATE SUMS OF MONEY
RESOLUTION #3
12/06/2023**

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PUPOSE AS SET FORTH BELOW, FOR THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO, FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of Directors has adopted the annual budget in accordance with the Local Government Budget Law, on December 06, 2023; and;

WHEREAS, the Board of Directors has made provision therein for total resources in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

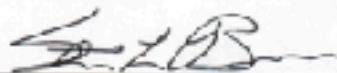
WHEREAS, it is not only required by law, but also necessary to appropriate the revenues and reserves or fund balances provided in the budget to and for the purposes described below, thereby, establishing a limitation on expenditures for the operations of the District so as not to impair the operations of the District.

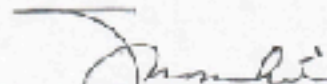
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO:


Section 1. That the following sums are hereby appropriated from the revenues of each fund, to the General Fund for the purposes stated:

General Fund	
Operations and Reserves	\$1,637,137

ADOPTED December 06, 2023.


Steven Brown, President


Elinor White, Secretary

Numbers finalized and revised by: 
Curt D. Rogers, Chief/CEO

12-22-2023
Date

EXHIBIT CC

NORTH FORK FPD BALLOT QUESTION 7D (1)

**NOTICE TO ALL REGISTERED VOTERS OF A COORDINATED
MAIL BALLOT ELECTION TO INCREASE TAXES ON A REFERRED MEASURE**

Election Date: Tuesday, November 6, 2018
Election Hours: 7:00 a.m. to 7:00 p.m.

Jon S. Pelegria, Designated Election Official
P.O. Box 183
Buffalo Creek, CO 80425
Telephone: (303) 838-2270
e-mail: jspelegria@yahoo.com

North Fork Fire Protection District
Jefferson County, Colorado

BALLOT ISSUE 7D

SHALL NORTH FORK FIRE PROTECTION DISTRICT TAXES INCREASE BY ZERO DOLLARS (\$0.00) IN 2019 AND THEREAFTER, AS IS NECESSARY TO OFFSET DECREASES IN THE GALLAGHER RESIDENTIAL ASSESSMENT RATE, SHALL THE DISTRICT BE AUTHORIZED ANNUALLY TO CONTINUE TO COLLECT SUCH REVENUE AS IS GENERATED BY THE CURRENT TAX RATE (2018 MILL LEVY MULTIPLIED BY 2018 RESIDENTIAL ASSESSMENT RATE, EXCLUSIVE OF REFUNDS, ABATEMENTS OR DEBT SERVICE) BY ADJUSTING THE MILL LEVY TO GENERATE THAT SAME TAX RATE, ALLOWING SUCH REVENUE TO BE COLLECTED, RETAINED AND SPENT AS VOTER APPROVED FOR THE DISTRICT'S GENERAL OPERATIONS AND CAPITAL EXPENSES RELATED TO FIRE PROTECTION, AMBULANCE, EMERGENCY MEDICAL AND RESCUE SERVICES, WITHOUT REGARD TO CONSTITUTIONAL OR STATUTORY LIMITATIONS INCLUDING THOSE CONTAINED IN ARTICLE X, SECTIONS 5, 5, AND 20 OF THE COLORADO CONSTITUTION?

District Fiscal Year Spending:

2018 (estimated)	\$457,430
2017 (audited)	\$523,731 (includes \$148,069 in one-time grants)
2016 (actual)	\$450,864
2015 (actual)	\$552,960
2014 (actual)	\$431,135

Overall percentage change in spending from 2014 to 2018:	13.05%
Overall dollar change in spending from 2014 to 2018:	\$36,295

Proposed District Tax Increase:

Estimated first full fiscal year maximum dollar amount of increase:	\$0.00
Estimated first full fiscal year spending without increase:	\$457,430

Summary of Written Comments "FOR" the Proposal:

Ballot Issue 7D tries to balance the needs of the fire, ambulance, rescue and search volunteers to have the equipment and supplies they need to be safe and to competently care for our community, its guests, and visitors while minimizing the tax impact on our residents and property owners in a fair

EXHIBIT CC

NORTH FORK FPD BALLOT QUESTION 7D (2)

manner. Because Ballot Issue 7D holds the tax collection rate steady at the 2018 level against all property, it permits an increase in tax revenues only when residential properties increase in value or are newly constructed and added to the tax rolls. Most of us expect inflation in all other financial aspects of our life and the Fire Department is entitled to receive revenues which keep up with inflation as this proposal allows. Our volunteers are highly qualified, if unpaid, professionals entitled to be appropriately supported.

Our forests are part of the treasure of Colorado. We must do all we can to help the fire departments protecting the forest. This measure says "yes" to raising the amount dedicated to firefighting when property values go up. The value of your property will increase even more with the slight increase in your tax bill. As a former member of a fire protection board I know fire departments use the money they get well. Training Emergency Medical Technicians, developing advanced location systems to help with rescues, finding ways to provide protection equipment for increasingly hot fires, improving communication between fire departments and buying equipment to help firefighters find and reach fires faster. Firefighters need funds to continue to protect the wildlands and rivers of Colorado. Please vote for Fire Ballot 7D to give firefighters the money they need. By voting "yes" you are helping protect your own home as well as the treasures of our state.

VOTE YES ON 7D.

Summary of Written Comments "AGAINST" the Proposal:

No comments against the proposal were filed by the Constitutional deadline.

December 20, 2024

VIA E-Mail: cnewby.co@gmail.com, neil3@q.com, jcbmik@lyonsgaddis.com

Charles F (Chuck) Newby
8868 William Cody Drive
Evergreen, CO 80439

Neil Whitehead III
31634 Black Widow Way
Conifer, CO 80433

Counsel for Elk Creek Fire Protection District
John Chmil
Lyons Gaddis
P.O. Box 978
Longmont, CO 80502

RE: *Appeal of Elk Creek Fire Protection District Resolution No. 2024-09 Resolution and Order of Exclusion (North Fork Consolidation)*

Dear Appellants and Appellee:

On November 27, 2024, pursuant to C.R.S. § 32-1-501(5)(b)(I), Appellants filed the attached Appeal of Elk Creek Fire Protection District Resolution No. 2024-09 Resolution and Order of Exclusion (North Fork Consolidation) (the “Appeal”). The Appeal presents the following three issues for the Jefferson County (the “County”) Board of County Commissioners (the “BCC”) to consider:

1. Whether the Elk Creek FPD Exclusion Order Violates the Statutory Requirements of C.R.S. § 32-1-501;
2. Whether the Elk Creek FPD Exclusion Order is an Unlawful Attempt to Subvert the Will of the Citizens of Elk Creek with Respect to the Issue of Consolidation; and
3. Whether the Elk Creek FPD Exclusion Order Violates Rights to an Election under Colorado Statutory Law and under the Colorado Constitution Article X Section 20 the Taxpayer’s Bill of Rights?

Section 32-1-501(5)(b)(II), C.R.S provides that, “the board shall consider the factors set forth in subsection (3) of this section and shall make a determination whether to exclude the properties mentioned in the petition or resolution based on the record developed at the hearing before the special district board.” Based on this statutory language, the BCC is authorized to hear and decide Issue No. 1: Whether the Elk Creek FPD Exclusion Order Violates the Statutory requirements of C.R.S. § 32 - 1-501?

The statute does not direct the BCC to determine Issue No. 2 or Issue No. 3, as the scope of the statutory authority granted to the BCC to hear these issues is extremely narrow.

In its hearing on Issue No. 1, the BCC will consider the factors set forth in § 32-1-501(3) and decide whether to grant or deny the petition or to finally adopt the Elk Creek FPD Exclusion Order based on the record (the “Record”) developed at the hearing before the Elk Creek Fire Protection District (the “District”) Board.

The procedure and associated schedule for the Appeal is as follows:

1. **County notifies** District Board, **through this letter of December 20, 2024**, of the Appeal.
2. District Board has **21 calendar days** to submit additional documents **to supplement the record**, on or before **January 10, 2025**. (County notes that at least one document needed and not currently in the Record is the Service Plan for the Elk Creek Fire Protection District). All documents submitted to the County for this Appeal must be simultaneously submitted to the opposing party. Please submit documents to the County at CAOLandUse@co.jefferson.co.us and copy the opposing party.
3. County notifies parties of complete Record. County may request additional documents before confirming that the Record is complete.
4. Appellant has twenty-one (21) calendar days, from the date of notice that the Record is complete, to submit a brief (12 pages max) in support of the Appeal.
5. District Board has twenty-one (21) calendar days, from date Appellant’s brief is received, to submit an answer brief (12 pages max).
6. Appellant has seven (7) calendar days to submit a reply brief no longer than five (5) pages.
7. Once all briefs have been received, the BCC has twenty-one (21) calendar days to review the Appeal.
8. The County will schedule the Appeal for consideration at the next regularly scheduled and available public hearing following expiration of the twenty-one (21) calendar day review period.
9. When the County schedules the Appeal for hearing, the County also will post the Record and all briefing on its website so it is publicly available.
10. At the regularly scheduled public hearing, the parties will be given 10 minutes each to present their cases based on the Record. No testimony will be taken from the parties to the Appeal or the public. The Board’s decision shall be based only on the record developed at the hearing before the District Board, applying the factors in C.R.S. § 32-1-501(3).

11. The BCC Resolution will be available after the next regularly scheduled Board meeting.

The County shall have the discretion to adjust the above schedule, with notice to the parties, as necessary. Thank you for your patience as we established a procedure for this type of appeal. Please let me and Assistant County Attorney, Kristin Cisowski (kcisowsk@jeffco.us) know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Sorrells', with a long horizontal stroke extending to the right.

Kimberly S. Sorrells
Jefferson County Attorney
303.271.8965
ksorrell@jeffco.us

Encl.: Appeal of Elk Creek Fire Protection District
cc: Joseph Kerby, County Manager

**APPEAL OF ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION NO. 2024-09
RESOLUTION AND ORDER OF EXCLUSION
(NORTH FORK CONSOLIDATION)**

Neil Whitehead III
31634 Black Widow Way
Conifer CO 80433

Charles F (Chuck) Newby
8868 William Cody Drive
Evergreen CO 80439

Jefferson County Board of County Commissioners
100 Jefferson County Parkway, suite 5550
Golden CO 80419

VIA EMAIL

November 27, 2024

Neil H Whitehead III and Charles F (Chuck) Newby (the "Petitioners"), each owners of real property that is situated within the Elk Creek Fire Protection District ("Elk Creek FPD"), for the reasons expressed below, file this Appeal, pursuant to CRS 32-1-501(5)(b)(I), of the November 21, 2024 approval by the Elk Creek FPD Board of Directors of ELK CREEK FIRE PROTECTION DISTRICT RESOLUTION NO. 2024-09, RESOLUTION AND ORDER OF EXCLUSION (NORTH FORK CONSOLIDATION) (the "Exclusion Order") attached hereto in Exhibit A the Hearing Record—which seeks by order of the 1st Judicial District Court (the "Court")—the exclusion of all real property within the boundaries of Elk Creek FPD for subsequent inclusion into the North Fork Fire Protection District ("North Fork FPD"). The Exclusion Order is apparently a step in the process of consolidating Elk Creek FPD and Inter-Canyon Fire Protection District ("Inter-Canyon FPD") into North Fork FPD.

INTRODUCTION

1. In the present matter, through the ORDER SETTING CONSOLIDATION ELECTION issued by the Court on July 26, 2023 the question of Consolidation was submitted to the voters of each of the respective fire districts which election was subsequently held on November 7, 2023. In the ordered ballot election, Elk Creek FPD voters rejected Consolidation with a vote of NO 51% and YES 49% while voters within the other two fire districts accepted Consolidation.
2. On August 17, 2024 the Elk Creek, Inter-Canyon, and North Fork FPDs jointly

launched new efforts towards a Consolidation Plan—which they have termed "Unification"—setting out that, in concert with the North Fork FPD, Elk Creek and Inter-Canyon FPDs will utilize CRS 32-1-501(1.5) to exclude all real property within their respective boundaries while North Fork FPD will utilize CRS 32-1-501(4)(a)(II) (B) to include the subject excluded real properties into its boundaries. The additional intent is that Elk Creek and Inter-Canyon FPDs will be subsequently dissolved under the provisions of CRS 32-1-710.

3. At its September 2024 meeting, the Elk Creek FPD Board of Directors approved a FIRST AMENDMENT TO PRE-CONSOLIDATION INTERGOVERNMENTAL AGREEMENT (the "Amended IGA"), attached hereto in Exhibit A the Hearing Record, which initiated exclusion of all real property from District boundaries. On October 23, 2024, North Fork FPD filed in District Court Case Number 1992CV2416 a NOTICE OF RESOLUTION AGREEING TO INCLUDE PROPERTY (ELK CREEK), attached hereto in Exhibit A the Hearing Record, which seeks to immediately effectuate the inclusion of all Elk Creek FPD real property into North Fork FPD upon approval of Exclusion Order, attached hereto in Exhibit A the Hearing Record.

FIRST ISSUE ON APPEAL

ELK CREEK FPD EXCLUSION ORDER VIOLATES THE STATUTORY REQUIREMENTS OF CRS 32-1-501

4. As a prima facie matter, the exclusion of ALL of the real property from Elk Creek FPD into North Fork FPD is not in the best interests of the excluded property pursuant to the requirements of CRS 32-1-501(3) nor will that property be provided with the same service after its exclusion pursuant to CRS 32-1-501(1.5) given that: 1) the excluded property would be removed from Elk Creek FPD where fire and EMS services are supported by annual property tax revenue of approximately \$49,100 per square mile and placed under the jurisdiction of North Fork FPD where fire and EMS services are supported by annual property tax revenue of approximately \$1,300 per square mile, see Exhibits AA and BB, Elk Creek and North Fork FPD for annual revenue actuals and forecasts; 2) the excluded property would be removed from Elk Creek FPD that holds a reserve balance of approximately \$7 million and placed under the jurisdiction of North Fork FPD that holds a reserve balance of \$0, see Exhibit BB for North Fork FPD annual operating reserves; and 3) the excluded property would be removed from Elk Creek FPD with an ISO Rating of 5 and placed inside North Fork FPD with an ISO Rating of 10, see Elk Creek and North Fork FPD website more information. The Elk Creek FPD Board of Directors not only failed to make any findings to demonstrate that the exclusion of the real property from Elk Creek FPD would benefit that property by placing it into an underfunded North Fork FDP with its markedly inferior fire insurance risk rating, but

also the Elk Creek FPD Board of Directors failed to reasonably investigate, deliberate, or evaluate the evidence necessary to make findings regarding each of the items set forth in Colorado Revised Statutes Title 32-1-501(3)(a)–(h)).

SECOND ISSUE ON APPEAL

THE ELK CREEK FPD EXCLUSION ORDER IS AN UNLAWFUL ATTEMPT TO SUBVERT THE WILL OF THE CITIZENS OF ELK CREEK WITH RESPECT TO THE ISSUE OF CONSOLIDATION

5. The issue of Consolidation of Elk Creek FPD, North Fork FPD and Inter-Canyon FPD was placed on the ballot to the citizens of Elk Creek FPD in November 2023 and was rejected. Rather than respecting the decision of the voters, the Board of Directors of Elk Creek FPD is now attempting to use the provisions for exclusion under CRS 32-1-501 to effectively accomplish consolidation. Not only is this action an egregious affront to the expressed will of the citizens of Elk Creek FPD, but it is also contrary to Colorado statutory law. Consolidation of special districts is to be effectuated through CRS 32-1-601 et al. The Elk Creek FPD Board of Directors inexplicably avoided use of the consolidation provisions of CRS 32-1-601 et al. and instead, disingenuously invoked the exclusion provisions of CRS 32-1-501 in its attempt to accomplish consolidation. The exclusion provisions of CRS 32-1-501 allow property owners and special district governing bodies the ability to make microadjustments to boundaries within those special districts only where appropriate to better serve particular areas of real property. In this matter, however, the Board of Directors of Elk Creek FPD has attempted to impermissibly vacate the entirety of the geographical area of the Elk Creek FPD. This action is not aligned with the purpose of the exclusion statute.

THIRD ISSUE ON APPEAL

ELK CREEK FPD EXCLUSION ORDER VIOLATES RIGHTS TO AN ELECTION UNDER COLORADO STATUTORY LAW AND UNDER THE COLORADO CONSTITUTION ARTICLE X SECTION 20 THE TAXPAYER'S BILL OF RIGHTS

6. Under the Colorado Constitution, Article X Section 20, and under Colorado Statutory Law, CRS 32-1-501(4)(c), taxes may not be raised on citizens of Colorado without voter approval. Currently, the mill levy rate imposed on real property by Elk Creek FPD is 12.551 mills (see Exhibit AA) while the mill levy rate imposed on real property by North Fork FPD is 12.896 (see Exhibit BB). The 2018 Ballot Question 7D which authorized the 12.896 mill levy rate for North Fork FPD is attached hereto as Exhibit CC. As a result, through the Exclusion Order, the real property excluded from Elk Creek FPD would be subject to an actual increase in mill levy rate. This increase in tax rate without a vote of the Elk Creek FPD electorate is a violation of both Section 20(4)(a) of Article X of the Colorado Constitution and CRS 32-1-501(4)

(c)(I).

EXCLUSION ORDER HEARING RECORD AND ADDITIONAL EXHIBITS

PETITIONERS ATTACH HERETO THE HEARING RECORD AND ADDITIONAL RELEVANT EXHIBITS

7. Petitioners have attached hereto below the November 2024 Exclusion Order Hearing Record items, to the best of our understanding per the CORA Requests sent on November 21, 2024 to the Elk Creek FPD District Administrator, the following: a) November 2024 Elk Creek FPD Board of Directors Meeting Packet with Record of Director Newby Statements of Opposition, b) November 2024 Elk Creek FPD Board of Directors Meeting Audio/Video Recording Universal Resource Locator, and c) November 2024 Elk Creek FPD Board of Directors Exclusion Order Hearing Public Correspondence. Petitioners reserve the right to supplement the Exclusion Order Hearing Record before the requested hearing before the Jefferson County Board of County Commissioners.
8. The Elk Creek FPD Exclusion Order Hearing Record includes the following items:
 - A. EXHIBIT A: NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS MEETING PACKET WITH RECORD OF DIRECTOR NEWBY STATEMENTS OF OPPOSITION
 - B. EXHIBIT B: NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS MEETING AUDIO/VIDEO RECORDING UNIVERSAL RESOURCE LOCATOR
 - C. EXHIBIT C: NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS EXCLUSION ORDER HEARING PUBLIC CORRESPONDENCE
9. Additional evidence relevant to Petitioners' claims for relief, includes the following items:
 - (I) EXHIBIT AA: ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE
 - (II) EXHIBIT BB: NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024
 - (III) EXHIBIT CC: NORTH FORK FPD BALLOT QUESTION 7D

WHEREFORE, as described in each of the claims above, we ask that the Jefferson County Board of County Commissioners hear the present Appeal.

[signature page follows]

PETITIONER ADDRESS:

31634 Black Widow Way
Conifer, Colorado 80433

PETITIONER ADDRESS:

8868 William Cody Drive
Evergreen, Colorado 80439

BY: /s/ Neil H Whitehead III

Neil H Whitehead III

DATE: November 27, 2024

BY: /s/ Charles F Newby

Charles F (Chuck) Newby
Trustee for the Charles F and
Joanne Newby Living Trust

DATE: November 27, 2024

NOVEMBER 21, 2024
ELK CREEK FPD EXCLUSION ORDER HEARING RECORD

EXHIBIT A

NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS MEETING PACKET WITH RECORD OF DIRECTOR NEWBY STATEMENTS OF OPPOSITION

**Elk Creek Fire Protection District
Board of Directors**

Regular Meeting Agenda

Thursday, November 21, 18:00hr

In person and Via Zoom

(located on ECFPD website)

Due to the substantive action items and public hearings scheduled for the meeting, the Board has suspended all normal business and will have a limited Agenda as noted below. All normal business will be tabled until the December meeting

I.Call to order

II.Pledge of Allegiance

III.Moment of Silence for Fallen Responders

IV.Roll call of Board members

V.Additions or Deletions to, and Approval of the Agenda

→ *Public Comment*
VI 2024-11-21 Resolution Concerning the Adoption of a Budget and Appropriation of Funds for Fiscal Year 2025, Budget Hearing

VII 2024-11-21-2 Resolution to set Mill Levies

VIII 2024-11 Resolution Transferring Assets and Delegating Authority

IX 2024-09 Resolution and Order of Exclusion, North Fork Unification Hearing

X Adjournment

	2023 Final Budget	2023 YTD Actuals	2024 Revised Budget as of 10/2024	2025 Draft Budget
Beginning Balance	\$ 5,803,199		\$ 5,810,471	\$ 6,441,382 (starting pt is py bgt ending bal)
REVENUES				
Tax Revenue				
Property Taxes	\$ 3,629,336	\$ 3,574,658	\$ 4,545,365	\$ 4,584,635
Specific Ownership Taxes	\$ 217,845	\$ 252,848	\$ 275,000	\$ 275,000
Delinquent Taxes			\$ (10,000)	\$ (10,000)
Total Tax	\$ 3,847,181	\$ 3,827,506	\$ 4,810,365	\$ 4,849,635
Non-Tax Revenue				
Net Ambulance Billings	\$ 380,000	\$ 395,069	\$ 395,000	\$ 395,000
CRRF Wildfire Reimbursements	\$ 925,000	\$ 875,687	\$ 1,341,650	\$ 1,554,356
Grants	\$ -	\$ 105,326	\$ -	\$ -
Interest Income	\$ 30,500	\$ 274,872	\$ 369,500	\$ 369,500
Lease Revenue	\$ 50,000	\$ 58,081	\$ 60,000	\$ 60,000
Mitigation Contracts	\$ 123,000	\$ -	\$ -	\$ 50,000
Other Income	\$ 32,000	\$ 47,603	\$ 25,000	\$ 257,000
Total Non-Tax Revenue	\$ 1,540,500	\$ 1,756,639	\$ 2,191,150	\$ 2,685,856
Total Revenue	\$ 5,387,681	\$ 5,584,144	\$ 7,001,515	\$ 7,535,491
EXPENDITURES				
Expenses-Administration	\$ 1,068,300	\$ 422,020	\$ 599,450	\$ 696,073
Admin Labor		\$ 377,633	\$ 500,785	\$ 593,389
Expenses-CRRF	\$ 765,142	\$ 87,248	\$ 154,024	\$ 190,725
CRRF Labor		\$ 525,631	\$ 926,204	\$ 1,060,763
Expenses-EMS	\$ 881,106	\$ 238,858	\$ 256,800	\$ 293,140
EMS Labor		\$ 735,442	\$ 842,736	\$ 912,161
Expenses-Fire	\$ 657,470	\$ 190,243	\$ 187,600	\$ 196,980
Fire Labor		\$ 469,384	\$ 601,491	\$ 599,668
Expenses-Fuels Crew	\$ 12,200	\$ 865	\$ 19,800	\$ 20,790
Fuels Labor		\$ (63,633)	\$ -	\$ 214,155
Expenses-Fire Stations	\$ 127,330	\$ 106,312	\$ 146,930	\$ 154,277
Expenses-Leases/Capital	\$ 570,000	\$ 367,442	\$ 570,000	\$ 865,000
Expenses-Maintenance	\$ 309,968	\$ 103,705	\$ 180,000	\$ 189,000
Maintenance Labor		\$ 93,169	\$ 176,257	\$ 219,126
Expenses-Prevention	\$ 137,954	\$ 1,721	\$ 23,350	\$ 24,518
Prevention Labor		\$ 242,246	\$ 121,984	\$ 198,757
Expenses-Training	\$ 267,494	\$ 62,020	\$ 110,700	\$ 116,235
Training Labor		\$ 140,141	\$ 178,776	\$ 187,340
Expenses-Wildland/Suppression	\$ 583,445	\$ 98,609	\$ 125,800	\$ 135,240
Wildland/Suppression Labor		\$ 553,894	\$ 647,917	\$ 576,406
Total Expenditures	\$ 5,380,409	\$ 4,752,948	\$ 6,370,604	\$ 7,443,742
TOTAL REVENUE IN EXCESS OF EXPENDITURES	\$ 7,272	\$ 831,196	\$ 630,911	\$ 91,749
Available Funds	\$ 5,810,471	\$ 831,196	\$ 6,441,382	\$ 6,533,131
RESERVES				
Tabor Reserves	\$ 161,630		\$ 210,045	\$ 226,065
General Fund (Carryover) Reserves	\$ 500,000		\$ 500,000	\$ 500,000
Board Designated Reserves	\$ 100,000		\$ 100,000	\$ 100,000
Capital Reserve Fund Savings	\$ 1,000,000		\$ 3,450,000	\$ 3,450,000
Unrestricted Reserves	\$ 4,048,841		\$ 2,181,337	\$ 2,257,067
Total Reserves	\$ 5,810,471		\$ 6,441,382	\$ 6,533,131

ELK CREEK FIRE PROTECTION DISTRICT

**RESOLUTION 2024 – 11-21
A COMBINED RESOLUTION CONCERNING THE ADOPTION OF A BUDGET AND
APPROPRIATION OF FUNDS FOR FISCAL YEAR 2025**

A. A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING THE BUDGET FOR THE ELK CREEK FIRE PROTECTION DISTRICT FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2025 AND ENDING ON THE LAST DAY OF DECEMBER 2025.

WHEREAS, the Board of Directors of the Elk Creek Fire Protection District (District) has appointed the District's Budget Officer and Budget Committee to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, the District's Budget Officer and Budget Committee submitted a proposed budget to this governing body on or before October 15, 2024, for its consideration; and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 21, 2024 and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increases may have been made in the expenditure, like increases were added to the revenues or planned to be expended from reserves so that the budgets remain in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT, THAT:

Section 1. The budget as submitted, and summarized by fund, is approved and adopted as the budget of the District for the year stated above.

Section 2. The budget hereby approved and adopted shall be signed by the President and Secretary and made a part of the public records of the District.

B. A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE ELK CREEK FIRE PROTECTION DISTRICT FOR THE 2025 BUDGET YEAR.

WHEREAS, the Board of Directors of the District ("Board") has adopted the District's annual budget in accordance with the Local Government Budget Law; and

WHEREAS, the Board has made provision therein for revenues in an amount equal to, or greater than, the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary, to appropriate the revenues and reserves provided in the budgets to and for the purposes described below, so as not to impair the operations of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT, THAT:

The following sums are hereby appropriated from the revenue of each Fund, to each Fund, for the purposes stated:

General Fund:	
Current Operating Expenses	\$ 6,578,742
Other Expenditures	\$ 0
Capital Projects	\$ 865,000
Debt Service	\$ 0

ADOPTED AND APPROVED this ____ day of _____, 2024.

ELK CREEK FIRE PROTECTION DISTRICT

By: _____
President

ATTEST:

Secretary

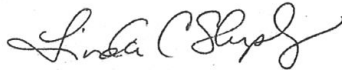
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

Elk Creek Fire Protection Dist (dist) **
1199 Blackfoot Rd
PO Box 607
Conifer CO 80433

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Jefferson } ss

This Affidavit of Publication for the Canyon Courier, a weekly newspaper, printed and published for the County of Jefferson, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 11/7/2024, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



For the Canyon Courier

State of Colorado }
County of Jefferson } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Linda Shapley, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 11/7/2024. Linda Shapley has verified to me that she has adopted an electronic signature to function as her signature on this document.

20134029363-952662
Jean Schaffer
Notary Public
My commission ends January 16, 2028



Public Notice

NOTICE CONCERNING PROPOSED BUDGET OF ELK CREEK FIRE PROTECTION DISTRICT

NOTICE is hereby given that a proposed budget has been submitted to the Board of Directors of Elk Creek Fire Protection District for the ensuing year of 2025; that a copy of such proposed budget has been filed in the office of the District at 11993 Blackfoot Road, Conifer, Colorado 80433, where the same is open for public inspection; and that such proposed budget will be considered at a public hearing of the Board of Directors of the District to be held at Station 1, 11993 Blackfoot Road, Conifer, Colorado 80433 on Thursday, November 21, 2024, at 8:00 p.m. Any elector within the District may, at any time prior to the final adoption of the budget, inspect the budget and file or register any objections thereto.

ELK DISTRICT CREEK FIRE PROTECTION
By: President

Legal Notice No. CAN 1712
First Publication: November 7, 2024
Last Publication: November 7, 2024
Publisher: Canyon Courier

ELK CREEK FIRE PROTECTION DISTRICT

**RESOLUTION 2024 – 11-21-2
RESOLUTION TO SET MILL LEVIES**

**A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE 2024 TAX YEAR
TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE
ELK CREEK FIRE PROTECTION DISTRICT,
FOR THE 2025 BUDGET YEAR.**

WHEREAS, on November 21, 2024 the Board of Directors (“Board”) of the Elk Creek Fire Protection District (“District”) adopted the District’s annual budget in accordance with the Local Government Budget Law;

WHEREAS, the amount of money necessary to balance the District’s budget for the General Fund and Capital Projects Fund is \$7,443,742, which includes a Mill Levy amount of \$4,570,151;

WHEREAS, the amount of money necessary to balance the budget for the District’s budget for the Debt Service Fund is \$0; and,

WHEREAS, the valuation for assessment for the District as recently certified by the County Assessor(s) is \$365,612,049;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT, THAT:

Section 1. For the purpose of meeting all general operating expenses of the District during the District’s 2025 budget year, there is hereby levied a tax of 12.5 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the previous year (tax year).

Section 2. The District’s Secretary is hereby authorized and directed to certify to the County Commissioners of Jefferson and Park Counties, Colorado, the mill levies for the District as hereinabove determined and set, and to execute such form or forms as may be required by the County Commissioners for such purposes; provided, however, that in the event that the final notice of assessed valuation will cause an adjustment to such mill levy in order to raise the amounts stated to balance the District’s budget, the District’s Budget Officer is authorized to make such adjustment based upon the final assessed valuations received from the County Assessors. In no event shall such adjustments result in any unauthorized non-voter approved increase in the mill levy.

ADOPTED: _____, 2024.

ELK CREEK FIRE PROTECTION DISTRICT

By: _____
President

ATTEST:

Secretary

ELK CREEK FIRE PROTECTION DISTRICT

RESOLUTION NO. 2024-11

**A RESOLUTION TRANSFERRING ASSETS AND PERSONNEL, AND
DELEGATING AUTHORITY TO COMPLETE THE UNIFICATION OF
INTER-CANYON FIRE PROTECTION DISTRICT,
ELK CREEK FIRE PROTECTION DISTRICT, AND
NORTH FORK FIRE PROTECTION DISTRICT**

WHEREAS, Inter-Canyon Fire Protection District (“Inter-Canyon”), Elk Creek Fire Protection District (“Elk Creek”), and North Fork Fire Protection District (“North Fork”) (Inter-Canyon, Elk Creek, and North Fork jointly the “Districts”) entered into the Pre-Consolidation Intergovernmental Agreement, effective April 12, 2023, as amended by the First Amendment (the “Agreement”), to form a single fire protection district to serve the area currently served by the Districts;

WHEREAS, Section 3.1.1.3 of the Agreement calls for Inter-Canyon and Elk Creek to designate the Board of Directors of North Fork, as successor to Inter-Canyon’s and Elk Creek’s jurisdictional territory, service responsibilities, assets, property and personnel, to receive Inter-Canyon’s and Elk Creek’s remaining property tax revenue, to seek the dissolution of Inter-Canyon and Elk Creek, and to do all things necessary to accomplish the terms of the Exclusion Resolutions and Orders and the Agreement; and

WHEREAS, Elk Creek wishes to affirm the express and ongoing delegation of authority under the Agreement for the North Fork Board of Directors to do all things necessary to implement the Agreement and the unification of the Districts, including authority to seek administrative dissolution of Elk Creek, confirm the transfer of all assets to North Fork, provide for Elk Creek employees to become employees of North Fork, and receive all Elk Creek tax revenue, and take all other actions necessary to carry out the Agreement and continue the provision of services to the areas currently within Elk Creek.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Elk Creek Fire Protection District that:

1. Transfer of Assets. Effective upon the exclusion of all property from Elk Creek and inclusion of the same into North Fork, Elk Creek hereby transfers legal and equitable title of all assets and property of Elk Creek to North Fork. Assets include but are not limited to: real property, personal property, improvements, buildings, furniture, appliances, supplies, plans, tools, vehicles, apparatus, mobile equipment, machinery, intangible personal property, cash, bank accounts, notes, bonds, insurance policies, leases, accounts receivable, warranties, guarantees, indemnifications, licenses, permits, contracts, and agreements.

2. Transfer of Pension Funds. Effective upon the exclusion of all property from Elk Creek and inclusion of the same into North Fork, Elk Creek hereby transfers all pension funds to North Fork, subject to the statutory requirements and the requirements, authorities, and obligations of the trust or pension agreements, or other documents and agreements establishing and pertaining to such pension funds.

3. Employees. Effective upon the exclusion of all property from Elk Creek and inclusion of the same into North Fork, all employees of Elk Creek shall become employees of North Fork.

4. Delegation to Execute Documents. On behalf of Elk Creek, the Chair of the Board of Directors of North Fork is delegated authority to sign any and all deeds, bills of sale, assignments, or other documents as necessary to confirm and affect the transfer of all assets of Elk Creek to North Fork.

5. Dissolution of Elk Creek. Effective upon the exclusion of all property from Elk Creek and inclusion of the same into North Fork, Elk Creek grants to North Fork all authority and power to act on behalf of Elk Creek to do all things necessary to include all property within Elk Creek into North Fork, to receive Elk Creek's tax revenue including 2024 taxes payable in 2025, to request the dissolution of Elk Creek, and to wind up the business and affairs of Elk Creek.

The foregoing Resolution was adopted by a vote of ____ in favor and ____ against at a meeting of the Board of Directors of Elk Creek Fire Protection District, duly called and held on November 21, 2024.

Elk Creek Fire Protection District

By: _____
Greg Pixley, Chair

ATTEST:

Melissa Baker, Secretary

ELK CREEK FIRE PROTECTION DISTRICT

RESOLUTION NO. 2024-09

**RESOLUTION AND ORDER OF EXCLUSION
(North Fork Consolidation)**

WHEREAS, Elk Creek Fire Protection District (“Elk Creek”) presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, North Fork Fire Protection District (“North Fork” and Elk Creek and North Fork jointly the “Districts”) also presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, pursuant to the Pre-Consolidation Intergovernmental Agreement between the Districts, effective April 12, 2023, as amended by the First Amendment, Elk Creek wishes to take initial action to begin such consolidation utilizing the procedures available under Section 32-1-501(1.5), C.R.S.; and

WHEREAS, the Board of Directors of Elk Creek has determined that it is beneficial to exclude all the real property described on Exhibit A attached hereto and incorporated herein by this reference (“Property”) from Elk Creek pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4), C.R.S., on the condition that the Property thereafter immediately be included within North Fork; and

WHEREAS, on initial approval of this Resolution it is anticipated that by resolution, (“Inclusion Resolution”), North Fork will agree to include the Property into North Fork immediately after the effective date of the Court’s Order excluding the Property from Elk Creek, which Inclusion Resolution will be filed with the District Court of Jefferson County, Colorado, as required by Section 32-1-501(4)(a)(II)(B), C.R.S., and thereafter North Fork will provide the same services to the Property as provided by Elk Creek; and upon final approval of this Resolution a copy of the approved Inclusion Resolution will be and is attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, the mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. North Fork’s mill levy is equal to or less than the mill levy assessed by Elk Creek, and as a result, no election for the exclusion of the Property from Elk Creek and inclusion of the Property into North Fork is required pursuant to Section 32-1-501(4)(c)(I), C.R.S.; and

WHEREAS, Elk Creek has no outstanding obligations related to capital improvements which will remain obligations of the property owners within its boundaries until paid; and

WHEREAS, the Board of Directors, having reviewed all relevant information related thereto, hereby determines that:

A. The exclusion of the Property will be in the best interests of all of the following: (i) the Property itself; (ii) Elk Creek; and (iii) the counties in which Elk Creek is located;

B. The relative costs and benefits to the Property justify exclusion from Elk Creek and inclusion within North Fork;

C. The ability of Elk Creek to provide economical and sufficient service to both the Property and all of the properties within Elk Creek's boundaries are the same;

D. Elk Creek is able to provide services to the Property, but the costs of providing services by North Fork will be less than the cost of providing services solely by Elk Creek;

E. There will be no effect on employment and other economic conditions in Elk Creek and surrounding area if this Resolution is or is not finally adopted;

F. There will be no economic impact on the region or on Elk Creek, the surrounding area, or the state as a whole if this Resolution is or is not finally adopted;

G. There are no economically feasible alternative services available except from North Fork;

H. There will be no additional cost levied on other property within Elk Creek as a consequence of the exclusion; and

I. Elk Creek currently has no outstanding bonded indebtedness for which the Property is liable.

WHEREAS, on initial approval of this Resolution it is anticipated that letter notification of the public hearing of the Board of Directors to consider final adoption of this Resolution will be mailed to the fee owners of 100% of all the real property proposed to be excluded, as listed on the records of the County Assessor, not more than 45 days and no less than 30 days prior to such public hearing, pursuant to Section 32-1-501(1.5)(b)(I), C.R.S.; and upon final approval of this Resolution the Board will confirm and does hereby confirm such notice was provided as anticipated and required, as set forth in Exhibit C; and

WHEREAS, upon initial approval of this Resolution it is anticipated that the Board will provide notice of the public hearing to consider final adoption of this Resolution by publication in the Canyon Courier in Jefferson County, a newspaper of general circulation within Elk Creek, pursuant to Section 32-1-501(2), C.R.S.; and upon final approval of this Resolution the Board will confirm and does hereby confirm that such notice was published as anticipated and required and a copy of the notice will be and is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, the exclusion of the Property was initially considered by the Board of Directors at a meeting held September 26, 2024; and

WHEREAS, no person has filed a written objection to this exclusion except as will be noted in the minutes of the public meeting and hearing at which this Resolution is considered for final approval, and any written objection will be and as of final approval of this Resolution has been duly considered by the Board; and

WHEREAS, the exclusion of the Property is deemed in the best interest of the health and safety, prosperity, security and general welfare of the Property owners and inhabitants of the Property and of Elk Creek, and for the orderly and uniform administration of Elk Creek's affairs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Elk Creek Fire Protection District, pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4), C.R.S., hereby approves the exclusion of the Property from the boundaries of Elk Creek Fire Protection District; and

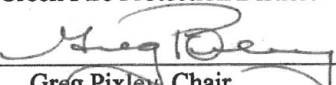
IT IS THEREFORE ORDERED that:

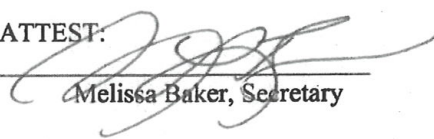
1. The Property described in Exhibit A attached hereto and incorporated herein shall be excluded from Elk Creek Fire Protection District.
2. The boundaries of Elk Creek Fire Protection District shall be altered by the exclusion of the Property.
3. Such exclusion shall be contingent upon the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing this District, having entered an Order that such real property be excluded from Elk Creek Fire Protection District, and thereafter the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing North Fork, immediately order the Property included within North Fork Fire Protection District, pursuant to Section 32-1-501(4)(b), C.R.S.

The foregoing Resolution and Order of Exclusion was initially adopted by a vote of 4 in favor and 1 against at a meeting of the Board of Directors of Elk Creek Fire

Protection District, duly called and held on September 26, 2024, at the hour of 6
p.m.

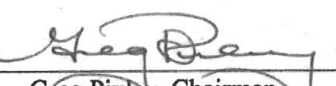
Elk Creek Fire Protection District


By: 
Greg Pixley, Chair

ATTEST: 
Melissa Baker, Secretary

The foregoing Resolution and Order of Exclusion was finally adopted by a vote of ___ in
favor and ___ against at a meeting of the Board of Directors of Elk Creek Fire Protection
District, duly called and held on November 21, 2024, at the hour of _____ p.m.

Elk Creek Fire Protection District

By: 
Greg Pixley, Chairman

ATTEST: 
Melissa Baker, Secretary

**EXHIBIT A TO
RESOLUTION AND ORDER OF EXCLUSION**

Description of Property to be Excluded

All real property located within the boundaries of the Elk Creek Fire Protection District.

**EXHIBIT B TO
RESOLUTION AND ORDER OF EXCLUSION
North Fork Inclusion Resolution**

EXHIBIT C TO
RESOLUTION AND ORDER OF EXCLUSION
Mailed and Published Notice of Exclusion Hearing, Certificate of Mailing, and
Certificate of Publication

**ELK CREEK FIRE PROTECTION DISTRICT
NOTICE OF PUBLIC HEARING TO CONSIDER A
RESOLUTION INITIATING EXCLUSION PROCEEDINGS**

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Directors of the Elk Creek Fire Protection District (“Elk Creek”) has determined that it is in the best interest of the health and safety, prosperity, security and general welfare of the property owners and inhabitants of Elk Creek to consider excluding all real property currently located within the boundaries of the Elk Creek Fire Protection District (the “Property”) on the condition that the Property thereafter immediately be included within North Fork Fire Protection District.

The Board of Directors of the Elk Creek Fire Protection District at its September 26, 2024, board meeting preliminarily adopted and will consider a final adoption of a Resolution initiating exclusion of the Property from the Elk Creek at a public hearing to be held on November 21, 2024, at 6:00 p.m., at Elk Creek Station 1 located at, 11993 Blackfoot Road, Conifer, Colorado.

The mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. If the Property is excluded from Elk Creek and included within North Fork the mill levy will be reduced by 0.500 mills, exclusive of refunds or abatements.

All interested parties may appear at such hearing to show cause in writing why such Resolution should not be finally adopted.

BY ORDER OF THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT.

ELK CREEK FIRE PROTECTION DISTRICT

By: /s/ Melissa Baker
Secretary

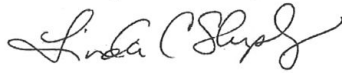
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

Elk Creek Fire Protection Dist (ccfw) **
c/o Collins Cole Winn Ulmer
165 Union Boulevard, Suite 785
Lakewood CO 80228

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Jefferson } ss

This Affidavit of Publication for the Canyon Courier, a weekly newspaper, printed and published for the County of Jefferson, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 10/17/2024, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



For the Canyon Courier

State of Colorado }
County of Jefferson } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Linda Shapley, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 10/17/2024. Linda Shapley has verified to me that she has adopted an electronic signature to function as her signature on this document.

20134029363-020373
Jean Schaffer
Notary Public
My commission ends January 16, 2028



Public Notice

ELK CREEK FIRE PROTECTION DISTRICT NOTICE OF PUBLIC HEARING TO CONSIDER A RESOLUTION INITIATING EXCLUSION PROCEEDINGS

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Directors of the Elk Creek Fire Protection District ("Elk Creek") has determined that it is in the best interest of the health and safety, prosperity, security and general welfare of the property owners and inhabitants of Elk Creek to consider excluding all real property currently located within the boundaries of the Elk Creek Fire Protection District (the "Property") on the condition that the Property thereafter immediately be included within North Fork Fire Protection District.

The Board of Directors of the Elk Creek Fire Protection District at its September 26, 2024, board meeting preliminarily adopted and will consider a final adoption of a Resolution initiating exclusion of the Property from the Elk Creek at a public hearing to be held on November 21, 2024, at 8:00 p.m., at Elk Creek Station 1 located at, 11993 Blackfoot Road, Conifer, Colorado.

The mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. If the Property is excluded from Elk Creek and included within North Fork the mill levy will be reduced by 0.500 mills, exclusive of refunds or abatements.

All interested parties may appear at such hearing to show cause in writing why such Resolution should not be finally adopted.

BY ORDER OF THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT.

ELK CREEK FIRE PROTECTION DISTRICT

By: /s/ Melissa Baker, Secretary

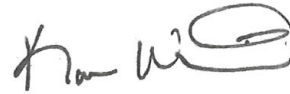
Legal Notice No. CAN 1678
First Publication: October 17, 2024
Last Publication: October 17, 2024
Publisher: Canyon Courier

CERTIFICATE OF MAILING

I hereby certify that the letter attached hereto as Exhibit A was mailed, by Gran Farnum Printing, to all property owners within the Elk Creek Fire Protection District between the dates of October 7 and October 22, 2024, which dates are not more than 45 days and no less than 30 days prior to such public hearing:

Kara Winters

Printed Name



Signature

November 20, 2024

Date

NORTH FORK FIRE PROTECTION DISTRICT

RESOLUTION 2024-10/16 A

**A RESOLUTION AGREEING TO INCLUDE PROPERTY INTO THE NORTH
FORK FIRE PROTECTION DISTRICT
(Elk Creek Fire Protection District)**

WHEREAS, North Fork Fire Protection District (“North Fork”) presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, Elk Creek Fire Protection District (“Elk Creek”) also presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, North Fork and Elk Creek (jointly, the “Districts”) have entered into that Pre-consolidation Intergovernmental Agreement between the Districts, effective April 12, 2023, as amended by the First Amendment (“Pre-Consolidation Agreement”), in which Elk Creek, Inter-Canyon Fire Protection District, and North Fork have agreed to consolidate into the North Fork Fire Protection District; and

WHEREAS, the Pre-Consolidation Agreement sets forth a process for permanently integrating the Districts into a single fire protection district utilizing the procedures available under Section 32-1-501(1.5), C.R.S.; and

WHEREAS, the Board of Directors of Elk Creek has proposed that certain real property described on Exhibit A attached hereto and incorporated herein by this reference (“Property”) be excluded from Elk Creek pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4)(b), C.R.S., on the condition that the Property thereafter immediately be included within North Fork; and

WHEREAS, the Property is capable of being served by North Fork; and

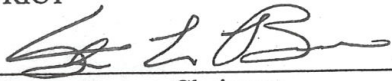
WHEREAS, it is deemed to be in the best interest of North Fork and the taxpaying electors thereof that such Property be included within North Fork’s boundaries.

IT IS THEREFORE RESOLVED that the Board of Directors of the North Fork Fire Protection District, pursuant to the provisions of Sections 32-1-501(1.5)(a), hereby agrees to serve the Property and orders it be included into North Fork immediately after the effective date of an Order of the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing North Fork, excluding such Property from Elk Creek.

I certify that the foregoing Resolution Agreeing to Include Property into the North Fork Fire Protection District was unanimously passed at a meeting of the Board of Directors

of the North Fork Fire Protection District, duly called and held on October 16, 2024, at the hour of 1:00 p.m. and that the undersigned is the duly acting and authorized Chairman of the District.

NORTH FORK FIRE PROTECTION
DISTRICT

By: 
Steven Brown, Chairman

ATTEST:

By: 
Elinor White, Secretary

EXHIBIT A TO RESOLUTION OF INCLUSION
(Description of Property to be Included)

All real property located within the boundaries of the Elk Creek Fire Protection District.

{00689496.DOCX / }

3

ELK CREEK FIRE PROTECTION DISTRICT
STATEMENT OPPOSING APPROVAL
OF
CONSOLIDATION ENABLING RESOLUTIONS

November 21, 2024

After due diligence, due to the fact that [it]/they [is]/are not in the best interests of residents of Elk Creek FPD, I oppose adoption of [this]/the following consolidation enabling resolution[s]:

1. RESOLUTION 2024 – 11-21 A COMBINED RESOLUTION CONCERNING THE ADOPTION OF A BUDGET AND APPROPRIATION OF FUNDS FOR FISCAL YEAR 2025
2. RESOLUTION 2024 – 11-21-2 RESOLUTION TO SET MILL LEVIES
3. RESOLUTION NO. 2024-11 A RESOLUTION TRANSFERRING ASSETS AND PERSONNEL, AND DELEGATING AUTHORITY TO COMPLETE THE UNIFICATION OF INTER-CANYON FIRE PROTECTION DISTRICT, ELK CREEK FIRE PROTECTION DISTRICT, AND NORTH FORK FIRE PROTECTION DISTRICT

Sincerely,

Chuck Newby
Director, Elk Creek FPD



Elk Creek FPD
C. Newby, Director
cnewby@elkcreekfire.org

1 of 1

-final-
November 21, 2024

ELK CREEK FIRE PROTECTION DISTRICT
STATEMENT OPPOSING APPROVAL
OF
RESOLUTION AND ORDER OF EXCLUSION

November 21, 2024

After due diligence, for the following reasons, I oppose adoption of this Resolution and Order of Exclusion (North Fork Consolidation) (the "consolidation plan"):

1. During the November 2023 ballot election, by a vote of 51% NO and 49% YES, Elk Creek FPD voters rejected the consolidation plan proposed by the District. Critically, the current consolidation plan ignores and subverts the will of the Elk Creek FPD voters who rejected consolidation at the ballot box, a situation that will undermine local democracy going forward.
2. The current consolidation plan will move property from the Elk Creek FPD—which operates at a lesser authorized mill levy rate of 12.551 mills—into North Fork FPD which operates at a greater authorized mill levy rate of 12.896 mills, without a vote by the Elk Creek FPD electorate, as required by law. Therefore, the proposed consolidation plan violates both Section 20 of Article X of the Colorado Constitution and Title 32 Special Districts Act of the Colorado Revised Statutes.
3. The Elk Creek FPD Board of Directors has failed to make the findings necessary for approval of the proposed exclusion/inclusion of real property within District as set forth in Title 32-1-501 of the Colorado Revised Statutes.

Sincerely,

Chuck Newby
Director, Elk Creek FPD



Elk Creek FPD
C. Newby, Director
cnewby@elkcreekfire.org

1 of 1

-final-
November 21, 2024

EXHIBIT B

**NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS MEETING AUDIO/VIDEO RECORDING
UNIVERSAL RESOURCE LOCATOR**

https://drive.google.com/file/d/1BrFleGqt70dYuzUfw9FV7N8U-W3N5VZ2/view?usp=share_link

EXHIBIT C
**NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS EXCLUSION ORDER HEARING PUBLIC
CORRESPONDENCE**

Remarks Before the Elk Creek FPD Board of Directors
Special Hearing in Advance of Board vote on Resolution NO 2024-09
November 21, 2024

Neil Whitehead, III Resident & Property Owner of ECFPD since 1998
31634 Black Widow Way Conifer CO 80433
303-618-6721 neil3@g.com

**STATEMENT OF OPPOSITION TO UNIFICATION AND “ELK CREEK FPD
RESOLUTION NO 2024-09 -- RESOLUTION AND ORDER OF EXCLUSION”**

VIA -- Hand Delivery to Board members

Good Evening Board Members,

In November 2023, 3,057 voters of the Elk Creek Fire Protection District [FPD] rejected Consolidation with the North Fork FPD and the Inter-Canyon FPD -- winning by 132 votes. In our Exceptional Nation, the results at the ballot box are to be accepted – Without Exception.

The three Fire Districts accepted defeat and went away to lick their wounds. BUT, WAITon November 15, 2023 (eight days after the Election), two of the Three Fire Chiefs got up on the stage at the Conifer Area Council Town Hall meeting and declared that the defeat was a “bump in the road [to Consolidation]” and here we are today.

According to the Pre-Consolidation Agreement, the three Districts can have as many attempts to bite the apple of Consolidation as they want. I fully expected another ballot box attempt and soon.

I did not know it at the time -- what could not be achieved at the Ballot Box would be attempted to be taken by brute force through another “legal” mechanism. This is clearly Democracy denied. The End DOES NOT justify the Means.

I was dumbfounded when out of the blue, in August 2024, the Three Chiefs decided to override the Voter's decision and not just stifle but eliminate political opposition by going the route of an "annexation" where North Fork annexes Inter-Canyon and Elk Creek and simultaneously Elk Creek and Inter-Canyon convey their properties to North Fork. Then, at some point North Fork renames itself as the Conifer Fire Protection District. (to be headquartered in the Morrison zip code). The Three Boards followed the Chiefs lead.

Clearly, the Three Fire Districts are afraid to put this Unification/Consolidation question before the Voters again and found a way to attempt to "legally" bypass the ballot box.

What am I asking for?

Stop the unification = consolidation process – until the electors give permission [if they ever do]. The central premise of Democracy is that the Governors [in this case the Elk Creek Board] accept the will of the voters who rejected consolidation in November 2023. Place Unification/Consolidation on the ballot again in May or November 2025.

Even voters in the Elk Creek FPD who are for Unification/Consolidation should be appalled at the brutish attempt to override the will of the Voters.

That portion of TABOR that requires the approval by voters of a Tax Increase seems to be sacred to Colorado voters. The attempt here to override the will of voters just a year later – pretending tonight it never happened is not acceptable.

Unification / Consolidation is a highly contentious issue. At least one more vote on this question is essential to the democratic process. I believe the County Commissioners and the District Judge will agree.

Here are the main reasons why I think residents of the Elk Creek FPD rejected consolidation, and these reasons still hold for "unification."

- 1.) The Elk Creek FPD is the last bit of Local Government in this part of unincorporated Jefferson County and consolidation would mean the loss of local control. BIGGER government is NOT BETTER government.
- 2.) Elk Creek FPD has a population of about 17,000 and a property valuation of about \$365 million. The other two Districts combined have a population of about 7,000 and a property valuation of about \$208 million. Emergency services in the early years of the consolidation run the risk of being diluted for Elk Creek District residents.
- 3.) Vaguely defined plans for Unification/Consolidation – basically a blank check.

I am worried that the Elk Creek board's reckless behavior will negatively impact the ability of the Elk Creek FPD to obtain mill levy increases in the future.

In 2019, voters approved a 5 mill levy increase by 66% in both Jefferson and Park Counties. In November 2023, the conversion of an expiring 2.5 mill levy to permanent status got 60% of the vote and the mill levy increase yoked to a YES on consolidation, only got 48%.

I ask each Board Member, during deliberations for this Resolution, if voting YES, to present their reason for overriding the will of the Voters of the Elk Creek FPD in November 2023.

It is my opinion that the decision to override the ballot box constitutes folly and will be seen by the Commissioners, the Court, and the electors of the Elk Creek Fire Protection District as such.

If Unification does come to pass -- when the inevitable mill levy appears on the ballot, you the Board are risking loss of that ballot issue because of your brutish treatment of the voters in this matter tonight. Think about it.

What is going on here is clearly unconstitutional.

Unconstitutional actions take place all the time. But, it takes money to hire lawyers to fight for Justice. Knowledge of this fact is probably baked into the strategy of the Three Districts which have essentially endless taxpayer money to spend on legal. Opponents do not.

For me, it is a foregone conclusion that my pleadings this evening will be ignored. But, I will have participated in the struggle of keeping our magnificent and glorious Republic and Democracy intact and that is of great importance to me.

I object to my property at 31634 Black Widow Way to being excluded from the Elk Creek Fire Protection District. Please place this letter in the Official Record of the hearing.

###

Neil H. Whitehead, III has been a resident of the Elk Creek FPD since 1998. In 2013 he was a founding member of the issue committee, "Friends of Elk Creek." The Committee advocated for a 2.5 mill levy increase that won voter approval. In 2019, Neil led the Friends of Elk Creek effort for a 5 mill levy increase. This increase was approved by 66% of the voters. In 2023, Neil was a member of the issue committee, "Save Elk Creek Fire." The Committee did save Elk Creek Fire from Consolidation.

11/21/2024 final



Doug Wagner <sdwmmwejw@gmail.com>

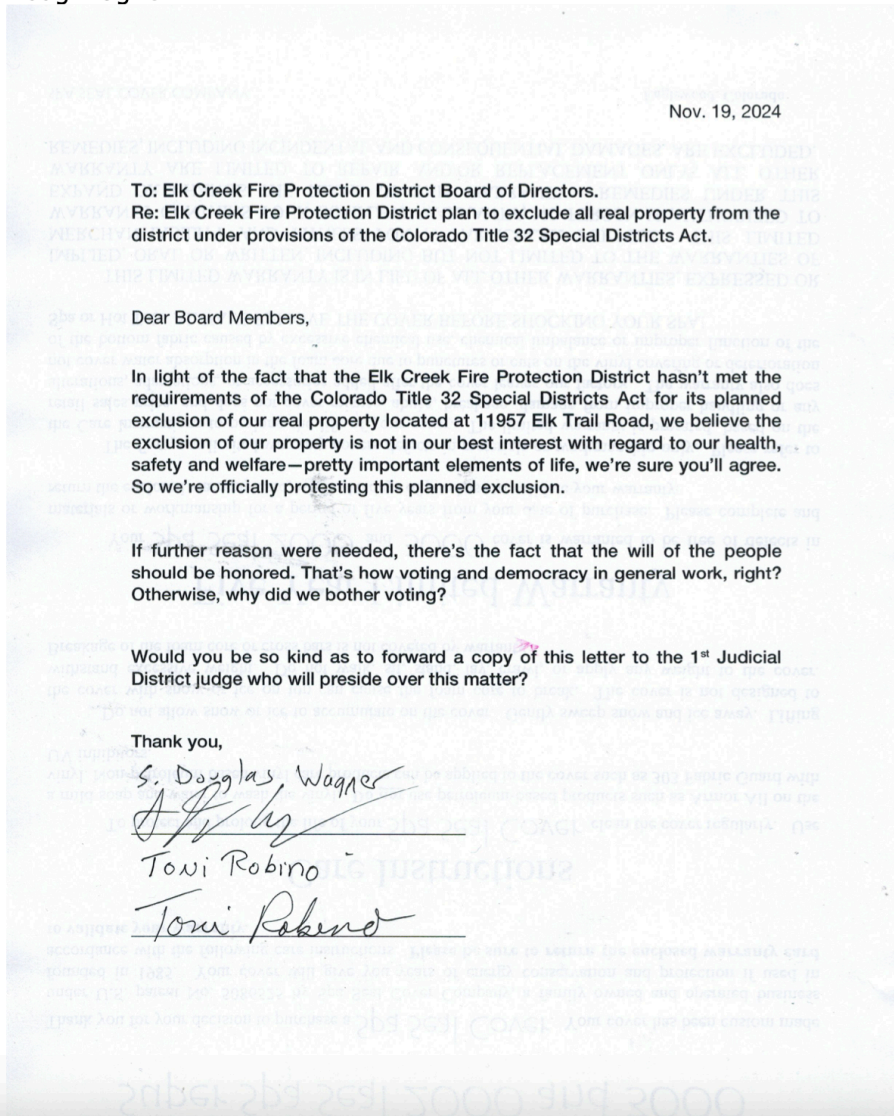
November 19, 2024 at 1:23 PM

unification

To: ECFPD Board of Directors <board@elkcreekfire.org>

Attached please find a letter regarding the proposed unification plan.

Doug Wagner





Dean Stansbury <hnuenergy@hotmail.com>

Inbox - c...reekfire.org November 16, 2024 at 8:44 AM

Elk Creek Fire Protection Districts Issues

Hide

To: John Chmil <JChmil@lyonsgaddis.com>, Melissa Baker <mbaker@elkcreekfire.org>, Sharon Woods <swoods@elkcreekfire.org>, Dominique Devaney <ddevaney@elkcreekfire.org>, Greg Pixley <gregpixley@gmail.com>, Chuck Newby <cnewby@elkcreekfire.org>, Fire Chief Jacob Ware <jware@elkcreekfire.org>

Hello Mr. Chmil and others,

Please be advised that there are at least two legal actions in Jefferson County District Court against Elk Creek Fire Protection District that relate directly to issues of the consolidation plan:

1)The recent letter to all residence in all districts regarding a resolution initiating exclusion proceedings.

I plan to present evidence to the Court that this letter represents a misrepresentation of material fact (false report) and should be considered as a violation of the property owner's rights under the Tabor Amendment. Additionally judging from the significant adjustment in Fire Protection Services in the three Districts, mailing a letter with a very confusing explanation, **is not proper or legal notification.**

2)Elk Creek FPD has a documented history of imposing regressive taxation on property owners with poor quality & diminished services.

I plan to produce evidence in courts to demonstrate that the tax payers do not substantially benefit from the excessive mil levy or the increases in revenue from property valuations.

3)Lyons & Gaddis is directly culpable for any damage that results from this failed attempt to burden the property owner in what appears to be fraudulent conduct (including misuse of public funds) by the several board members of Elk Creek Fire Protection District and Fire Chief Jacob Ware.

I plan to produce evidence that demonstrates that Elk Creek used intimidation tactics to affect the results of the Consolidation Ballot Measure in 2023, as well as many voter irregularities.

4)Elk Creek FPD board of directors has acted beyond its original charter, scope of authority and mission.

I plan to produce evidence to the court that all Fire Protection Districts have failed in their responsibility to the community and funding is not commiserate with their performance.

Therefore, I recommend that the scheduled vote on exclusion proceedings be postponed until you have clear instruction from the Jefferson County District Court.

If you have any plans to do otherwise, I will request a Contempt Citation from the Court.

Sincerely,
Dean Stansbury



Pam Rothman <pammur1708@gmail.com>

Inbox - c...reekfire.org

November 21, 2024 at 9:16 AM

Unification

To: ECFPD Board of Directors <board@elkcreekfire.org>

We want to believe the District is acting in the best interests of the community, both on the unification issue now, and on any other issues in the future. However, we disagree on how the unification decision is being decided. We believe all such impactful decisions should be decided through a PUBLIC vote. Regardless of our position on this unification matter, we hope we will be able to make our voices heard via PUBLIC vote in all future important issues which impact our Community.

Thank you,

Murray and Pam Rothman



Bethany Urban <burban@elkcreekfire.org>

To the Board

Marco Pesce <marcopesce1957@gmail.com>
To: info@elkcreekfire.org

Sun, Nov 17, 2024 at 7:05 AM

My name is Mark Fisher. I have been a local residents since 1982. I've had several positive interactions with Elk Creek Fire and found our volunteers to be first rate. Our family have been evacuated as a result of wildfires and have actually assisted the ECFPD when a lightning strike started a fire near our property. (The responding volunteers were a bit delayed and we had the small grass fire out before they arrived)

When making decisions I look analytically at the pros and cons of every proposal and make my choices based on fact rather than silly cartoons, speculation or hearsay. As a retired career public safety professional (41 years at the county and state level), who has worked closely with consolidated and smaller fire protection agencies, I can attest to only what I've seen firsthand. Those consolidated agencies I've worked with have had higher levels of professionalism, seamless multi-agency emergency response, consistency in training, and lessened response time because of on-duty staffing. In my opinion, the proposed mountain area fire department consolidation would result in all of these improvements, which are a definite benefit to our community.

I'm firmly convinced the proposed merger of our fire agencies will HELP our community MUCH more than hurt it. As a family the Fisher's are 'all in' on supporting our knowledgeable fire professionals with this proposal.

Mark Fisher
29228 Sunset Trail
Pine, CO 80470



Bethany Urban <burban@elkcreekfire.org>

Unification

Fredrik Naess <fred.naess@gmail.com>
To: info@elkcreekfire.org

Fri, Oct 25, 2024 at 8:05 AM

We support the planned unification.

Fred & Leah Naess
South Ridge Rd, Conifer



Charles Newby <cnwby.co@gmail.com>

Inbox - ...creekfire.org

November 21, 2024 at 10:04 AM

We oppose your plan for consolidation...

To: ECFPD Board of Directors <board@elkcreekfire.org>

Cc: Fire Chief Jacob Ware <jware@elkcreekfire.org>

 [Hide](#)

Dear Elk Creek FPD Board of Directors,

Please find attached our letter in opposition to the present Elk Creek FPD plan for consolidation with the North Fork FPD.

Best,

Chuck & Joanne Newby
8868 William Cody Drive
Evergreen, Colorado 80439



Letter, to Elk Creek
BoD RE...



Elk Creek FPD Board of Directors
11993 Blackfoot Road
Conifer CO 80433
VIA EMAIL

November 21, 2024

To: Elk Creek FPD Board of Directors
Cc: Fire Chief Jacob Ware
From: Charles F and Joanne Newby

RE: Inclusion of our property located at 8868 William Cody Drive, Evergreen CO 80439 into North Fork FPD as proposed by Elk Creek FPD.

After due diligence, it is our judgement that the property we own, located at 8868 William Cody Drive in Evergreen, Colorado, is currently well served by the Elk Creek FPD as is and that, it is our further judgement that the inclusion of our property into the North Fork FPD would not be in the best interests of our property, other similarly situated properties within the Elk Creek FPD, and would not promote the general welfare of the residents of Jefferson County, more specifically:

1. During the November 2023 ballot election, by a vote of 51% NO and 49% YES, Elk Creek FPD voters soundly rejected the consolidation plan then proposed by the District. Critically, the current plan for exclusion/inclusion of our property ignores and subverts the will of those Elk Creek FPD voters who rejected these very actions at the ballot box, a situation that will undermine local democracy going forward.
2. The proposed exclusion/inclusion operates to immediately move our property from the Elk Creek FPD—which operates at a lesser authorized mill levy rate of 12.551 mills—into the North Fork FPD which operates at a greater authorized mill levy rate of 12.896 mills, doing so without a vote by the Elk Creek FPD electorate, as required by law. Therefore, the proposed exclusion/inclusion is a violation of Section 20 of Article X of the Colorado Constitution as well as a violation of Colorado Revised Statutes Title 32-1-501.
3. The Elk Creek FPD Board of Directors has failed to make the findings necessary for approval of the proposed exclusion/inclusion related to

C and J Newby
cnewby.co@gmail.com

1

-final-
11/21/2024

our property, as set forth in law.

For the reasons cited above, we ask that the proposed exclusion/inclusion process not be approved without an express vote of the Elk Creek FPD electorate.

Sincerely,

s/Charles F and Joanne Newby

Trustees for the Charles F and Joanne Newby Living Trust

C and J Newby
cnewby.co@gmail.com

2

-final-
11/21/2024



Barbara Moss-Murphy <bmossmurphy@gmail.com>

Inbox - c...reekfire.org

November 21, 2024 at 9:08 AM

Unification

To: ECFPD Board of Directors <board@elkcreekfire.org>

To The Board at Elk Creek Fire,

In looking at Unification, I wish I would have had the opportunity to vote on the issue. I am concerned as the community already voted, although the results were very close, on Consolidation. I do think a reelection was needed.

My idea would have been to provide the community with a type of Blue Book format where I could have read the pros and cons and then voted.

I believe in supporting our firefighters. In this Blue Book format that I mentioned, I would have wanted to read the pro/con positions of our firefighters.

Thank you,

Barbara Moss Murphy
28942 Shadow Mtn. Drive
Conifer, CO 80433
(303) 717-4192

Sent from my iPhone



Bethany Urban <burban@elkcreekfire.org>

Email of Support for Unification - Please present to the Board of Directors

Al Leo <al.leo2012@gmail.com>
To: Info@elkcreekfire.org

Thu, Oct 31, 2024 at 8:06 AM

Good Morning,

Please present this email of support for Unification to the Board of Directors. Both Linda and I agree with the statements in this email (2 votes).

As residents of the **Elk Creek** Fire Protection District, we **urge** the Elk Creek Fire Protection District (FPD) Board of Directors to **Approve** the proposed Unification Amendment to the Pre-Consolidation IGA, allowing Elk Creek and Inter-Canyon FPDs to unify with North Fork FPD.

Unification would favorably affect the life safety of every resident in the 400 sq. mi. area currently served by three FPDs – ECFPD, NFFPD, and ICFPD. Chief Ware, Chief Rogers, and Chief Shirlaw have stated that Unification is the best way for the FPDs to move into the future and continue to serve this community at a higher level of service than the present. The challenges the Chiefs articulate — inadequate staffing, retention issues, increasing call volume and acuity, aging equipment, and outdated facilities — are occurring in Conifer and are part of a crisis being experienced across the state and the nation.

All of this puts us on the edge of catastrophe, creating situations where there may not be resources to respond to the next emergency, or response times will increase dramatically. In addition to the information provided by the Chiefs and the FPDs, information from the Colorado Department of Fire Prevention and Control 2022 Colorado Fire Service Needs Assessment shows Colorado needs 1,085 career and 1,327 volunteer firefighters over the next 2 years to meet demands.

The status quo isn't an option: it is the answer to yesterday's problems. We can't wish away today's problems and hope volunteers will come. We must take action, and Unification is the right action for our safety today and for tomorrow.

By submitting this email, Linda and Al both affirm that we agree with the statement above and urge the Elk Creek FPD BoD to **Approve** the proposed Unification Amendment to the Pre-Consolidation IGA for the reasons stated above.

Name: Al and Linda Leo

Address: 19293 Silver Ranch Rd, Conifer

Contact Information: al.leo2012@gmail.com

Al Leo
+1 (214) 801-7638
al.leo2012@gmail.com



Bethany Urban <burban@elkcreekfire.org>

Residents in Support of Unification

Al Leo <al.leo2012@gmail.com>
To: Info@elkcreekfire.org

Thu, Nov 21, 2024 at 10:35 AM

Good Morning,
Please forward this email to all Elk Creek Fire Protection District Board of Directors members for consideration during the November 21st Meeting.

Dear Elk Creek Fire Protection District Board of Directors members,

The **60** residents identified in the attached response document, **53** of whom live in the Elk Creek Fire Protection District, have signed the **Statement of Support** below urging the Elk Creek Fire Protection District Board of Directors to vote **YES** for Unification.

- **Statement of Support**
- I, the undersigned, urge the Elk Creek FPD BoD to approve the unification of Elk Creek FPD with Inter-Canyon FPD and North Fork FPD via the exclusion/exclusion process.

I have attached:

1. Screenshot of the I Support Unification Google Form Survey
2. Listing of all residents who signed the **Statement of Support**

Please contact me directly if you have questions about this email.

Al Leo
+1 (214) 801-2838
al.leo2012@gmail.com

2 attachments

 I Support Unification - Google Form Survey.pdf
131K

 Unification Responses - 11.21.2024 10AM.pdf
137K

I Support Unification

A group of concerned ECFPD residents, **Citizens for Unification**, is asking you to submit this form as a statement of your support for the Unification of Elk Creek, Inter-Canyon, and North Fork Fire Protection Districts into one new District to be known as Conifer Fire.

* Indicates required question

Statement of Support

I, the undersigned, urge the Elk Creek FPD Board of Directors to approve the Unification of Elk Creek FPD with Inter-Canyon FPD and North Fork FPD via the Exclusion/Inclusion process.

1. **Name ***

2. **Address ***

3. **In which Fire Protection District do you live? ***

Mark only one oval.

- Elk Creek FPD
- Inter-Canyon FPD
- North Fork FPD
- None of the above

4. Contact Information

This content is neither created nor endorsed by Google.

Google Forms

Timestamp	Name	Address	In which Fire Protection District do you live?	
1	11/1/2024 7:36	Ken Shine	13856 S. Cypress St, Pine	Elk Creek FPD
2	11/1/2024 7:37	Carol Phelps	11502 S. Elk Creek Rd. Pine 80470	Elk Creek FPD
3	11/1/2024 8:15	Sheena Tamburlin	31511 Shadow Mountain Dr., Conifer, 80433	Elk Creek FPD
4	11/1/2024 8:45	Meryl Gura	20150 Silver Ranch Rd. Conifer	Elk Creek FPD
5	11/1/2024 10:09	Wendi Van Lake	8675 Armadillo Trail	Elk Creek FPD
6	11/1/2024 10:29	Patrick Bouchard	13903 Shiloh Ridge Rd Conifer CO	Elk Creek FPD
7	11/1/2024 13:11	James McAllister	16334 Deer Mountain Drive, Littleton CO 80127	Inter-Canyon FPD
8	11/1/2024 14:42	Vicky Shine	13856 S Cypress St, Pine, CO. 80470.	Elk Creek FPD
9	11/1/2024 14:56	Amy Burdett	34538 Cedar Lane, Pine, CO 80470	Elk Creek FPD
10	11/1/2024 18:47	Susan Knight	15184 Elk Creek Acres Rd	Elk Creek FPD
11	11/2/2024 7:15	Margaret Long	19253 Silver Ranch Rd	Elk Creek FPD
12	11/3/2024 8:04	Pete Whalen	19684 Silver Ranch Rd	Elk Creek FPD
13	11/8/2024 10:36	Beth Schneider	24877 Red Cloud Dr, Conifer, CO 80433	Elk Creek FPD
14	11/16/2024 16:54	Mark Fisher	29228 Sunset Trail, Pine CO 80470	Elk Creek FPD
15	11/16/2024 16:58	Sandra Fisher	29228 Sunset Trail Pine, CO	Elk Creek FPD
16	11/16/2024 17:13	Sandra Olsen	8894 Carol Lane, Conifer CO	Elk Creek FPD
17	11/16/2024 17:14	Neil Olsen	8894 Carol Lane	Elk Creek FPD
18	11/16/2024 18:58	Dominique Devaney	9652 Corsair Drive	Elk Creek FPD
19	11/16/2024 19:05	Robert Gadd	29548 Sunset Trail, Pine, CO 80470	Elk Creek FPD
20	11/16/2024 19:48	Jen Krupp	10046 Crest View Dr	Inter-Canyon FPD
21	11/16/2024 20:52	Linda Locke	13875 Shiloh Drive, Conifer	Elk Creek FPD
22	11/16/2024 20:54	Michael Locke	13875 Shiloh Drive, Conifer CO 80433	Elk Creek FPD
23	11/16/2024 21:14	Ryan A Smith	30878 witteman road, Conifer co. 80433	Elk Creek FPD
24	11/16/2024 21:17	Sally Ball	8699 S Turkey Creek Rd, Morrison 80465	Inter-Canyon FPD
25	11/16/2024 21:18	Jim Ball	8699 S Turkey Creek Rd, Morrison 80465	Inter-Canyon FPD
26	11/16/2024 21:22	Teresa Louis-Tomlinson	11650 Baca Rd	Elk Creek FPD
27	11/16/2024 21:35	Karen Lange	14051 Jubilee Trl Pine, CO	Elk Creek FPD
28	11/16/2024 21:35	Caitlin Morris	12280 Styve Road, Conifer CO 80433	Elk Creek FPD
29	11/16/2024 21:39	Joanna Morsicato	8579 S Turkey Creek Road, Morrison, CO 80465	Inter-Canyon FPD
30	11/17/2024 7:28	Paula Hencke	13699 Elsie Rd Conifer Co	Elk Creek FPD
31	11/17/2024 7:29	David Hencke	13699 Elsie Rd Conifer Co	Elk Creek FPD
32	11/17/2024 8:14	Amber Lotan	31393 Evans View	Elk Creek FPD
33	11/17/2024 8:32	Margaret Flanagan	540 Dawson Rd. Pine CO 80470	Elk Creek FPD
34	11/17/2024 8:55	Jodi Dolph	14400 Peaceful Way, Pine, co 80470	Elk Creek FPD
35	11/17/2024 9:04	Barry Lisk	31383 Kings Valley Drive, Conifer, CO 80433	Elk Creek FPD
36	11/17/2024 9:04	Rinah Levine	21436 Indian Springs Road	Elk Creek FPD
37	11/17/2024 10:06	Judy armbruster	19183 gooseberry lane	Elk Creek FPD
38	11/17/2024 10:48	Laura McCarthy	11333 ConiferMountain Rd, Conifer, CO 80433	Elk Creek FPD
39	11/17/2024 11:13	Jennifer Williams	13906 Kuehster Rd., 80127	Inter-Canyon FPD
40	11/17/2024 12:25	Stephanie Goree	11927 Elk Trail Road Conifer, Co 80433	Elk Creek FPD
41	11/17/2024 12:47	Holly Simon	10452 Beas Lane	Elk Creek FPD
42	11/17/2024 13:06	Kevin Lole	13191 Piute Drive, Pine, CO 80470	Elk Creek FPD
43	11/17/2024 19:52	Kristen Palminteri	34852 aspen lane ct. Pine	Elk Creek FPD
44	11/18/2024 11:10	Diego Zamora	29327 Sunset Trail	Elk Creek FPD
45	11/20/2024 15:12	Missy Winefeldt	41 Sunlight Lane, Bailey, CO 80421	Elk Creek FPD
46	11/20/2024 16:16	Bethany Urban	2290 Nova Rd. Pine, CO 80470	Elk Creek FPD
47	11/20/2024 16:50	Jamie Clark	57 sunlight ln	None of the above
48	11/20/2024 17:33	Amelia Goldman	2290 Nova Rd	Elk Creek FPD
49	11/20/2024 17:55	Daniel Goldman	2290 Nova Rd Pine CO 80470	Elk Creek FPD
50	11/20/2024 18:14	Katie Rothman	10737 Timothys Drive	Elk Creek FPD
51	11/20/2024 18:35	Carly Holden	25 Sunlight Ln	Elk Creek FPD
52	11/20/2024 18:36	Allen Holden	25 Sunlight Ln	Elk Creek FPD
53	11/20/2024 18:59	Kathleen Noonan	8430 S Warhawk Rd	Elk Creek FPD
54	11/20/2024 19:18	Jerry Murr	8430 S Warhawk Rd	Elk Creek FPD
55	11/21/2024 7:41	Jesse Winefeldt	41 Sunlight Ln Bailey, CO 80421	Elk Creek FPD
56	11/21/2024 8:16	Jenny Dean Schmidt	109 Wisp Creek Drive, Bailey, CO 80421	Elk Creek FPD
57	11/21/2024 8:24	Megan Ferris	49 Silver Springs Rd	Elk Creek FPD
58	11/21/2024 8:50	Connor Ferris	49 Silver Springs Rd	Elk Creek FPD
59	11/21/2024 8:56	Mike Schmidt	109 Wisp Creek Dr, Bailey	Elk Creek FPD
60	11/21/2024 9:18	Jeff Poole	19232 Copper Spur	Elk Creek FPD

Elk Creek FPD Residents	53
Inter-Canyon FPD Residents	6
North Fork FPD	0
None of the above	1
Total	60



Bethany Urban <burban@elkcreekfire.org>

Statement of Support for Unification

'Philip Koch' via info <info@elkcreekfire.org>
Reply-To: Philip Koch <pskoch56@icloud.com>
To: info@elkcreekfire.org

Wed, Nov 20, 2024 at 1:31 PM

To the Directors of Elk Creek Fire-Protection District (ECFPD)'s Board (and any other concerned party),

We reside in ECFPD's Wamblee Valley Planning area, and pay property taxes here.

We very much support of ECFPD's proposed Unification with neighboring Inter-Canyon and North Fork FPDs.

Sincerely,

Philip and Faith Curtin Koch



Bethany Urban <burban@elkcreekfire.org>

Current Results of Survey: ECFPD, ICFPD, and NFFPD Responders re Unification

'Philip Koch' via info <info@elkcreekfire.org>
Reply-To: Philip Koch <pskoch56@icloud.com>
To: info@elkcreekfire.org
Cc: Chief Maurice 'Skip' Shirlaw <sshirlaw@icfpd.net>, Chief Curt Rogers <nffpd@hotmail.com>

Wed, Nov 20, 2024 at 1:19 PM

To the Directors of the Elk Creek Fire-Protection District's Board,

Please find appended the latest results of a formal survey of emergency-response personnel from the three FPDs considering Unification. In all, **79 (78%)** of the possible responders) representing **948** combined years of experience (**57 (90%)** at ECFPD alone representing **556** combined years of experience) answered this survey – and without exception, **ALL of them** (career and volunteer alike) **were in favor of Unification.**

The existence and general results from this survey appeared 4 (dated 7 November 2024, p. 4-5) as an article by Jane Reuter in the Canyon Courier. More complete survey results appear as a letter-to-the-editor in this week's (19 (dated 21) November 2024) Canyon Courier, and current results in My Mountain Town (16 November 2024. Links to these articles may be found below.)

The rank-and-file support for Unification is unambiguous, but please let me know if you have any questions.

Be well. Stay safe. Enjoy today!

Thanks. Cheers,

Philip S. 'Flip' Koch – Conifer Resident (and Volunteer Member of ECFPD)



Canyon Courier November 7, 2024
issuu.com

CANYON COURIER

VOLUME 44 | ISSUE 1 WEEK OF NOVEMBER 21, 2024

Evergreen man uses his mountaineering feats to help and inspire others P2

Jefferson County commissioners deny Shadow Mountain Bike Park proposal

A four-year battle between advocates of a proposed Capitol Lake park and opponents of the surrounding community ended Nov. 12 when the Jefferson County Commissioners voted to deny a special use permit for construction.

Canyon Courier November 21, 2024

issuu.com



RECOMMENDATION for UNIFICATION of NFFPD, ECFPD, and ICFPD
mymountaintown.com

 **FPD Member Letter to Citizens PSK for MMT 16Nov24.pdf**
88K

**TO THE CITIZENS OF ELK CREEK, INTER-CANYON, AND
NORTH FORK FIRE-PROTECTION DISTRICTS (FPDs):
GREETINGS!**

We who have signed below are the men and women who devotedly provide emergency services in your FPDs.

We represent 100% percent of the 79 respondents (78% of all Members) to a formal survey of our three collective FPDs' professional firefighting and EMS personnel (both paid and volunteer, **57 of these responders from Elk Creek Fire, representing 90% of its Members**), and 948 years of actual emergency-response experience (**556 of these years in Elk Creek Fire alone**). It is our professional belief that Unifying our three FPDs, as proposed by our respective Fire Chiefs, is in the best interest of every person residing in each of our FPDs.

The current arrangement of separate FPDs is NOT working well for this community: with growing call numbers, severity, and overlap as well as increased mutual-aid needs, we are constantly within one call of catastrophe in our service to our districts and their people. For these and other operational reasons, we believe that we would be much more effective in this community's care and safety as a single, Unified FPD.

If you want more timely and more fully-staffed emergency response, we urge you to support what volunteer and career staff alike endorse: UNIFICATION OF OUR 3 FPDs!

We encourage, and request that you encourage, your FPD's Directors to vote Yes to Unify our three FPDs and to support this fundamental change in how we work together. Unification will allow us to be more effective and efficient in providing our community the better level of emergency service that is necessary as this community evolves.

Please help us to help you!

Elk Creek FPD Members: 57 responses (90% of Members), all 'In Favor'; 556 Years of Service*

Name	Career / Volunteer	Years of Service	Name	Career / Volunteer	Years of Service
Scott Aaronson	Career	23	Mason McCreedy	Career	1
Cavan Barry	Career	6	Alan McIver	Volunteer	9
Alexia Bartells	Volunteer	5	Andrew McManus	Career	3
Andrew Beckwith	Volunteer	4	Brian Moore	Volunteer	2
Hayden Beckwith	Volunteer	1	Katie Moser	Volunteer	11
John Berry	Volunteer	2	Benjamin Moses	Career	11
Xavier Borg	Career	7	Chris Moya	Career	18
Kevin Devaney	Volunteer	25	Adam Nesbitt	Career	15
Devon Evers	Career	9	Corey Nyholm	Career	6
Luca Fabbri	Volunteer	21	Jason Papenfus	Career	16
Kelly Fontaine	Volunteer	3	Patrick Quiesner	Volunteer	21
Billy Gage	Career	16	Rachel Rush	Career	12
John Gardner	Volunteer	4	Paul Scott	Career	28
Garrett Guttman	Career	10	Austin Shearer	Career	1
Nathan Hankins	Volunteer	8	Ken Shine	Volunteer	7
Lorie Hartley	Career	10	Thomas Smith	Career	4
Thomas Hokit	Career	5	Ashton Steed	Career	1
Walter Huber	Volunteer	12	Sheena Tamburlin	Volunteer	13
Peter Igel	Volunteer	32	Colt Thiel	Volunteer	7
Nicholas Jenkins	Career	11	Natalie Trefethen	Volunteer	2
Trevor Jones	Volunteer	5	Sharon Trilk	Volunteer	6
Lucas Knecht	Career	8	Bethany Urban	Career	10
Philip 'Flip' Koch	Volunteer	9	Ayle Wezeman	Career	6
Ryan LeBaron	Career	14	Brennan Wilkins	Volunteer	3
Kelsey Macaulay	Volunteer	2	Jesse Winefeldt	Career	23
Sam Macaulay	Career	3	Benjamin Yellin	Career	14
Sarah Marble	Volunteer	13	John Zeugschmidt	Career	3
Abram McClain	Career	6	Tyler Zoesch	Career	4
Kelleigh McConnaughey	Career	4			

Inter-Canyon FPD Members 13 responses (65% of Members), all 'In Favor'; 244 Years of Service*

Name	Career / Volunteer	Years of Service	Name	Career / Volunteer	Years of Service
J. Adamy	Volunteer	2	W. Fuller	Volunteer	7
S. Buckles	Career	30	M.Hansen	Volunteer	16
D.I Carcone	Volunteer	34	D. Hatlestad	Volunteer	43
T. Elkins	Volunteer	6	T. James	Career	14
S. Epperson	Career	12	J. Mandl	Career	24
T. Fedyna	Volunteer	1	D. Wurts	Volunteer	30
R. Fuller	Volunteer	7			

North Fork FPD Members 8 responses (44% of Members), all 'In Favor'; 148 Years of Service*

Name	Career / Volunteer	Years of Service	Name	Career / Volunteer	Years of Service
M.T. Bono	Career	39	G. Macdonald	Volunteer	1
A. Dyes	Volunteer	1	J. McCoy	Volunteer	24
J. Gardner	Volunteer	1	J. Rogers	Volunteer	8
J. Graves	Volunteer	24	J. Siewertsen	Volunteer	7

*: Names and statistics as of 0700 Mountain Time Thursday 14 November 2024.

Each Fire Chief's' Years of Service included in total; Chiefs otherwise not included in lists or statistics.



Bethany Urban <burban@elkcreekfire.org>

Fwd: Favor unification comment

Jacob Ware <jware@elkcreekfire.org>
To: Bethany Urban <burban@elkcreekfire.org>

Thu, Nov 21, 2024 at 7:49 AM

Jacob N. Ware
Fire Chief
Elk Creek Fire Protection District
11993 Blackfoot Road/ PO Box 607
Conifer, CO 80433
303- 816- 9385 Station 1
720- 548 0277 Mobile

Begin forwarded message:

From: Ann Imse <annimse@msn.com>
Subject: Favor unification comment
Date: November 20, 2024 at 10:18:31 PM MST
To: "jware@elkcreekfire.org" <jware@elkcreekfire.org>

Please add to the record.
I favor the unification of our fire departments because wildfire has multiplied in danger in the last 25 years and we need to be spending far more than we are on this existential threat. We don't even have enough staff to apply for all the grants we need and we have missed out on millions of dollars in federal and state funding due to shortsightedness about funding our fire departments. Please vote in favor of unification.
Sent from my iPhone



Bethany Urban <burban@elkcreekfire.org>

Support for Unification

Danny Goldman <goldman.danny@gmail.com>
To: "info@elkcreekfire.org" <info@elkcreekfire.org>

Wed, Nov 20, 2024 at 8:10 PM

Resident Letter to ECFPD and IC FPD BoD in Support of Unification

As a resident of the Elk Creek Fire Protection District, I urge the Elk Creek and Inter-Canyon Fire Protection District (FPD) Board of Directors to Approve the proposed Unification Documents to the Pre-Consolidation IGA, allowing Elk Creek and Inter-Canyon FPDs to unify with North Fork FPD. Unification would favorably affect the life safety of every resident in the 400 sq. mi. area currently served by three FPDs – ECFPD, NFFPD, and ICFPD. Chief Ware, Chief Rogers, and Chief Shirlaw have stated that Unification is the best way for the FPDs to move into the future and continue to serve this community at a higher level of service than the present. The challenges the Chiefs articulate — inadequate staffing, retention issues, increasing call volume and acuity, aging equipment, and outdated facilities — are occurring in Conifer and are part of a crisis being experienced across the state and the nation. All of this puts us on the edge of catastrophe, creating situations where there may not be resources to respond to the next emergency, or response times will increase dramatically. In addition to the information provided by the Chiefs and the FPDs, information from the Colorado Department of Fire Prevention and Control 2022 Colorado Fire Service Needs Assessment shows Colorado needs 1,085 career and 1,327 volunteer firefighters over the next 2 years to meet demands.

The status quo isn't an option: it is the answer to yesterday's problems. We can't wish away today's problems and hope volunteers will come. We must take action, and Unification is the right action for our safety today and for tomorrow.

By submitting this email, I affirm that I agree with the statement above and urge the Elk Creek FPD BoD and the Inter-Canyon FPD BoD to Approve the proposed Unification Amendment to the Pre-Consolidation IGA for the reasons stated above.

Name: Daniel & Amelia Goldman
Address: 2290 Nova Road Pine Colorado
Contact Information: 818-430-4674, 818-294-0900



Bethany Urban <burban@elkcreekfire.org>

Please Approve District Unification

Amelia Goldman <amelia.cb.goldman@gmail.com>
To: info@elkcreekfire.org

Wed, Nov 20, 2024 at 6:19 PM

Resident Letter to ECFPD and IC FPD BoD in Support of Unification

As a resident of the Elk Creek Fire Protection District, I **urge** the Elk Creek and Inter-Canyon Fire Protection District (FPD) Board of Directors to **Approve** the proposed Unification Documents to the Pre-Consolidation IGA, allowing Elk Creek and Inter-Canyon FPDs to unify with North Fork FPD.

Unification would favorably affect the life safety of every resident in the 400 sq. mi. area currently served by three FPDs – ECFPD, NFFPD, and ICFPD. Chief Ware, Chief Rogers, and Chief Shirlaw have stated that Unification is the best way for the FPDs to move into the future and continue to serve this community at a higher level of service than the present. The challenges the Chiefs articulate – inadequate staffing, retention issues, increasing call volume and acuity, aging equipment, and outdated facilities – are occurring in Conifer and are part of a crisis being experienced across the state and the nation.

All of this puts us on the edge of catastrophe, creating situations where there may not be resources to respond to the next emergency, or response times will increase dramatically. In addition to the information provided by the Chiefs and the FPDs, information from the Colorado Department of Fire Prevention and Control 2022 Colorado Fire Service Needs Assessment shows Colorado needs 1,085 career and 1,327 volunteer firefighters over the next 2 years to meet demands.

The status quo isn't an option: it is the answer to yesterday's problems. We can't wish away today's problems and hope volunteers will come. We must take action, and Unification is the right action for our safety today and for tomorrow.

By submitting this email, I affirm that I agree with the statement above and urge the Elk Creek FPD BoD and the Inter-Canyon FPD BoD to **Approve** the proposed Unification Amendment to the Pre-Consolidation IGA for the reasons stated above.

Name: Amelia Goldman

Address: 2290 Nova Rd

Contact Information: Amelia.cb.goldman@gmail.com 818-294-0900



Debbie Ford <debbieford@outlook.com>

Inbox - c...reekfire.org

November 21, 2024 at 9:27 AM

Consolidation - Unification

To: ECFPD Board of Directors <board@elkcreekfire.org> & 1 more

[Details](#)

Dear Honorable Elk Creek Fire Protection District Board and Chief Ware,

I am writing to you today about the proposed unification based on the statutory process that you stated in Section 32-1-501(1.5), which allows for a fire protection district to initiate an exclusion of property at the Board level if another fire protection district agrees to immediately include that property. **An election is not required** if the district excluding the property has a higher mill levy than the district that is including the property.

Since this has been a controversial issue- even though the election isn't required, **I would highly recommend** that the community vote on a referendum to either approve or reject the proposed measure. This could help bring our community together.

I also want to thank Elk Creek Firefighters for their service to the Conifer community, which we directly benefited from. As I have mentioned before we donated a building to Elk Creek for firefighter training and had a good relationship with Elk Creek. Please reach out if you have any questions.

Sincerely,

Debbie Ford
Conifer, Colorado 80433



Bethany Urban <burban@elkcreekfire.org>

Fwd: Request for property exclusion from the North Fork FPD, or a new unified district

Barbara Stockton <bstockton@elkcreekfire.org>
To: Bethany Urban <burban@elkcreekfire.org>

Thu, Nov 21, 2024 at 11:55 AM

----- Forwarded message -----

From: **Gary and Marlys Fisk** <gfisk293@msn.com>

Date: Thu, Nov 21, 2024 at 11:31 AM

Subject: Request for property exclusion from the North Fork FPD, or a new unified district

To: bstockton@elkcreekfire.org <bstockton@elkcreekfire.org>

Gary Fisk
PO Box 1
Pine, CO 80470

Sent from Outlook



Letter to ECFPD requesting my properties be excluded from a unified new district Nov 21 2024.docx
19K

To: Elk Creek Fire Protection District, Board of Directors, bstockton@elkcreekfire.org
From: Gary and Marlys Fisk, property owners in the ECFPD
Date: Nov 21 2024
RE: Request for exclusion from the North Fork Fire District, and the proposed Conifer Fire Protection District.

We own three properties in Pine, CO, in the ECFPD located as follows:

2097 Woodside Dr,
2001 Woodside Dr, and
1669 Woodside Dr, Pine, CO.

We request that all of these properties not be removed from the ECFPD. The proposed new unification is proposed even though we, and the majority of property owners in ECFPD voted against consolidation at the general election, Nov, 2023. The proposed unification is perceived as a direct repudiation of the will of the voters, and if legal, it devalues the will of the voters. Our properties are better served as part of ECFPD than they would be as part of North Fork or any other fire district, Please respect the will of the voters, and not proceed with the proposed unification scheme. Unification should be submitted to the voters if the ECFPD has any desire to proceed. The need for haste to proceed with unification without a vote is arrogance and seems to serve management of the district at the expense of service to residents of the district,

Sincerely

Gary and Marlys Fisk
PO Box 1
Pine, CO 80470



Elaine Campbell <elaine.campbell9019@gmail.com>

Inbox - c...reekfire.org

November 21, 2024 at 4:19 PM

Protest of Consolidation

To: ECFPD Board of Directors <board@elkcreekfire.org>

I am in the Elk Creek Fire District and am furious that you are attempting to bypass the citizen-voted denial of your past attempt to consolidate.

Your actions make me question your determined motivations. What are the fire chiefs getting out of this??

What you are doing is underhanded and should be illegal.

Do NOT vote to consolidate!

Elaine Campbell
9019 William Cody Drive
Evergreen, CO 80439

NOVEMBER 27, 2024
ADDITIONAL EVIDENCE RELEVANT TO PETITIONERS' APPEAL

EXHIBIT AA

ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE (1)

ELK CREEK FIRE PROTECTION DISTRICT

2024 Budget Message
(Per Colorado Revised Statute 29-1-103(c))

Services

The Elk Creek Fire Protection District (District) is a governmental subdivision incorporated under the laws of the State of Colorado within Jefferson and Park Counties. The function of the District is to provide fire protection and emergency medical services.

Summary of significant accounting policies

The accounting policies of the District conform to U.S. generally accepted accounting principles applicable to governmental entities. The District's budget is based on a modified accrual basis.

Definition of reporting entity

The District follows the Governmental Accounting Standards Board (GASB) accounting pronouncements which provide guidance for determining which governmental activities, organization and functions should be included within the reporting entity. GASB pronouncements set forth the exercise of oversight responsibility by a governmental unit's elected officials as the basic criterion for including a possible component governmental agency in a governmental unit's reporting entity. Oversight responsibility includes, but is not limited to, selection of governing authority, ability to significantly influence operations, financial interdependency and accountability for fiscal matters.

The District does not exercise oversight responsibility over any other entity, nor is the District a component of any other governmental entity.

Important Features of the Budget

In accordance with the State Budget Law, the District's Board of Directors holds public hearings in the fall of each year to approve the budget and appropriate the funds for the ensuing year. The District's Board of Directors can modify the budget and appropriations resolutions upon completion of notification and publication requirements. The appropriation is at the total fund expenditure level and lapses at year end.

In 1996 by voter approval, the District was authorized to keep and spend excess revenues otherwise limited by TABOR and statutory limitations. The District continues to comply with remaining TABOR and state law provisions. It is the intention of the present Board of Directors to maintain at least \$100,000 in board directed emergency reserves in addition to TABOR reserves of 3%. The District generates revenues from property taxes, ambulance billings, and other income from fees and grants. Money is expended for fire suppression and training, administration, vehicle maintenance, EMS, and other District related expenses.

Encumbered accounting (open purchase orders, contracts in process and other commitments for the expenditures of funds in future periods) is not used by the District for budget or financial reporting purposes.

EXHIBIT AA

ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE (2)

**ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION TO ADOPT 2024 BUDGET
Resolution # 2023 12-1**

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE ELK CREEK FIRE PROTECTION DISTRICT, JEFFERSON AND PARK COUNTY COLORADO, FOR THE CALENDAR YEAR BEGINNING THE FIRST DAY OF JANUARY 2024, AND ENDING THE LAST DAY OF DECEMBER 2024.

WHEREAS, the Board Directors of the Elk Creek Fire Protection District has appointed Jacob Ware and Barbara Stockton to prepare and submit a proposed budget to the governing body of the District on or before December 14, 2023, and;

WHEREAS, Jacob Ware has submitted a proposed budget to the Board of Directors at the proper time for its consideration, and;

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 14, 2023 and interested taxpayers were given the opportunity to file or register objections to said proposed budget, and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues, or planned to be expended from reserves, so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Elk Creek Fire Protection District, Jefferson and Park Counties, Colorado:

Section 1. That the budget submitted, amended and hereinabove summarized hereby is approved and adopted as the budget of the Elk Creek Fire Protection District for the year stated above.

Section 2. That the budget hereby approved and adopted shall be signed by the President and Secretary of the Board of Directors and made a part of the public records of the Elk Creek Fire Protection District, Jefferson and Park County, Colorado.

ADOPTED, THIS 14th day of December, 2023.


Greg Pixley, Board President

CERTIFICATION

The undersigned secretary of the Elk Creek Fire Protection District certifies that the foregoing resolution is a true complete and correct copy of a Resolution of the Board of Directors of the Elk Creek Fire Protection District duly and regularly entered by the Board at its regularly scheduled meeting held on December 14th, 2023.


Melissa Baker, Secretary

EXHIBIT AA

ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE (3)

**ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION TO APPROPRIATE SUMS OF MONEY
Resolution # 2023 12-3**

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE ELK CREEK FIRE PROTECTION DISTRICT, COLORADO, FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of Directors has adopted the annual budget in accordance with the Local government Budget Law, on December 14, 2023, and:

WHEREAS, the Board of Directors has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and:

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues and reserves provided in the budget to and for the purposes described below, so as not to impair the operation of the District.

NOW, THEREFORE, BE IT RESOLVED by The Board of Directors of the Elk Creek Fire Protection District, Jefferson and Park Counties, Colorado:

That the following sums are hereby appropriated from the revenue and reserves of the Elk Creek Fire Protection District for the purposes stated:

General Fund: \$ 12,169,985

ADOPTED, THIS 14th day of December, 2023.



Greg Pixley, Board President

CERTIFICATION

The undersigned secretary of the Elk Creek Fire Protection District certifies that the foregoing resolution is a true complete and correct copy of a Resolution of the Board of Directors of the Elk Creek Fire Protection District duly and regularly entered by the Board at its regularly scheduled meeting held on December 14th, 2023.



Melissa Baker, Secretary

EXHIBIT AA

ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE (4)

**ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION TO SET MILL LEVIES
Resolution # 2023 12-2**

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2023 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE ELK CREEK FIRE PROTECTION DISTRICT, COLORADO, FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of Directors of the Elk Creek Fire Protection District has adopted the annual budget in accordance with the Local Government Budget Law, on December 14th, 2023, and:

WHEREAS, the amount of money necessary to balance the budget for general operating purposes is \$4,527,014 and:

WHEREAS, the 2023 valuation for assessment for the Elk Creek Fire Protection District as certified by the Jefferson County and Park County Assessors is \$352,161,144.

NOW, THEREFORE, BE IT RESOLVED by The Board of Directors of the Elk Creek Fire Protection District, Jefferson and Park Counties, Colorado:

Section 1. That for the purpose of meeting all general operating expenses of the Elk Creek Fire Protection District during the 2024 budget year, there is hereby levied a tax of 12.551 mills (12.5 General Operating mills and 0.051 Refunds and Abatement mills) upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2023.

Section 2. That the President is hereby authorized and directed to immediately certify to the County Commissioners of Jefferson County and Park County, Colorado, the mill levy for the Elk Creek Fire Protection District as herein above determined and set.

ADOPTED, THIS 14th day of DECEMBER, 2023


Greg Pixley, Board President

CERTIFICATION

The undersigned secretary of the Elk Creek Fire Protection District certifies that the foregoing resolution is a true complete and correct copy of a Resolution of the Board of Directors of the Elk Creek Fire Protection District duly and regularly entered by the Board at its regularly scheduled meeting held on December 14th, 2023.


Melissa Baker, Secretary

EXHIBIT AA

ELK CREEK FIRE PROTECTION DISTRICT 2024 BUDGET MESSAGE (5)

	2022 Final Budget	2022 Actuals	2023 Final Budget	2023 YTD Actuals	2024 Proposed Budget
Beginning Balance	\$4,038,625		\$5,800,199		\$5,810,471
REVENUES					
Tax Revenue					
PROPERTY TAXES	\$1,605,678	\$1,699,157	\$1,629,316	\$1,574,938	\$1,545,164
Specific Ownership Taxes	\$148,422	\$171,387	\$217,845	\$252,848	\$175,000
DELINQUENT TAXES					-\$10,000
Total Tax	\$1,954,100	\$1,970,544	\$1,847,161	\$1,827,786	\$1,810,164
Non Tax Revenue					
Net Ambulance Billings	\$176,499	\$197,521	\$198,000	\$195,009	\$195,000
CRF Wildfire Reimbursements	\$1,242,007	\$1,171,741	\$925,000	\$855,487	\$1,341,650
Grants	\$5,000	\$3,900	\$0	\$100,528	\$0
INTEREST INCOME	\$71,196	\$87,151	\$48,500	\$214,872	\$389,100
Lease Revenue	\$90,879	\$75,163	\$48,000	\$58,081	\$40,000
Mitigation Contracts	\$35,545	\$15,545	\$123,000	\$0	\$0
Other Income	\$70,620	\$12,874	\$23,000	\$43,402	\$15,000
Total Non Tax Revenue	\$1,841,455	\$1,873,834	\$1,546,500	\$1,756,639	\$1,891,150
Total Revenue	\$1,733,194	\$1,944,378	\$1,397,661	\$1,364,144	\$1,901,314
EXPENDITURES					
Expenses-Administration	\$134,540	\$189,710	\$1,054,300	\$471,830	\$712,700
Admin Labor		\$189,710		\$171,632	\$287,636
Expenses-CRFF	\$138,621	\$180,402	\$755,112	\$87,248	\$154,024
CRFF Labor		\$520,173		\$525,631	\$926,104
Expenses-ENG	\$302,095	\$120,088	\$881,106	\$128,838	\$138,800
ENG Labor		\$783,465		\$725,442	\$842,738
Expenses-Fire	\$811,127	\$149,144	\$667,470	\$190,143	\$130,800
Fire Labor		\$170,905		\$485,384	\$558,491
Expenses-Fire: Crew	\$35,478	\$0	\$17,200	\$85	\$19,800
Fire Labor		-\$5,514		-\$61,632	\$0
Expenses-Fire Stations	\$103,079	\$125,908	\$127,330	\$106,332	\$146,900
Expenses-Leases/Capital	\$190,152	\$103,158	\$278,000	\$103,442	\$165,000
Expenses-Maintenance	\$62,658	\$13,823	\$329,968	\$103,703	\$120,000
Maintenance Labor		\$48,412		\$51,059	\$131,757
Expenses-Prevention/PIO	\$81,588	\$68	\$137,994	\$1,721	\$23,150
Prevention Labor		\$65,760		\$141,246	\$171,864
Expenses-Training	\$58,187	\$4,475	\$257,494	\$83,030	\$114,100
Training Labor		\$19,446		\$146,141	\$175,176
Expenses-Wildland/Suppression	\$196,658	\$43,850	\$531,415	\$68,409	\$121,800
Wildland/Suppression Labor		\$60,354		\$51,834	\$51,917
Total Expenditures	\$1,791,180	\$4,346,734	\$5,388,609	\$4,751,948	\$5,261,104
TOTAL REVENUE IN EXCESS OF EXPENDITURES	\$1,764,276	\$1,157,804	\$7,272	\$811,196	\$1,340,410
Available Funds	\$1,803,199	\$1,157,804	\$5,868,871	\$611,196	\$6,350,881
RESERVES					
Labor Reserves	\$132,867		\$14,640		\$10,865
General Fund (Carryover) Reserves	\$500,000		\$530,000		\$500,000
Board Designated Reserves	\$100,000		\$138,000		\$100,000
Capital Reserve Fund Savings	\$750,000		\$1,008,000		\$1,850,000
Unrestricted Reserves	\$4,280,532		\$4,048,841		\$2,510,805
Total Reserves	\$1,803,199		\$5,868,871		\$6,350,881

EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (1)



NORTH FORK FIRE PROTECTION DISTRICT

PO Box 183
Buffalo Creek, CO 80425-0183
Phones 303-838-2270
Fax: 303-838-0412

LETTER OF BUDGET TRANSMITTAL

To: Division of Local Government
1313 Sherman Street, Room 521
Denver, CO 80203

Attached is the 2024 budget for North Fork Fire Protection District in Jefferson County and Douglas County submitted pursuant to Section 29-1-113, CRS. This budget was adopted on December 6, 2023. If there are any questions on the budget, please contact Treasurer Lisa Benevento at 303-838-2270 or at PO Box 183, Buffalo Creek, Colorado, 80425. The mill levy certified to the County Commissioners is 12.896 mills for all general operating purposes including pension funding (not included G.O. bonds and interest or contractual obligations approved at elections or levies for capital expenditures pursuant to CRS 29-2-301 or any other exempt revenue). Based on an assessed valuation of \$25,003,872 in Jefferson County and Douglas County, the property tax revenue is \$322,450. Although we are authorized to assess 12.896 mills plus Refunds and Revenue from Omitted Property, we have elected to forgo assessment for Refunds and Revenue from Omitted Property. This causes our total mill levy to remain at 12.896 mills.

I hereby certify that the enclosed are true and accurate copies of the budget, budget resolutions and certifications of tax levies to the Jefferson County and Douglas County Boards of County Commissioners.


Steven Brown, President 12/27/2023
Date

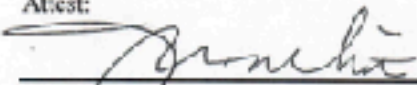
Attest:

Elinor White, Secretary 12-27-2023
Date

EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (2)

**North Fork Fire Protection District
2024 Budget**

	Actual 2022	Planned 2023	Proposed 2024
Revenues			
Taxes			
General Property Taxes	244,075	245,198	322,450
Specific Ownership Taxes	14,420	15,000	15,000
Intergovernmental	157,858	151,877	150,000
Charges for Services-EMS	146,056	110,000	110,000
Fund Raising, Grants, Donations	73,642	63,827	40,000
Wildland Reimbursements	0	0	0
Interest/Misc Other	15,441	28,000	20,000
Total Revenue	651,508	613,902	657,450
Beginning Fund Balance	781,737	971,089	979,737
Total Resources	1,433,240	1,584,991	1,637,187
Expenditures			
Administration and Fund Raising	283,037	321,600	375,450
EMS Billing Write-offs/Reductions	50,426	66,000	66,000
Fire Fighting	24,221	30,000	30,000
Emergency Medical Services	15,600	20,000	20,000
Training	7,410	5,000	5,000
Communications	15,761	20,000	20,000
Equipment Repairs & Maintenance	24,003	40,000	40,000
Stations, Buildings, Grounds	41,743	55,000	50,000
Capital Outlay- Building, Equipment, Reserves	0	47,654*	50,000**
Other	0		
Debt Services Payments			
Principal	0	0	0
Interest Expense	0	0	0
Total Expenditures	462,151	605,254	657,450
Year End Fund Balance Including Reserves	971,089	979,737	979,737
Labor Reserve (3% of fiscal year spending)	19,545	18,417	19,725

*cot upgrade

** extrication equipment

I, Steven Brown, President of North Fork Fire Protection District, certify that the attached is a true and accurate report of the 2024 Adopted Budget.

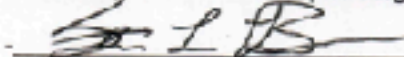


EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (3)

NORTH FORK FIRE PROTECTION DISTRICT

2024 BUDGET NARRATIVE

ITEM	DESCRIPTION
REVENUES	
General Property Taxes-Jefferson & Douglas Counties	12.896 Mills times assessed valuation of \$25,003,872
Specific Ownership Taxes-Jefferson & Douglas Counties	Estimate based on 2023 receipts
Interest	Interest earned on ColoTrust Account
FMS Revenue	Estimate based on 2023 and prior years
Contributions & Fund-Raising	Estimate based on prior years
Intergovernmental Payments	Estimate based on PILT Funds and DWD Contribution
EXPENDITURES	
Administration & Fund Raising	Based on 2023 expenses and future estimates
Fire Fighting	Based on 2023 expenses and future estimates
Emergency Medical Services	Based on 2023 experiences and future estimates
Training	Based on normal and additional training as needed
Communications	Estimated radio maintenance as needed
Equipment Repairs & Maintenance	Estimated normal and necessary expenses
Stations, Buildings, Grounds	Based on 2023 expenses and future estimates
CAPITAL EXPENDITURES	
Capital Outlay and Buildings & Equipment Reserves	Based on estimated replacements and improvements

2024 BUDGET MESSAGE

The North Fork Fire Protection District budget is designed to meet the service needs of our District. The District has one full-time and one part-time paid employee.

The following services are provided to the taxpayers of the District:

Fire Suppression, Fire Prevention, Emergency Medical Services and Transport, Rescue Services.
The services are provided from three stations: Buffalo Creek (St 1), Pine Grove (St 2), Trumbull (St 3).
The North Fork Fire Protection District uses a modified accrual basis of accounting.
Intergovernmental revenues include payments received from: Jefferson and Douglas Counties for PILT funds, Denver Water, and State of Colorado for some pension funds.

EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (4)

**RESOLUTION TO ADOPT BUDGET
RESOLUTION #1
12/06/2023**

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2024, AND ENDING ON THE LAST DAY OF DECEMBER 2024.

WHEREAS, the Board of Directors of the North Fork Fire Protection District has appointed Curt D. Rogers, Chief/CEO, to prepare and submit a proposed budget to said governing body at the proper time and;

WHEREAS, Curt D. Rogers, Chief/CEO, has submitted a proposed budget to this governing body on or before October 15, 2023, for its consideration and;

WHEREAS, upon due and prior notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 6, 2023 and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increases have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves so that the budget remains in balance, as required by law;

WHEREAS, pursuant to SB23B-001, if after adoption of a the budget, a Resolution making a transfer, supplemental appropriation, or revised appropriation is required due to the changes to the assessed valuation of properties within the North Fork Fire Protection District's boundaries pursuant to Senate Bill 23B-001, enacted in 2023, and Senate Bill 22-238, enacted in 2022, the Resolution does not need to comply with the Notice provision of C.R.S. §29-1-106, and does not constitute a change to the North Fork Fire Protection District's adopted budget requiring compliance with C.R.S. §29-1-109;

NOW, THEREFORE, BE IT RESOLVED BY the Board of Directors of the North Fork Fire Protection District, Jefferson and Douglas Counties, Colorado:

Section 1. That estimated expenditures for each fund are as follows:

General Fund	\$657,450
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Section 2. That estimated revenues for each fund are as follows:

General Fund	
From Reserve	\$979,737
From the general property tax levy	\$322,450
From sources other than general tax	\$335,000
Total General Fund	\$1,637,187

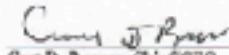
Section 1. That the budget as submitted, amended, and herein above summarized by fund, hereby is approved, and adopted as the budget of the North Fork Fire Protection District for the year stated above.

Section 2. That the budget hereby approved and adopted shall be signed by the President and Secretary of the District and made a part of the public records of the North Fork Fire Protection District of Jefferson and Douglas Counties, Colorado.

ADOPTED, December 06, 2023


Steven Brown, President

Attest: 
Elinor White, Secretary

Numbers finalized and revised by: 
Curt D. Rogers, Chief/CEO

12-27-2023
Date

EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (5)

**RESOLUTION TO SET MILL LEVIES
RESOLUTION #2
12/06/2023**

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2023, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO, FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of Directors of the North Fork Fire Protection District, has adopted the annual budget in accordance with the Local Government Budget Law, on December 6, 2023, and;

WHEREAS, the amount of money necessary to balance the budget for general operating purposes is \$322,450, and;

WHEREAS, the 2023 valuation assessment for the North Fork Fire Protection District as certified by the Jefferson County Assessor is \$21,430,612 and the Douglas County Assessor is \$3,573,260.

WHEREAS, the District has been authorized by its electors to adjust its mill levy to offset reductions in its revenue resulting from reductions of the Residential Assessment Rate from 7.2%, which Rate has been set for the year 2023 at 6.7%, and;

WHEREAS, the reduction of revenue resulting from a reduction of the Residential Assessment Rate is offset by multiplication of the regular mill levy of 12 by (7.20/6.7).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO

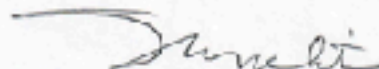
Section 1. That for the purpose of meeting all general operating expenses of the North Fork Fire Protection District during the 2024 budget year, there is hereby levied a tax of 12.896 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2023.

Section 2. That the President is hereby authorized and directed to immediately certify to the County Commissioners of Jefferson County, Colorado, and the County Commissioners of Douglas County, Colorado, the mill levies for the North Fork Fire Protection District as herein above determined and set based upon the final certification of valuation from the county assessors.

ADOPTED December 06, 2023.



Steven Brown, President



Elinor White, Secretary

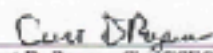
Numbers finalized and revised by:  12-27-2023
Curt D. Rogers, Chief/CEO Date

EXHIBIT BB

NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (6)

**RESOLUTION TO APPROPRIATE SUMS OF MONEY
RESOLUTION #3
12/06/2023**

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PUPOSE AS SET FORTH BELOW, FOR THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO, FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of Directors has adopted the annual budget in accordance with the Local Government Budget Law, on December 06, 2023; and;

WHEREAS, the Board of Directors has made provision therein for total resources in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues and reserves or fund balances provided in the budget to and for the purposes described below, thereby, establishing a limitation on expenditures for the operations of the District so as not to impair the operations of the District.

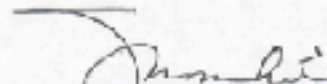
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO:


Section 1. That the following sums are hereby appropriated from the revenues of each fund, to the General Fund for the purposes stated:

General Fund	
Operations and Reserves	\$1,637,137

ADOPTED December 06, 2023.


Steven Brown, President


Elinor White, Secretary

Numbers finalized and revised by: 
Curt D. Rogers, Chief/CEO

12-22-2023
Date

EXHIBIT CC

NORTH FORK FPD BALLOT QUESTION 7D (1)

**NOTICE TO ALL REGISTERED VOTERS OF A COORDINATED
MAIL BALLOT ELECTION TO INCREASE TAXES ON A REFERRED MEASURE**

Election Date: Tuesday, November 6, 2018
Election Hours: 7:00 a.m. to 7:00 p.m.

Jon S. Pelegria, Designated Election Official
P.O. Box 183
Buffalo Creek, CO 80425
Telephone: (303) 838-2270
e-mail: jspelegria@yahoo.com

North Fork Fire Protection District
Jefferson County, Colorado

BALLOT ISSUE 7D

SHALL NORTH FORK FIRE PROTECTION DISTRICT TAXES INCREASE BY ZERO DOLLARS (\$0.00) IN 2019 AND THEREAFTER, AS IS NECESSARY TO OFFSET DECREASES IN THE GALLAGHER RESIDENTIAL ASSESSMENT RATE, SHALL THE DISTRICT BE AUTHORIZED ANNUALLY TO CONTINUE TO COLLECT SUCH REVENUE AS IS GENERATED BY THE CURRENT TAX RATE (2018 MILL LEVY MULTIPLIED BY 2018 RESIDENTIAL ASSESSMENT RATE, EXCLUSIVE OF REFUNDS, ABATEMENTS OR DEBT SERVICE) BY ADJUSTING THE MILL LEVY TO GENERATE THAT SAME TAX RATE, ALLOWING SUCH REVENUE TO BE COLLECTED, RETAINED AND SPENT AS VOTER APPROVED FOR THE DISTRICT'S GENERAL OPERATIONS AND CAPITAL EXPENSES RELATED TO FIRE PROTECTION, AMBULANCE, EMERGENCY MEDICAL AND RESCUE SERVICES, WITHOUT REGARD TO CONSTITUTIONAL OR STATUTORY LIMITATIONS INCLUDING THOSE CONTAINED IN ARTICLE X, SECTIONS 5, 5, AND 20 OF THE COLORADO CONSTITUTION?

District Fiscal Year Spending:

2018 (estimated)	\$457,430
2017 (audited)	\$523,731 (includes \$148,069 in one-time grants)
2016 (actual)	\$450,864
2015 (actual)	\$552,960
2014 (actual)	\$431,135

Overall percentage change in spending from 2014 to 2018:	13.05%
Overall dollar change in spending from 2014 to 2018:	\$36,295

Proposed District Tax Increase:

Estimated first full fiscal year maximum dollar amount of increase:	\$0.00
Estimated first full fiscal year spending without increase:	\$457,430

Summary of Written Comments "FOR" the Proposal:

Ballot Issue 7D tries to balance the needs of the fire, ambulance, rescue and search volunteers to have the equipment and supplies they need to be safe and to competently care for our community, its guests, and visitors while minimizing the tax impact on our residents and property owners in a fair

EXHIBIT CC

NORTH FORK FPD BALLOT QUESTION 7D (2)

manner. Because Ballot Issue 7D holds the tax collection rate steady at the 2018 level against all property, it permits an increase in tax revenues only when residential properties increase in value or are newly constructed and added to the tax rolls. Most of us expect inflation in all other financial aspects of our life and the Fire Department is entitled to receive revenues which keep up with inflation as this proposal allows. Our volunteers are highly qualified, if unpaid, professionals entitled to be appropriately supported.

Our forests are part of the treasure of Colorado. We must do all we can to help the fire departments protecting the forest. This measure says "yes" to raising the amount dedicated to firefighting when property values go up. The value of your property will increase even more with the slight increase in your tax bill. As a former member of a fire protection board I know fire departments use the money they get well. Training Emergency Medical Technicians, developing advanced location systems to help with rescues, finding ways to provide protection equipment for increasingly hot fires, improving communication between fire departments and buying equipment to help firefighters find and reach fires faster. Firefighters need funds to continue to protect the wildlands and rivers of Colorado. Please vote for Fire Ballot 7D to give firefighters the money they need. By voting "yes" you are helping protect your own home as well as the treasures of our state.

VOTE YES ON 7D.

Summary of Written Comments "AGAINST" the Proposal:

No comments against the proposal were filed by the Constitutional deadline.

January 10, 2025

VIA EMAIL

Jefferson County Board of County Commissioners
100 Jefferson County Parkway, Suite 5500
Golden, CO 80419
CAOLandUse@co.jefferson.co.us

Kimberly S. Sorrells
Jefferson County Attorney
ksorrell@co.jefferson.co.us

Neil Whitehead III
31634 Black Widow Way
Conifer, CO 80433
Neil3@q.com

Charles F (Chuck) Newby
8868 William Cody Drive
Evergreen, CO 80439
Cnewby.co@gmail.com

Re: Response to Record on Appeal of Elk Creek Fire Protection District Resolution No. 2024-09 Resolution and Order of Exclusion (North Fork Consolidation)

Dear Ms. Sorrell:

The Board of Directors of the Elk Creek Fire Protection District (“Board”) is in receipt of the December 20, 2024 letter regarding the procedure and associated schedule for the recently filed Appeal of Elk Creek Fire Protection District Resolution No. 2024-09 Resolution and Order of Exclusion (North Fork Consolidation) (the “Appeal”). Pursuant to its December 20, 2024 letter, the Jefferson County (“County”) Board of County Commissioners (“BCC”) provided the Elk Creek Fire Protection District (“District”) with 21 calendar days to submit additional documents to supplement the record, on or before January 10, 2025. This letter is sent as the District’s response and objections to the record for the Appeal (“Response”).

I. INTRODUCTION AND STATEMENT OF FACTS

The District is a Title 32 fire protection district in Colorado that serves property located in Jefferson and Park Counties. The District is one of three fire districts impacted by the proposed unification subject to this Appeal, alongside North Fork Fire Protection District (“North Fork”) and Inter-Canyon Fire Protection District (“Inter-Canyon”) (together, the “Districts”). The

Response and Objections to Record on Appeal
January 10, 2025
Page 2

Districts agreed to unify through the exclusion procedures set forth in § 32-1-501 *et seq.*, C.R.S. (“Exclusion Statute”) for the purpose of improving emergency services in the Districts’ service areas, including substantial portions of western Jefferson County.

On November 21, 2024, the Board held a public hearing to consider the adoption of Resolution 2024-09 (Exhibit 1 to this Response). Following the public hearing, the Board adopted Resolution 2024-09 in compliance with § 32-1-501(1.5) and § 32-1-501(4), C.R.S., which expressly include the findings required by § 32-1-501(3), C.R.S. (Exhibit 1, Eighth Whereas Finding). This Appeal was jointly filed by Dr. Neil Whitehead III and Mr. Charles F. (Chuck) Newby (“Appellants”), alleging a violation of the statutory requirement of C.R.S. § 32-1-501.¹ For purposes of this Response, the District focuses solely on defining the record on appeal pursuant to the statutory limitation contained in the Exclusion Statute.

II. RECORD ON APPEAL

The record for purposes of this Appeal is strictly limited by statute, and the BCC should limit their review solely to the “record developed at the hearing before the [District Board].” § 32-1-501(5)(b)(II), C.R.S. Accordingly, the District asserts that the record on appeal is limited to the (1) public hearing and written testimony from the public hearing on Resolution 2024-09 held November 21, 2024; (2) Board discussion of Resolution 2024-09 on November 21, 2024; and (3) Resolution 2024-09 itself, as approved by the Board, with all Exhibits. All other proposed documents or information are outside the scope of this Appeal under the Exclusion Statute and should not be considered.

Based on the statutory directive, the BCC must exclude all purported evidence or attachments from Appellants that does not come from the three categories identified in the paragraph above. Specifically, the BCC must exclude from its review the “Additional Evidence” attached to Appellants’ initial filing marked as Exhibits AA, BB, and CC. Similarly, the full Board Packet (Appellants’ Exhibit A) and full Board meeting recording (Appellants’ Exhibit B) are outside the scope of the limited record on appeal. The District asserts that only the portions of the Board Packet and meeting recording that relate to the public hearing on Resolution 2024-09 should be included in the record for this Appeal. The District agrees that Appellants’ Exhibit C is a representation of the written testimony received by the Board for purposes of the November 21, 2024 public hearing and should be included in the record.

Further, in its December 20, 2024 letter, the County indicated that the District’s Service Plan was not yet in the record. As a threshold matter, the District’s position is that the Service Plan is not a “record developed at the hearing before the special district board” and is therefore beyond the BCC’s statutory authority for review pursuant to § 32-1-501(5)(b)(II), C.R.S. In addition, the District was organized by Court Decree on December 4, 1948. The requirement for service plans was not added to Title 32 until the 1980s. Pursuant to § 32-1-208(1), C.R.S., for special districts

¹ The Appeal alleges three issues for BCC’s consideration; however, the BCC has determined that Issue No. 2 and Issue No. 3 are both outside the scope of statutory authority granted to the BCC to hear such issues, and as such shall not be considered. The District agrees with this conclusion.

that were organized without a service plan, a “statement of purpose” was to be filed with the county of organization on or before July 1, 1986. As such, the District does not have a “Service Plan” as that term is now defined and understood in Title 32. Furthermore, after reviewing the District’s files and checking with the County Archivist, the District has been unable to locate the historical record, but asserts in good faith that it was filed with the County at the time in compliance with the statutory requirement. Therefore, at this time, the District does not have a document to provide that meets the County’s request for a “Service Plan” in the December 20, 2024 letter, but reiterates that such document would be outside the scope of the record on appeal pursuant to the Exclusion Statute.

To ensure clarity in the District’s position on Appellants’ filings related to the record, the District provides the following responses to each of Appellants’ exhibits:

1. Exhibit A. November 2024 Elk Creek FPD Board of Directors Meeting Packet with Record of Director Newby Statement of Opposition.

RESPONSE. The District objects to the inclusion of the complete Elk Creek Meeting Packet on the grounds that it contains additional information unrelated to this Appeal that is outside the scope of permissible review. In the alternative, the District asserts that the only additional relevant documents from the meeting packet, that are not already included in the District’s Exhibit 1 or Appellants’ Exhibit C, is the Meeting Agenda and Mr. Newby’s Statement Opposing Approval of Resolution and Board Order of Exclusion. Those two documents are attached hereto as Exhibit 2 reflecting the relevant Board packet information.

2. Exhibit B. November 2024 Elk Creek FPD Board of Directors Meeting Audio/Video Recording Universal Resource Locator.

RESPONSE. The District objects to the inclusion of the complete audio/visual recording of the November 2024 Elk Creek FPD Board of Directors Meeting on the grounds that the complete recording is outside the scope of permissible review. In the alternative, the District submits the attached recording, as Exhibit 3, as a limited and appropriate alternative which describes the complete record regarding the public hearing on Resolution 2024-09 as well as the related Board discussion and vote. Exhibit 3 contains those relevant portions of the meeting recording, which occur between 00:15:16 and 01:34:20 of the complete meeting recording.

3. Exhibit C. November 2024 Elk Creek FPD Board of Directors Exclusion Order Hearing Public Correspondence.

RESPONSE. The District agrees that Appellants’ Exhibit C is a representation of the written testimony received by the Board for purposes of the November 21, 2024

hearing and, as such, is a record developed at the hearing before the special district board pursuant to § 32-1-501(5)(b)(II), C.R.S.

4. Additional Evidence relevant to Petitioners' claims for relief, including:

a. Exhibit AA: Elk Creek Fire Protection District 2024 Budget Message

RESPONSE: Pursuant to § 32-1-501(5)(b)(II), C.R.S., the District Objects to the consideration of Exhibit AA because the exhibit is not a “record developed at the hearing before the special district board” and is therefore outside the scope of statutory authority granted to the BCC. Further, the budget message is not relevant to the statutory factors described in § 32-1-501(3), C.R.S.

b. Exhibit BB: North Fork FPD Letter of Budget Transmittal 2924

RESPONSE: Pursuant to § 32-1-501(5)(b)(II), C.R.S., the District Objects to the consideration of Exhibit BB because the exhibit is not a “record developed at the hearing before the special district board” and is therefore outside the scope of statutory authority granted to the BCC. Further, the Letter of Budget Transmittal 2924 is not relevant to the statutory factors described in § 32-1-501(3), C.R.S. Finally, North Fork is not a party to this Appeal.

c. Exhibit CC: North Fork FPD Ballot Questions 7D

RESPONSE: Pursuant to § 32-1-501(5)(b)(II), C.R.S., the District Objects to the consideration of Exhibit CC because the exhibit is not a “record developed at the hearing before the special district board” and is therefore outside the scope of statutory authority granted to the BCC. Further, the budget message is not relevant to the statutory factors described in § 32-1-501(3), C.R.S. Finally, North Fork is not a party to this Appeal.

III. CONCLUSION.

For the foregoing reasons, the District respectfully requests that the BCC limit its review of the record for this Appeal to consider only the “record developed at the hearing before the special district board” § 32-1-501(5)(b)(II), C.R.S., which includes only the following, attached to this Response:

1. Resolution 2024-09 (Exhibit 1)
2. Relevant Board Packet Documents (Exhibit 2)
3. Recording of Public Hearing on Resolution 2024-09 (Exhibit 3)
4. Appellants' Exhibit C (attached hereto for convenience)



LYONS GADDIS
ATTORNEYS & COUNSELORS

Response and Objections to Record on Appeal
January 10, 2025
Page 5

Sincerely,

John Chmil, Esq.

Attorney for Elk Creek Fire Protection District

cc: Kristin Cisowski, Assistant County Attorney (kcisowsk@co.jefferson.co.us)

EXHIBIT 1

EXHIBIT 1

ELK CREEK FIRE PROTECTION DISTRICT

RESOLUTION NO. 2024-09

**RESOLUTION AND ORDER OF EXCLUSION
(North Fork Consolidation)**

WHEREAS, Elk Creek Fire Protection District (“Elk Creek”) presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, North Fork Fire Protection District (“North Fork” and Elk Creek and North Fork jointly the “Districts”) also presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, pursuant to the Pre-Consolidation Intergovernmental Agreement between the Districts, effective April 12, 2023, as amended by the First Amendment, Elk Creek wishes to take initial action to begin such consolidation utilizing the procedures available under Section 32-1-501(1.5), C.R.S.; and

WHEREAS, the Board of Directors of Elk Creek has determined that it is beneficial to exclude all the real property described on Exhibit A attached hereto and incorporated herein by this reference (“Property”) from Elk Creek pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4), C.R.S., on the condition that the Property thereafter immediately be included within North Fork; and

WHEREAS, on initial approval of this Resolution it is anticipated that by resolution, (“Inclusion Resolution”), North Fork will agree to include the Property into North Fork immediately after the effective date of the Court’s Order excluding the Property from Elk Creek, which Inclusion Resolution will be filed with the District Court of Jefferson County, Colorado, as required by Section 32-1-501(4)(a)(II)(B), C.R.S., and thereafter North Fork will provide the same services to the Property as provided by Elk Creek; and upon final approval of this Resolution a copy of the approved Inclusion Resolution will be and is attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, the mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. North Fork’s mill levy is equal to or less than the mill levy assessed by Elk Creek, and as a result, no election for the exclusion of the Property from Elk Creek and inclusion of the Property into North Fork is required pursuant to Section 32-1-501(4)(c)(I), C.R.S.; and

WHEREAS, Elk Creek has no outstanding obligations related to capital improvements which will remain obligations of the property owners within its boundaries until paid; and

WHEREAS, the Board of Directors, having reviewed all relevant information related thereto, hereby determines that:

A. The exclusion of the Property will be in the best interests of all of the following: (i) the Property itself; (ii) Elk Creek; and (iii) the counties in which Elk Creek is located;

B. The relative costs and benefits to the Property justify exclusion from Elk Creek and inclusion within North Fork;

C. The ability of Elk Creek to provide economical and sufficient service to both the Property and all of the properties within Elk Creek's boundaries are the same;

D. Elk Creek is able to provide services to the Property, but the costs of providing services by North Fork will be less than the cost of providing services solely by Elk Creek;

E. There will be no effect on employment and other economic conditions in Elk Creek and surrounding area if this Resolution is or is not finally adopted;

F. There will be no economic impact on the region or on Elk Creek, the surrounding area, or the state as a whole if this Resolution is or is not finally adopted;

G. There are no economically feasible alternative services available except from North Fork;

H. There will be no additional cost levied on other property within Elk Creek as a consequence of the exclusion; and

I. Elk Creek currently has no outstanding bonded indebtedness for which the Property is liable.

WHEREAS, on initial approval of this Resolution it is anticipated that letter notification of the public hearing of the Board of Directors to consider final adoption of this Resolution will be mailed to the fee owners of 100% of all the real property proposed to be excluded, as listed on the records of the County Assessor, not more than 45 days and no less than 30 days prior to such public hearing, pursuant to Section 32-1-501(1.5)(b)(I), C.R.S.; and upon final approval of this Resolution the Board will confirm and does hereby confirm such notice was provided as anticipated and required, as set forth in Exhibit C; and

WHEREAS, upon initial approval of this Resolution it is anticipated that the Board will provide notice of the public hearing to consider final adoption of this Resolution by publication in the Canyon Courier in Jefferson County, a newspaper of general circulation within Elk Creek, pursuant to Section 32-1-501(2), C.R.S.; and upon final approval of this Resolution the Board will confirm and does hereby confirm that such notice was published as anticipated and required and a copy of the notice will be and is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, the exclusion of the Property was initially considered by the Board of Directors at a meeting held September 26, 2024; and

WHEREAS, no person has filed a written objection to this exclusion except as will be noted in the minutes of the public meeting and hearing at which this Resolution is considered for final approval, and any written objection will be and as of final approval of this Resolution has been duly considered by the Board; and

WHEREAS, the exclusion of the Property is deemed in the best interest of the health and safety, prosperity, security and general welfare of the Property owners and inhabitants of the Property and of Elk Creek, and for the orderly and uniform administration of Elk Creek's affairs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Elk Creek Fire Protection District, pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4), C.R.S., hereby approves the exclusion of the Property from the boundaries of Elk Creek Fire Protection District; and

IT IS THEREFORE ORDERED that:

1. The Property described in Exhibit A attached hereto and incorporated herein shall be excluded from Elk Creek Fire Protection District.


2. The boundaries of Elk Creek Fire Protection District shall be altered by the exclusion of the Property.

3. Such exclusion shall be contingent upon the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing this District, having entered an Order that such real property be excluded from Elk Creek Fire Protection District, and thereafter the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing North Fork, immediately order the Property included within North Fork Fire Protection District, pursuant to Section 32-1-501(4)(b), C.R.S.

The foregoing Resolution and Order of Exclusion was initially adopted by a vote of 4 in favor and 1 against at a meeting of the Board of Directors of Elk Creek Fire

Protection District, duly called and held on September 26, 2024, at the hour of 6
p.m.

Elk Creek Fire Protection District

By: 
Greg Pixley, Chair

ATTEST:


Melissa Baker, Secretary

The foregoing Resolution and Order of Exclusion was finally adopted by a vote of 4 in
favor and 1 against at a meeting of the Board of Directors of Elk Creek Fire Protection
District, duly called and held on November 21, 2024, at the hour of 7:40 p.m.

Elk Creek Fire Protection District

By: 
Greg Pixley, Chairman

ATTEST:


Melissa Baker, Secretary

**EXHIBIT A TO
RESOLUTION AND ORDER OF EXCLUSION**

Description of Property to be Excluded

All real property located within the boundaries of the Elk Creek Fire Protection District.

EXHIBIT B TO
RESOLUTION AND ORDER OF EXCLUSION
North Fork Inclusion Resolution

NORTH FORK FIRE PROTECTION DISTRICT

RESOLUTION 2024-10/16 A

**A RESOLUTION AGREEING TO INCLUDE PROPERTY INTO THE NORTH
FORK FIRE PROTECTION DISTRICT
(Elk Creek Fire Protection District)**

WHEREAS, North Fork Fire Protection District (“North Fork”) presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, Elk Creek Fire Protection District (“Elk Creek”) also presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, North Fork and Elk Creek (jointly, the “Districts”) have entered into that Pre-consolidation Intergovernmental Agreement between the Districts, effective April 12, 2023, as amended by the First Amendment (“Pre-Consolidation Agreement”), in which Elk Creek, Inter-Canyon Fire Protection District, and North Fork have agreed to consolidate into the North Fork Fire Protection District; and

WHEREAS, the Pre-Consolidation Agreement sets forth a process for permanently integrating the Districts into a single fire protection district utilizing the procedures available under Section 32-1-501(1.5), C.R.S.; and

WHEREAS, the Board of Directors of Elk Creek has proposed that certain real property described on Exhibit A attached hereto and incorporated herein by this reference (“Property”) be excluded from Elk Creek pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4)(b), C.R.S., on the condition that the Property thereafter immediately be included within North Fork; and

WHEREAS, the Property is capable of being served by North Fork; and

WHEREAS, it is deemed to be in the best interest of North Fork and the taxpaying electors thereof that such Property be included within North Fork’s boundaries.

IT IS THEREFORE RESOLVED that the Board of Directors of the North Fork Fire Protection District, pursuant to the provisions of Sections 32-1-501(1.5)(a), hereby agrees to serve the Property and orders it be included into North Fork immediately after the effective date of an Order of the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing North Fork, excluding such Property from Elk Creek.

I certify that the foregoing Resolution Agreeing to Include Property into the North Fork Fire Protection District was unanimously passed at a meeting of the Board of Directors

of the North Fork Fire Protection District, duly called and held on October 16, 2024, at the hour of 1:00 p.m. and that the undersigned is the duly acting and authorized Chairman of the District.

NORTH FORK FIRE PROTECTION DISTRICT

By: 
Steven Brown, Chairman

ATTEST:

By: 
Elinor White, Secretary

EXHIBIT A TO RESOLUTION OF INCLUSION
(Description of Property to be Included)

All real property located within the boundaries of the Elk Creek Fire Protection District.

EXHIBIT C TO
RESOLUTION AND ORDER OF EXCLUSION
Mailed and Published Notice of Exclusion Hearing, Certificate of Mailing, and
Certificate of Publication

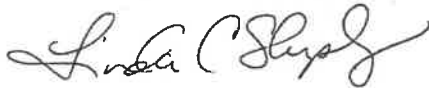
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

Elk Creek Fire Protection Dist (ccfw) **
c/o Collins Cole Winn Ulmer
165 Union Boulevard, Suite 785
Lakewood CO 80228

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Jefferson } ss

This Affidavit of Publication for the Canyon Courier, a weekly newspaper, printed and published for the County of Jefferson, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 10/17/2024, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



For the Canyon Courier

State of Colorado }
County of Jefferson } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Linda Shapley, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 10/17/2024. Linda Shapley has verified to me that she has adopted an electronic signature to function as her signature on this document.

20134029363-020373
Jean Schaffer
Notary Public
My commission ends January 16, 2028



Public Notice

ELK CREEK FIRE PROTECTION DISTRICT NOTICE OF PUBLIC HEARING TO CONSIDER A RESOLUTION INITIATING EXCLUSION PROCEEDINGS

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Directors of the Elk Creek Fire Protection District ("Elk Creek") has determined that it is in the best interest of the health and safety, prosperity, security and general welfare of the property owners and inhabitants of Elk Creek to consider excluding all real property currently located within the boundaries of the Elk Creek Fire Protection District (the "Property") on the condition that the Property thereafter immediately be included within North Fork Fire Protection District.

The Board of Directors of the Elk Creek Fire Protection District at its September 26, 2024, board meeting preliminarily adopted and will consider a final adoption of a Resolution initiating exclusion of the Property from the Elk Creek at a public hearing to be held on November 21, 2024, at 6:00 p.m., at Elk Creek Station 1 located at, 11993 Blackfoot Road, Conifer, Colorado.

The mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. If the Property is excluded from Elk Creek and included within North Fork the mill levy will be reduced by 0.500 mills, exclusive of refunds or abatements.

All interested parties may appear at such hearing to show cause in writing why such Resolution should not be finally adopted.

BY ORDER OF THE BOARD OF DIRECTORS
OF THE ELK CREEK FIRE PROTECTION
DISTRICT.

ELK CREEK FIRE PROTECTION DISTRICT

By: /s/ Melissa Baker, Secretary

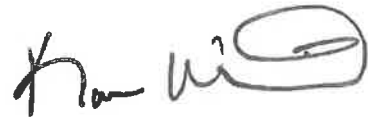
Legal Notice No. CAN 1678
First Publication: October 17, 2024
Last Publication: October 17, 2024
Publisher: Canyon Courier

CERTIFICATE OF MAILING

I hereby certify that the letter attached hereto as Exhibit A was mailed, by Gran Farnum Printing, to all property owners within the Elk Creek Fire Protection District between the dates of October 7 and October 22, 2024, which dates are not more than 45 days and no less than 30 days prior to such public hearing:

Kara Winters

Printed Name



Signature

November 20, 2024

Date

**ELK CREEK FIRE PROTECTION DISTRICT
NOTICE OF PUBLIC HEARING TO CONSIDER A
RESOLUTION INITIATING EXCLUSION PROCEEDINGS**

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Directors of the Elk Creek Fire Protection District (“Elk Creek”) has determined that it is in the best interest of the health and safety, prosperity, security and general welfare of the property owners and inhabitants of Elk Creek to consider excluding all real property currently located within the boundaries of the Elk Creek Fire Protection District (the “Property”) on the condition that the Property thereafter immediately be included within North Fork Fire Protection District.

The Board of Directors of the Elk Creek Fire Protection District at its September 26, 2024, board meeting preliminarily adopted and will consider a final adoption of a Resolution initiating exclusion of the Property from the Elk Creek at a public hearing to be held on November 21, 2024, at 6:00 p.m., at Elk Creek Station 1 located at, 11993 Blackfoot Road, Conifer, Colorado.

The mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. If the Property is excluded from Elk Creek and included within North Fork the mill levy will be reduced by 0.500 mills, exclusive of refunds or abatements.

All interested parties may appear at such hearing to show cause in writing why such Resolution should not be finally adopted.

BY ORDER OF THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT.

ELK CREEK FIRE PROTECTION DISTRICT

By: /s/ Melissa Baker
Secretary

EXHIBIT 2

EXHIBIT 2

NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS MEETING PACKET WITH RECORD OF DIRECTOR NEWBY STATEMENTS OF OPPOSITION

**Elk Creek Fire Protection District
Board of Directors**

Regular Meeting Agenda

Thursday, November 21, 18:00hr

In person and Via Zoom

(located on ECFPD website)

Due to the substantive action items and public hearings scheduled for the meeting, the Board has suspended all normal business and will have a limited Agenda as noted below. All normal business will be tabled until the December meeting

I.Call to order

II.Pledge of Allegiance

III.Moment of Silence for Fallen Responders

IV.Roll call of Board members

V.Additions or Deletions to, and Approval of the Agenda

→ *Public Comment*
VI 2024-11-21 Resolution Concerning the Adoption of a Budget and Appropriation of Funds for Fiscal Year 2025, Budget Hearing

VII 2024-11-21-2 Resolution to set Mill Levies

VIII 2024-11 Resolution Transferring Assets and Delegating Authority

IX 2024-09 Resolution and Order of Exclusion, North Fork Unification Hearing

X Adjournment

ELK CREEK FIRE PROTECTION DISTRICT

RESOLUTION NO. 2024-09

**RESOLUTION AND ORDER OF EXCLUSION
(North Fork Consolidation)**

WHEREAS, Elk Creek Fire Protection District (“Elk Creek”) presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, North Fork Fire Protection District (“North Fork” and Elk Creek and North Fork jointly the “Districts”) also presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, pursuant to the Pre-Consolidation Intergovernmental Agreement between the Districts, effective April 12, 2023, as amended by the First Amendment, Elk Creek wishes to take initial action to begin such consolidation utilizing the procedures available under Section 32-1-501(1.5), C.R.S.; and

WHEREAS, the Board of Directors of Elk Creek has determined that it is beneficial to exclude all the real property described on Exhibit A attached hereto and incorporated herein by this reference (“Property”) from Elk Creek pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4), C.R.S., on the condition that the Property thereafter immediately be included within North Fork; and

WHEREAS, on initial approval of this Resolution it is anticipated that by resolution, (“Inclusion Resolution”), North Fork will agree to include the Property into North Fork immediately after the effective date of the Court’s Order excluding the Property from Elk Creek, which Inclusion Resolution will be filed with the District Court of Jefferson County, Colorado, as required by Section 32-1-501(4)(a)(II)(B), C.R.S., and thereafter North Fork will provide the same services to the Property as provided by Elk Creek; and upon final approval of this Resolution a copy of the approved Inclusion Resolution will be and is attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, the mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. North Fork’s mill levy is equal to or less than the mill levy assessed by Elk Creek, and as a result, no election for the exclusion of the Property from Elk Creek and inclusion of the Property into North Fork is required pursuant to Section 32-1-501(4)(c)(I), C.R.S.; and

WHEREAS, Elk Creek has no outstanding obligations related to capital improvements which will remain obligations of the property owners within its boundaries until paid; and

WHEREAS, the Board of Directors, having reviewed all relevant information related thereto, hereby determines that:

A. The exclusion of the Property will be in the best interests of all of the following: (i) the Property itself; (ii) Elk Creek; and (iii) the counties in which Elk Creek is located;

B. The relative costs and benefits to the Property justify exclusion from Elk Creek and inclusion within North Fork;

C. The ability of Elk Creek to provide economical and sufficient service to both the Property and all of the properties within Elk Creek's boundaries are the same;

D. Elk Creek is able to provide services to the Property, but the costs of providing services by North Fork will be less than the cost of providing services solely by Elk Creek;

E. There will be no effect on employment and other economic conditions in Elk Creek and surrounding area if this Resolution is or is not finally adopted;

F. There will be no economic impact on the region or on Elk Creek, the surrounding area, or the state as a whole if this Resolution is or is not finally adopted;

G. There are no economically feasible alternative services available except from North Fork;

H. There will be no additional cost levied on other property within Elk Creek as a consequence of the exclusion; and

I. Elk Creek currently has no outstanding bonded indebtedness for which the Property is liable.

WHEREAS, on initial approval of this Resolution it is anticipated that letter notification of the public hearing of the Board of Directors to consider final adoption of this Resolution will be mailed to the fee owners of 100% of all the real property proposed to be excluded, as listed on the records of the County Assessor, not more than 45 days and no less than 30 days prior to such public hearing, pursuant to Section 32-1-501(1.5)(b)(I), C.R.S.; and upon final approval of this Resolution the Board will confirm and does hereby confirm such notice was provided as anticipated and required, as set forth in Exhibit C; and

WHEREAS, upon initial approval of this Resolution it is anticipated that the Board will provide notice of the public hearing to consider final adoption of this Resolution by publication in the Canyon Courier in Jefferson County, a newspaper of general circulation within Elk Creek, pursuant to Section 32-1-501(2), C.R.S.; and upon final approval of this Resolution the Board will confirm and does hereby confirm that such notice was published as anticipated and required and a copy of the notice will be and is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, the exclusion of the Property was initially considered by the Board of Directors at a meeting held September 26, 2024; and

WHEREAS, no person has filed a written objection to this exclusion except as will be noted in the minutes of the public meeting and hearing at which this Resolution is considered for final approval, and any written objection will be and as of final approval of this Resolution has been duly considered by the Board; and

WHEREAS, the exclusion of the Property is deemed in the best interest of the health and safety, prosperity, security and general welfare of the Property owners and inhabitants of the Property and of Elk Creek, and for the orderly and uniform administration of Elk Creek's affairs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Elk Creek Fire Protection District, pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4), C.R.S., hereby approves the exclusion of the Property from the boundaries of Elk Creek Fire Protection District; and

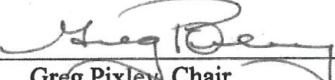
IT IS THEREFORE ORDERED that:

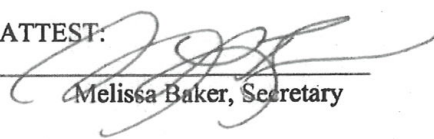
1. The Property described in Exhibit A attached hereto and incorporated herein shall be excluded from Elk Creek Fire Protection District.
2. The boundaries of Elk Creek Fire Protection District shall be altered by the exclusion of the Property.
3. Such exclusion shall be contingent upon the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing this District, having entered an Order that such real property be excluded from Elk Creek Fire Protection District, and thereafter the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing North Fork, immediately order the Property included within North Fork Fire Protection District, pursuant to Section 32-1-501(4)(b), C.R.S.

The foregoing Resolution and Order of Exclusion was initially adopted by a vote of 4 in favor and 1 against at a meeting of the Board of Directors of Elk Creek Fire

Protection District, duly called and held on September 26, 2024, at the hour of 6
p.m.

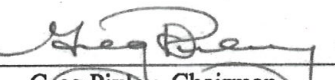
Elk Creek Fire Protection District

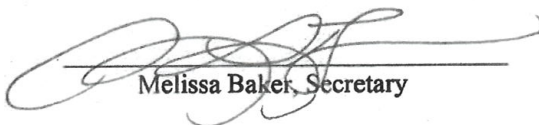
By: 
Greg Pixley, Chair

ATTEST: 
Melissa Baker, Secretary

The foregoing Resolution and Order of Exclusion was finally adopted by a vote of ___ in
favor and ___ against at a meeting of the Board of Directors of Elk Creek Fire Protection
District, duly called and held on November 21, 2024, at the hour of _____ p.m.

Elk Creek Fire Protection District

By: 
Greg Pixley, Chairman

ATTEST: 
Melissa Baker, Secretary

**EXHIBIT A TO
RESOLUTION AND ORDER OF EXCLUSION**

Description of Property to be Excluded

All real property located within the boundaries of the Elk Creek Fire Protection District.

**EXHIBIT B TO
RESOLUTION AND ORDER OF EXCLUSION
North Fork Inclusion Resolution**

EXHIBIT C TO
RESOLUTION AND ORDER OF EXCLUSION
Mailed and Published Notice of Exclusion Hearing, Certificate of Mailing, and
Certificate of Publication

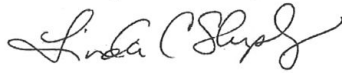
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

Elk Creek Fire Protection Dist (ccfw) **
c/o Collins Cole Winn Ulmer
165 Union Boulevard, Suite 785
Lakewood CO 80228

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Jefferson } ss

This Affidavit of Publication for the Canyon Courier, a weekly newspaper, printed and published for the County of Jefferson, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 10/17/2024, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



For the Canyon Courier

State of Colorado }
County of Jefferson } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Linda Shapley, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 10/17/2024. Linda Shapley has verified to me that she has adopted an electronic signature to function as her signature on this document.

20134029363-020373
Jean Schaffer
Notary Public
My commission ends January 16, 2028



Public Notice

ELK CREEK FIRE PROTECTION DISTRICT NOTICE OF PUBLIC HEARING TO CONSIDER A RESOLUTION INITIATING EXCLUSION PROCEEDINGS

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Directors of the Elk Creek Fire Protection District ("Elk Creek") has determined that it is in the best interest of the health and safety, prosperity, security and general welfare of the property owners and inhabitants of Elk Creek to consider excluding all real property currently located within the boundaries of the Elk Creek Fire Protection District (the "Property") on the condition that the Property thereafter immediately be included within North Fork Fire Protection District.

The Board of Directors of the Elk Creek Fire Protection District at its September 26, 2024, board meeting preliminarily adopted and will consider a final adoption of a Resolution initiating exclusion of the Property from the Elk Creek at a public hearing to be held on November 21, 2024, at 8:00 p.m., at Elk Creek Station 1 located at, 11993 Blackfoot Road, Conifer, Colorado.

The mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. If the Property is excluded from Elk Creek and included within North Fork the mill levy will be reduced by 0.500 mills, exclusive of refunds or abatements.

All interested parties may appear at such hearing to show cause in writing why such Resolution should not be finally adopted.

BY ORDER OF THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT.

ELK CREEK FIRE PROTECTION DISTRICT

By: /s/ Melissa Baker, Secretary

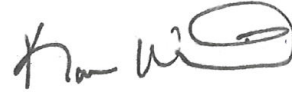
Legal Notice No. CAN 1678
First Publication: October 17, 2024
Last Publication: October 17, 2024
Publisher: Canyon Courier

CERTIFICATE OF MAILING

I hereby certify that the letter attached hereto as Exhibit A was mailed, by Gran Farnum Printing, to all property owners within the Elk Creek Fire Protection District between the dates of October 7 and October 22, 2024, which dates are not more than 45 days and no less than 30 days prior to such public hearing:

Kara Winters

Printed Name



Signature

November 20, 2024

Date

**ELK CREEK FIRE PROTECTION DISTRICT
NOTICE OF PUBLIC HEARING TO CONSIDER A
RESOLUTION INITIATING EXCLUSION PROCEEDINGS**

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Directors of the Elk Creek Fire Protection District (“Elk Creek”) has determined that it is in the best interest of the health and safety, prosperity, security and general welfare of the property owners and inhabitants of Elk Creek to consider excluding all real property currently located within the boundaries of the Elk Creek Fire Protection District (the “Property”) on the condition that the Property thereafter immediately be included within North Fork Fire Protection District.

The Board of Directors of the Elk Creek Fire Protection District at its September 26, 2024, board meeting preliminarily adopted and will consider a final adoption of a Resolution initiating exclusion of the Property from the Elk Creek at a public hearing to be held on November 21, 2024, at 6:00 p.m., at Elk Creek Station 1 located at, 11993 Blackfoot Road, Conifer, Colorado.

The mill levy assessed by North Fork against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, exclusive of any mill levy for refunds or abatements, is currently 12.500 mills. If the Property is excluded from Elk Creek and included within North Fork the mill levy will be reduced by 0.500 mills, exclusive of refunds or abatements.

All interested parties may appear at such hearing to show cause in writing why such Resolution should not be finally adopted.

BY ORDER OF THE BOARD OF DIRECTORS OF THE ELK CREEK FIRE PROTECTION DISTRICT.

ELK CREEK FIRE PROTECTION DISTRICT

By: /s/ Melissa Baker
Secretary

NORTH FORK FIRE PROTECTION DISTRICT

RESOLUTION 2024-10/16 A

**A RESOLUTION AGREEING TO INCLUDE PROPERTY INTO THE NORTH
FORK FIRE PROTECTION DISTRICT
(Elk Creek Fire Protection District)**

WHEREAS, North Fork Fire Protection District (“North Fork”) presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, Elk Creek Fire Protection District (“Elk Creek”) also presently provides fire protection and emergency medical services to property owners and inhabitants within its boundaries; and

WHEREAS, North Fork and Elk Creek (jointly, the “Districts”) have entered into that Pre-consolidation Intergovernmental Agreement between the Districts, effective April 12, 2023, as amended by the First Amendment (“Pre-Consolidation Agreement”), in which Elk Creek, Inter-Canyon Fire Protection District, and North Fork have agreed to consolidate into the North Fork Fire Protection District; and

WHEREAS, the Pre-Consolidation Agreement sets forth a process for permanently integrating the Districts into a single fire protection district utilizing the procedures available under Section 32-1-501(1.5), C.R.S.; and

WHEREAS, the Board of Directors of Elk Creek has proposed that certain real property described on Exhibit A attached hereto and incorporated herein by this reference (“Property”) be excluded from Elk Creek pursuant to the provisions of Sections 32-1-501(1.5) and 32-1-501(4)(b), C.R.S., on the condition that the Property thereafter immediately be included within North Fork; and

WHEREAS, the Property is capable of being served by North Fork; and

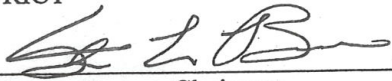
WHEREAS, it is deemed to be in the best interest of North Fork and the taxpaying electors thereof that such Property be included within North Fork’s boundaries.

IT IS THEREFORE RESOLVED that the Board of Directors of the North Fork Fire Protection District, pursuant to the provisions of Sections 32-1-501(1.5)(a), hereby agrees to serve the Property and orders it be included into North Fork immediately after the effective date of an Order of the District Court of Jefferson County, Colorado, in which Court an Order was entered establishing North Fork, excluding such Property from Elk Creek.

I certify that the foregoing Resolution Agreeing to Include Property into the North Fork Fire Protection District was unanimously passed at a meeting of the Board of Directors

of the North Fork Fire Protection District, duly called and held on October 16, 2024, at the hour of 1:00 p.m. and that the undersigned is the duly acting and authorized Chairman of the District.

NORTH FORK FIRE PROTECTION
DISTRICT

By: 
Steven Brown, Chairman

ATTEST:

By: 
Elinor White, Secretary

EXHIBIT A TO RESOLUTION OF INCLUSION
(Description of Property to be Included)

All real property located within the boundaries of the Elk Creek Fire Protection District.

{00689496.DOCX / }

3

ELK CREEK FIRE PROTECTION DISTRICT
STATEMENT OPPOSING APPROVAL
OF
RESOLUTION AND ORDER OF EXCLUSION

November 21, 2024

After due diligence, for the following reasons, I oppose adoption of this Resolution and Order of Exclusion (North Fork Consolidation) (the "consolidation plan"):

1. During the November 2023 ballot election, by a vote of 51% NO and 49% YES, Elk Creek FPD voters rejected the consolidation plan proposed by the District. Critically, the current consolidation plan ignores and subverts the will of the Elk Creek FPD voters who rejected consolidation at the ballot box, a situation that will undermine local democracy going forward.
2. The current consolidation plan will move property from the Elk Creek FPD—which operates at a lesser authorized mill levy rate of 12.551 mills—into North Fork FPD which operates at a greater authorized mill levy rate of 12.896 mills, without a vote by the Elk Creek FPD electorate, as required by law. Therefore, the proposed consolidation plan violates both Section 20 of Article X of the Colorado Constitution and Title 32 Special Districts Act of the Colorado Revised Statutes.
3. The Elk Creek FPD Board of Directors has failed to make the findings necessary for approval of the proposed exclusion/inclusion of real property within District as set forth in Title 32-1-501 of the Colorado Revised Statutes.

Sincerely,

Chuck Newby
Director, Elk Creek FPD



Elk Creek FPD
C. Newby, Director
cnewby@elkcreekfire.org

1 of 1

-final-
November 21, 2024

EXHIBIT 3

[PLACEHOLDER]

EXHIBIT 3 – RECORDING OF PUBLIC HEARING ON RESOLUTION 2024-09

The recording of the Public Hearing on Resolution 2024-09 can be found at the following link for the Board of County Commissioners Hearing dated April 8th, 2025.

<https://pub-jeffco.escribemeetings.com/>

EXHIBIT 4

EXHIBIT 4
**NOVEMBER 2024 ELK CREEK FPD BOARD OF DIRECTORS EXCLUSION ORDER HEARING PUBLIC
CORRESPONDENCE**

Remarks Before the Elk Creek FPD Board of Directors
Special Hearing in Advance of Board vote on Resolution NO 2024-09
November 21, 2024

Neil Whitehead, III Resident & Property Owner of ECFPD since 1998
31634 Black Widow Way Conifer CO 80433
303-618-6721 neil3@g.com

**STATEMENT OF OPPOSITION TO UNIFICATION AND “ELK CREEK FPD
RESOLUTION NO 2024-09 -- RESOLUTION AND ORDER OF EXCLUSION”**

VIA -- Hand Delivery to Board members

Good Evening Board Members,

In November 2023, 3,057 voters of the Elk Creek Fire Protection District [FPD] rejected Consolidation with the North Fork FPD and the Inter-Canyon FPD -- winning by 132 votes. In our Exceptional Nation, the results at the ballot box are to be accepted – Without Exception.

The three Fire Districts accepted defeat and went away to lick their wounds. BUT, WAITon November 15, 2023 (eight days after the Election), two of the Three Fire Chiefs got up on the stage at the Conifer Area Council Town Hall meeting and declared that the defeat was a “bump in the road [to Consolidation]” and here we are today.

According to the Pre-Consolidation Agreement, the three Districts can have as many attempts to bite the apple of Consolidation as they want. I fully expected another ballot box attempt and soon.

I did not know it at the time -- what could not be achieved at the Ballot Box would be attempted to be taken by brute force through another “legal” mechanism. This is clearly Democracy denied. The End DOES NOT justify the Means.

I was dumbfounded when out of the blue, in August 2024, the Three Chiefs decided to override the Voter's decision and not just stifle but eliminate political opposition by going the route of an "annexation" where North Fork annexes Inter-Canyon and Elk Creek and simultaneously Elk Creek and Inter-Canyon convey their properties to North Fork. Then, at some point North Fork renames itself as the Conifer Fire Protection District. (to be headquartered in the Morrison zip code). The Three Boards followed the Chiefs lead.

Clearly, the Three Fire Districts are afraid to put this Unification/Consolidation question before the Voters again and found a way to attempt to "legally" bypass the ballot box.

What am I asking for?

Stop the unification = consolidation process – until the electors give permission [if they ever do]. The central premise of Democracy is that the Governors [in this case the Elk Creek Board] accept the will of the voters who rejected consolidation in November 2023. Place Unification/Consolidation on the ballot again in May or November 2025.

Even voters in the Elk Creek FPD who are for Unification/Consolidation should be appalled at the brutish attempt to override the will of the Voters.

That portion of TABOR that requires the approval by voters of a Tax Increase seems to be sacred to Colorado voters. The attempt here to override the will of voters just a year later – pretending tonight it never happened is not acceptable.

Unification / Consolidation is a highly contentious issue. At least one more vote on this question is essential to the democratic process. I believe the County Commissioners and the District Judge will agree.

Here are the main reasons why I think residents of the Elk Creek FPD rejected consolidation, and these reasons still hold for "unification."

- 1.) The Elk Creek FPD is the last bit of Local Government in this part of unincorporated Jefferson County and consolidation would mean the loss of local control. BIGGER government is NOT BETTER government.
- 2.) Elk Creek FPD has a population of about 17,000 and a property valuation of about \$365 million. The other two Districts combined have a population of about 7,000 and a property valuation of about \$208 million. Emergency services in the early years of the consolidation run the risk of being diluted for Elk Creek District residents.
- 3.) Vaguely defined plans for Unification/Consolidation – basically a blank check.

I am worried that the Elk Creek board's reckless behavior will negatively impact the ability of the Elk Creek FPD to obtain mill levy increases in the future.

In 2019, voters approved a 5 mill levy increase by 66% in both Jefferson and Park Counties. In November 2023, the conversion of an expiring 2.5 mill levy to permanent status got 60% of the vote and the mill levy increase yoked to a YES on consolidation, only got 48%.

I ask each Board Member, during deliberations for this Resolution, if voting YES, to present their reason for overriding the will of the Voters of the Elk Creek FPD in November 2023.

It is my opinion that the decision to override the ballot box constitutes folly and will be seen by the Commissioners, the Court, and the electors of the Elk Creek Fire Protection District as such.

If Unification does come to pass -- when the inevitable mill levy appears on the ballot, you the Board are risking loss of that ballot issue because of your brutish treatment of the voters in this matter tonight. Think about it.

What is going on here is clearly unconstitutional.

Unconstitutional actions take place all the time. But, it takes money to hire lawyers to fight for Justice. Knowledge of this fact is probably baked into the strategy of the Three Districts which have essentially endless taxpayer money to spend on legal. Opponents do not.

For me, it is a foregone conclusion that my pleadings this evening will be ignored. But, I will have participated in the struggle of keeping our magnificent and glorious Republic and Democracy intact and that is of great importance to me.

I object to my property at 31634 Black Widow Way to being excluded from the Elk Creek Fire Protection District. Please place this letter in the Official Record of the hearing.

###

Neil H. Whitehead, III has been a resident of the Elk Creek FPD since 1998. In 2013 he was a founding member of the issue committee, "Friends of Elk Creek." The Committee advocated for a 2.5 mill levy increase that won voter approval. In 2019, Neil led the Friends of Elk Creek effort for a 5 mill levy increase. This increase was approved by 66% of the voters. In 2023, Neil was a member of the issue committee, "Save Elk Creek Fire." The Committee did save Elk Creek Fire from Consolidation.

11/21/2024 final

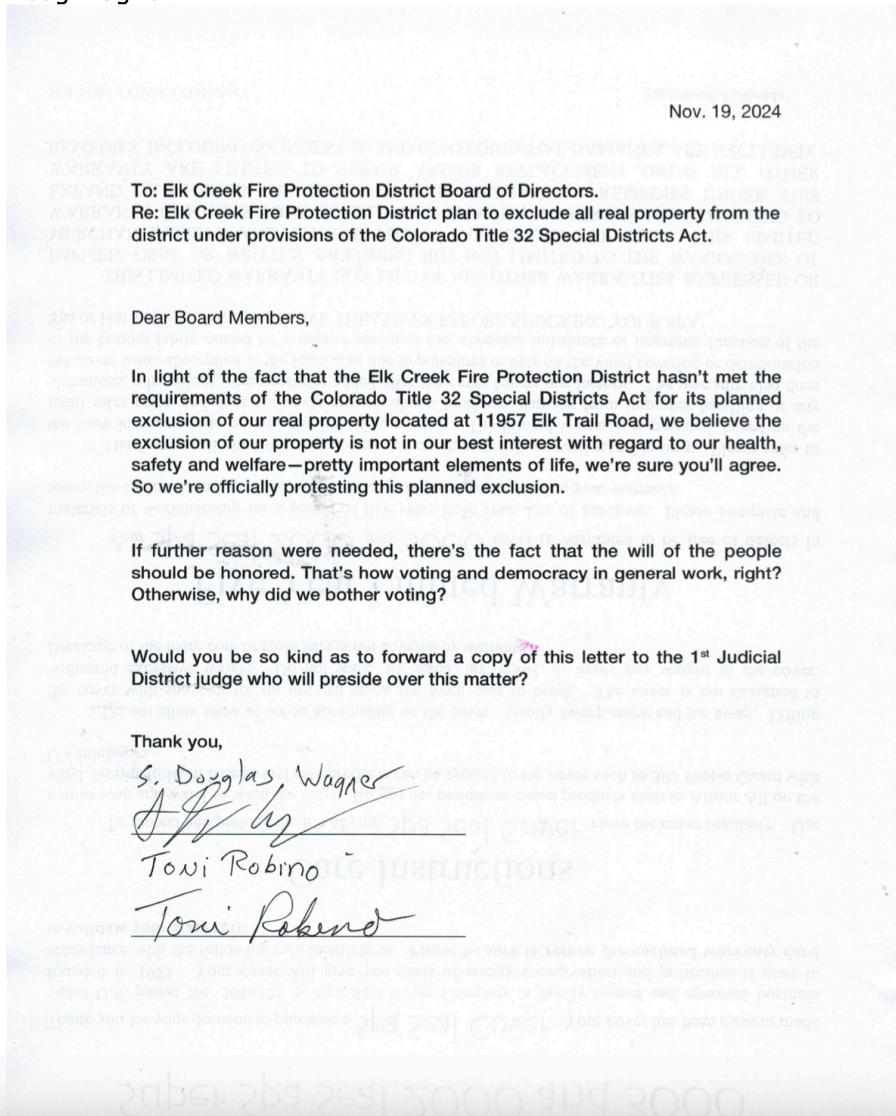


Doug Wagner <sdwmmwejw@gmail.com>
 unification
 To: ECFPD Board of Directors <board@elkcreekfire.org>

November 19, 2024 at 1:23 PM

Attached please find a letter regarding the proposed unification plan.

Doug Wagner





Dean Stansbury <hnuenergy@hotmail.com>

Inbox - c...reekfire.org November 16, 2024 at 8:44 AM

Elk Creek Fire Protection Districts Issues

Hide

To: John Chmil <JChmil@lyonsgaddis.com>, Melissa Baker <mbaker@elkcreekfire.org>, Sharon Woods <swoods@elkcreekfire.org>, Dominique Devaney <ddevaney@elkcreekfire.org>, Greg Pixley <gregpixley@gmail.com>, Chuck Newby <cnewby@elkcreekfire.org>, Fire Chief Jacob Ware <jware@elkcreekfire.org>

Hello Mr. Chmil and others,

Please be advised that there are at least two legal actions in Jefferson County District Court against Elk Creek Fire Protection District that relate directly to issues of the consolidation plan:

1)The recent letter to all residence in all districts regarding a resolution initiating exclusion proceedings.

I plan to present evidence to the Court that this letter represents a misrepresentation of material fact (false report) and should be considered as a violation of the property owner's rights under the Tabor Amendment. Additionally judging from the significant adjustment in Fire Protection Services in the three Districts, mailing a letter with a very confusing explanation, **is not proper or legal notification.**

2)Elk Creek FPD has a documented history of imposing regressive taxation on property owners with poor quality & diminished services.

I plan to produce evidence in courts to demonstrate that the tax payers do not substantially benefit from the excessive mil levy or the increases in revenue from property valuations.

3)Lyons & Gaddis is directly culpable for any damage that results from this failed attempt to burden the property owner in what appears to be fraudulent conduct (including misuse of public funds) by the several board members of Elk Creek Fire Protection District and Fire Chief Jacob Ware.

I plan to produce evidence that demonstrates that Elk Creek used intimidation tactics to affect the results of the Consolidation Ballot Measure in 2023, as well as many voter irregularities.

4)Elk Creek FPD board of directors has acted beyond its original charter, scope of authority and mission.

I plan to produce evidence to the court that all Fire Protection Districts have failed in their responsibility to the community and funding is not commiserate with their performance.

Therefore, I recommend that the scheduled vote on exclusion proceedings be postponed until you have clear instruction from the Jefferson County District Court.

If you have any plans to do otherwise, I will request a Contempt Citation from the Court.

Sincerely,
Dean Stansbury



Pam Rothman <pammur1708@gmail.com>

Inbox - c...reekfire.org

November 21, 2024 at 9:16 AM

Unification

To: ECFPD Board of Directors <board@elkcreekfire.org>

We want to believe the District is acting in the best interests of the community, both on the unification issue now, and on any other issues in the future. However, we disagree on how the unification decision is being decided. We believe all such impactful decisions should be decided through a PUBLIC vote. Regardless of our position on this unification matter, we hope we will be able to make our voices heard via PUBLIC vote in all future important issues which impact our Community.

Thank you,

Murray and Pam Rothman



Bethany Urban <burban@elkcreekfire.org>

To the Board

Marco Pesce <marcopesce1957@gmail.com>
To: info@elkcreekfire.org

Sun, Nov 17, 2024 at 7:05 AM

My name is Mark Fisher. I have been a local residents since 1982. I've had several positive interactions with Elk Creek Fire and found our volunteers to be first rate. Our family have been evacuated as a result of wildfires and have actually assisted the ECFPD when a lightning strike started a fire near our property. (The responding volunteers were a bit delayed and we had the small grass fire out before they arrived)

When making decisions I look analytically at the pros and cons of every proposal and make my choices based on fact rather than silly cartoons, speculation or hearsay. As a retired career public safety professional (41 years at the county and state level), who has worked closely with consolidated and smaller fire protection agencies, I can attest to only what I've seen firsthand. Those consolidated agencies I've worked with have had higher levels of professionalism, seamless multi-agency emergency response, consistency in training, and lessened response time because of on-duty staffing. In my opinion, the proposed mountain area fire department consolidation would result in all of these improvements, which are a definite benefit to our community.

I'm firmly convinced the proposed merger of our fire agencies will HELP our community MUCH more than hurt it. As a family the Fisher's are 'all in' on supporting our knowledgeable fire professionals with this proposal.

Mark Fisher
29228 Sunset Trail
Pine, CO 80470



Bethany Urban <burban@elkcreekfire.org>

Unification

Fredrik Naess <fred.naess@gmail.com>
To: info@elkcreekfire.org

Fri, Oct 25, 2024 at 8:05 AM

We support the planned unification.

Fred & Leah Naess
South Ridge Rd, Conifer



Charles Newby <cnwby.co@gmail.com>

Inbox - ...creekfire.org

November 21, 2024 at 10:04 AM

We oppose your plan for consolidation...

To: ECFPD Board of Directors <board@elkcreekfire.org>

Cc: Fire Chief Jacob Ware <jware@elkcreekfire.org>

 [Hide](#)

Dear Elk Creek FPD Board of Directors,

Please find attached our letter in opposition to the present Elk Creek FPD plan for consolidation with the North Fork FPD.

Best,

Chuck & Joanne Newby
8868 William Cody Drive
Evergreen, Colorado 80439



Letter, to Elk Creek
BoD RE...



Elk Creek FPD Board of Directors
11993 Blackfoot Road
Conifer CO 80433
VIA EMAIL

November 21, 2024

To: Elk Creek FPD Board of Directors
Cc: Fire Chief Jacob Ware
From: Charles F and Joanne Newby

RE: Inclusion of our property located at 8868 William Cody Drive, Evergreen CO 80439 into North Fork FPD as proposed by Elk Creek FPD.

After due diligence, it is our judgement that the property we own, located at 8868 William Cody Drive in Evergreen, Colorado, is currently well served by the Elk Creek FPD as is and that, it is our further judgement that the inclusion of our property into the North Fork FPD would not be in the best interests of our property, other similarly situated properties within the Elk Creek FPD, and would not promote the general welfare of the residents of Jefferson County, more specifically:

1. During the November 2023 ballot election, by a vote of 51% NO and 49% YES, Elk Creek FPD voters soundly rejected the consolidation plan then proposed by the District. Critically, the current plan for exclusion/inclusion of our property ignores and subverts the will of those Elk Creek FPD voters who rejected these very actions at the ballot box, a situation that will undermine local democracy going forward.
2. The proposed exclusion/inclusion operates to immediately move our property from the Elk Creek FPD—which operates at a lesser authorized mill levy rate of 12.551 mills—into the North Fork FPD which operates at a greater authorized mill levy rate of 12.896 mills, doing so without a vote by the Elk Creek FPD electorate, as required by law. Therefore, the proposed exclusion/inclusion is a violation of Section 20 of Article X of the Colorado Constitution as well as a violation of Colorado Revised Statutes Title 32-1-501.
3. The Elk Creek FPD Board of Directors has failed to make the findings necessary for approval of the proposed exclusion/inclusion related to

C and J Newby
cnewby.co@gmail.com

1

-final-
11/21/2024

our property, as set forth in law.

For the reasons cited above, we ask that the proposed exclusion/inclusion process not be approved without an express vote of the Elk Creek FPD electorate.

Sincerely,

s/Charles F and Joanne Newby

Trustees for the Charles F and Joanne Newby Living Trust

C and J Newby
cnewby.co@gmail.com

2

-final-
11/21/2024



Barbara Moss-Murphy <bmossmurphy@gmail.com>

Inbox - c...reekfire.org

November 21, 2024 at 9:08 AM

Unification

To: ECFPD Board of Directors <board@elkcreekfire.org>

To The Board at Elk Creek Fire,

In looking at Unification, I wish I would have had the opportunity to vote on the issue. I am concerned as the community already voted, although the results were very close, on Consolidation. I do think a reelection was needed.

My idea would have been to provide the community with a type of Blue Book format where I could have read the pros and cons and then voted.

I believe in supporting our firefighters. In this Blue Book format that I mentioned, I would have wanted to read the pro/con positions of our firefighters.

Thank you,

Barbara Moss Murphy
28942 Shadow Mtn. Drive
Conifer, CO 80433
(303) 717-4192

Sent from my iPhone



Bethany Urban <burban@elkcreekfire.org>

Email of Support for Unification - Please present to the Board of Directors

Al Leo <al.leo2012@gmail.com>
To: Info@elkcreekfire.org

Thu, Oct 31, 2024 at 8:06 AM

Good Morning,

Please present this email of support for Unification to the Board of Directors. Both Linda and I agree with the statements in this email (2 votes).

As residents of the **Elk Creek** Fire Protection District, we **urge** the Elk Creek Fire Protection District (FPD) Board of Directors to **Approve** the proposed Unification Amendment to the Pre-Consolidation IGA, allowing Elk Creek and Inter-Canyon FPDs to unify with North Fork FPD.

Unification would favorably affect the life safety of every resident in the 400 sq. mi. area currently served by three FPDs – ECFPD, NFFPD, and ICFPD. Chief Ware, Chief Rogers, and Chief Shirlaw have stated that Unification is the best way for the FPDs to move into the future and continue to serve this community at a higher level of service than the present. The challenges the Chiefs articulate — inadequate staffing, retention issues, increasing call volume and acuity, aging equipment, and outdated facilities — are occurring in Conifer and are part of a crisis being experienced across the state and the nation.

All of this puts us on the edge of catastrophe, creating situations where there may not be resources to respond to the next emergency, or response times will increase dramatically. In addition to the information provided by the Chiefs and the FPDs, information from the Colorado Department of Fire Prevention and Control 2022 Colorado Fire Service Needs Assessment shows Colorado needs 1,085 career and 1,327 volunteer firefighters over the next 2 years to meet demands.

The status quo isn't an option: it is the answer to yesterday's problems. We can't wish away today's problems and hope volunteers will come. We must take action, and Unification is the right action for our safety today and for tomorrow.

By submitting this email, Linda and Al both affirm that we agree with the statement above and urge the Elk Creek FPD BoD to **Approve** the proposed Unification Amendment to the Pre-Consolidation IGA for the reasons stated above.

Name: Al and Linda Leo

Address: 19293 Silver Ranch Rd, Conifer

Contact Information: al.leo2012@gmail.com

Al Leo
+1 (214) 801-7638
al.leo2012@gmail.com



Bethany Urban <burban@elkcreekfire.org>

Residents in Support of Unification

Al Leo <al.leo2012@gmail.com>
To: Info@elkcreekfire.org

Thu, Nov 21, 2024 at 10:35 AM

Good Morning,
Please forward this email to all Elk Creek Fire Protection District Board of Directors members for consideration during the November 21st Meeting.

Dear Elk Creek Fire Protection District Board of Directors members,

The **60** residents identified in the attached response document, **53** of whom live in the Elk Creek Fire Protection District, have signed the **Statement of Support** below urging the Elk Creek Fire Protection District Board of Directors to vote **YES** for Unification.

- **Statement of Support**
- I, the undersigned, urge the Elk Creek FPD BoD to approve the unification of Elk Creek FPD with Inter-Canyon FPD and North Fork FPD via the exclusion/exclusion process.

I have attached:

1. Screenshot of the I Support Unification Google Form Survey
2. Listing of all residents who signed the **Statement of Support**

Please contact me directly if you have questions about this email.

Al Leo
+1 (214) 801-2838
al.leo2012@gmail.com

2 attachments

I Support Unification - Google Form Survey.pdf
131K

Unification Responses - 11.21.2024 10AM.pdf
137K

I Support Unification

A group of concerned ECFPD residents, **Citizens for Unification**, is asking you to submit this form as a statement of your support for the Unification of Elk Creek, Inter-Canyon, and North Fork Fire Protection Districts into one new District to be known as Conifer Fire.

* Indicates required question

Statement of Support

I, the undersigned, urge the Elk Creek FPD Board of Directors to approve the Unification of Elk Creek FPD with Inter-Canyon FPD and North Fork FPD via the Exclusion/Inclusion process.

1. **Name ***

2. **Address ***

3. **In which Fire Protection District do you live? ***

Mark only one oval.

- Elk Creek FPD
- Inter-Canyon FPD
- North Fork FPD
- None of the above

4. Contact Information

This content is neither created nor endorsed by Google.

Google Forms

Timestamp	Name	Address	In which Fire Protection District do you live?	
1	11/1/2024 7:36	Ken Shine	13856 S. Cypress St, Pine	Elk Creek FPD
2	11/1/2024 7:37	Carol Phelps	11502 S. Elk Creek Rd. Pine 80470	Elk Creek FPD
3	11/1/2024 8:15	Sheena Tamburlin	31511 Shadow Mountain Dr., Conifer, 80433	Elk Creek FPD
4	11/1/2024 8:45	Meryl Gura	20150 Silver Ranch Rd. Conifer	Elk Creek FPD
5	11/1/2024 10:09	Wendi Van Lake	8675 Armadillo Trail	Elk Creek FPD
6	11/1/2024 10:29	Patrick Bouchard	13903 Shiloh Ridge Rd Conifer CO	Elk Creek FPD
7	11/1/2024 13:11	James McAllister	16334 Deer Mountain Drive, Littleton CO 80127	Inter-Canyon FPD
8	11/1/2024 14:42	Vicky Shine	13856 S Cypress St, Pine, CO. 80470.	Elk Creek FPD
9	11/1/2024 14:56	Amy Burdett	34538 Cedar Lane, Pine, CO 80470	Elk Creek FPD
10	11/1/2024 18:47	Susan Knight	15184 Elk Creek Acres Rd	Elk Creek FPD
11	11/2/2024 7:15	Margaret Long	19253 Silver Ranch Rd	Elk Creek FPD
12	11/3/2024 8:04	Pete Whalen	19684 Silver Ranch Rd	Elk Creek FPD
13	11/8/2024 10:36	Beth Schneider	24877 Red Cloud Dr, Conifer, CO 80433	Elk Creek FPD
14	11/16/2024 16:54	Mark Fisher	29228 Sunset Trail, Pine CO 80470	Elk Creek FPD
15	11/16/2024 16:58	Sandra Fisher	29228 Sunset Trail Pine, CO	Elk Creek FPD
16	11/16/2024 17:13	Sandra Olsen	8894 Carol Lane, Conifer CO	Elk Creek FPD
17	11/16/2024 17:14	Neil Olsen	8894 Carol Lane	Elk Creek FPD
18	11/16/2024 18:58	Dominique Devaney	9652 Corsair Drive	Elk Creek FPD
19	11/16/2024 19:05	Robert Gadd	29548 Sunset Trail, Pine, CO 80470	Elk Creek FPD
20	11/16/2024 19:48	Jen Krupp	10046 Crest View Dr	Inter-Canyon FPD
21	11/16/2024 20:52	Linda Locke	13875 Shiloh Drive, Conifer	Elk Creek FPD
22	11/16/2024 20:54	Michael Locke	13875 Shiloh Drive, Conifer CO 80433	Elk Creek FPD
23	11/16/2024 21:14	Ryan A Smith	30878 witteman road, Conifer co. 80433	Elk Creek FPD
24	11/16/2024 21:17	Sally Ball	8699 S Turkey Creek Rd, Morrison 80465	Inter-Canyon FPD
25	11/16/2024 21:18	Jim Ball	8699 S Turkey Creek Rd, Morrison 80465	Inter-Canyon FPD
26	11/16/2024 21:22	Teresa Louis-Tomlinson	11650 Baca Rd	Elk Creek FPD
27	11/16/2024 21:35	Karen Lange	14051 Jubilee Trl Pine, CO	Elk Creek FPD
28	11/16/2024 21:35	Caitlin Morris	12280 Styve Road, Conifer CO 80433	Elk Creek FPD
29	11/16/2024 21:39	Joanna Morsicato	8579 S Turkey Creek Road, Morrison, CO 80465	Inter-Canyon FPD
30	11/17/2024 7:28	Paula Hencke	13699 Elsie Rd Conifer Co	Elk Creek FPD
31	11/17/2024 7:29	David Hencke	13699 Elsie Rd Conifer Co	Elk Creek FPD
32	11/17/2024 8:14	Amber Lotan	31393 Evans View	Elk Creek FPD
33	11/17/2024 8:32	Margaret Flanagan	540 Dawson Rd. Pine CO 80470	Elk Creek FPD
34	11/17/2024 8:55	Jodi Dolph	14400 Peaceful Way, Pine, co 80470	Elk Creek FPD
35	11/17/2024 9:04	Barry Lisk	31383 Kings Valley Drive, Conifer, CO 80433	Elk Creek FPD
36	11/17/2024 9:04	Rinah Levine	21436 Indian Springs Road	Elk Creek FPD
37	11/17/2024 10:06	Judy armbruster	19183 gooseberry lane	Elk Creek FPD
38	11/17/2024 10:48	Laura McCarthy	11333 ConiferMountain Rd, Conifer, CO 80433	Elk Creek FPD
39	11/17/2024 11:13	Jennifer Williams	13906 Kuehster Rd., 80127	Inter-Canyon FPD
40	11/17/2024 12:25	Stephanie Goree	11927 Elk Trail Road Conifer, Co 80433	Elk Creek FPD
41	11/17/2024 12:47	Holly Simon	10452 Beas Lane	Elk Creek FPD
42	11/17/2024 13:06	Kevin Lole	13191 Piute Drive, Pine, CO 80470	Elk Creek FPD
43	11/17/2024 19:52	Kristen Palminteri	34852 aspen lane ct. Pine	Elk Creek FPD
44	11/18/2024 11:10	Diego Zamora	29327 Sunset Trail	Elk Creek FPD
45	11/20/2024 15:12	Missy Winefeldt	41 Sunlight Lane, Bailey, CO 80421	Elk Creek FPD
46	11/20/2024 16:16	Bethany Urban	2290 Nova Rd. Pine, CO 80470	Elk Creek FPD
47	11/20/2024 16:50	Jamie Clark	57 sunlight ln	None of the above
48	11/20/2024 17:33	Amelia Goldman	2290 Nova Rd	Elk Creek FPD
49	11/20/2024 17:55	Daniel Goldman	2290 Nova Rd Pine CO 80470	Elk Creek FPD
50	11/20/2024 18:14	Katie Rothman	10737 Timothys Drive	Elk Creek FPD
51	11/20/2024 18:35	Carly Holden	25 Sunlight Ln	Elk Creek FPD
52	11/20/2024 18:36	Allen Holden	25 Sunlight Ln	Elk Creek FPD
53	11/20/2024 18:59	Kathleen Noonan	8430 S Warhawk Rd	Elk Creek FPD
54	11/20/2024 19:18	Jerry Murr	8430 S Warhawk Rd	Elk Creek FPD
55	11/21/2024 7:41	Jesse Winefeldt	41 Sunlight Ln Bailey, CO 80421	Elk Creek FPD
56	11/21/2024 8:16	Jenny Dean Schmidt	109 Wisp Creek Drive, Bailey, CO 80421	Elk Creek FPD
57	11/21/2024 8:24	Megan Ferris	49 Silver Springs Rd	Elk Creek FPD
58	11/21/2024 8:50	Connor Ferris	49 Silver Springs Rd	Elk Creek FPD
59	11/21/2024 8:56	Mike Schmidt	109 Wisp Creek Dr, Bailey	Elk Creek FPD
60	11/21/2024 9:18	Jeff Poole	19232 Copper Spur	Elk Creek FPD

Elk Creek FPD Residents	53
Inter-Canyon FPD Residents	6
North Fork FPD	0
None of the above	1
Total	60



Bethany Urban <burban@elkcreekfire.org>

Statement of Support for Unification

'Philip Koch' via info <info@elkcreekfire.org>
Reply-To: Philip Koch <pskoch56@icloud.com>
To: info@elkcreekfire.org

Wed, Nov 20, 2024 at 1:31 PM

To the Directors of Elk Creek Fire-Protection District (ECFPD)'s Board (and any other concerned party),

We reside in ECFPD's Wamblee Valley Planning area, and pay property taxes here.

We very much support of ECFPD's proposed Unification with neighboring Inter-Canyon and North Fork FPDs.

Sincerely,

Philip and Faith Curtin Koch



Bethany Urban <burban@elkcreekfire.org>

Current Results of Survey: ECFPD, ICFPD, and NFFPD Responders re Unification

'Philip Koch' via info <info@elkcreekfire.org>
Reply-To: Philip Koch <pskoch56@icloud.com>
To: info@elkcreekfire.org
Cc: Chief Maurice 'Skip' Shirlaw <sshirlaw@icfpd.net>, Chief Curt Rogers <nffpd@hotmail.com>

Wed, Nov 20, 2024 at 1:19 PM

To the Directors of the Elk Creek Fire-Protection District's Board,

Please find appended the latest results of a formal survey of emergency-response personnel from the three FPDs considering Unification. In all, **79 (78%)** of the possible responders) representing **948** combined years of experience (**57 (90%)** at ECFPD alone representing **556** combined years of experience) answered this survey – and without exception, **ALL of them** (career and volunteer alike) **were in favor of Unification.**

The existence and general results from this survey appeared 4 (dated 7 November 2024, p. 4-5) as an article by Jane Reuter in the Canyon Courier. More complete survey results appear as a letter-to-the-editor in this week's (19 (dated 21) November 2024) Canyon Courier, and current results in My Mountain Town (16 November 2024. Links to these articles may be found below.)

The rank-and-file support for Unification is unambiguous, but please let me know if you have any questions.

Be well. Stay safe. Enjoy today!

Thanks. Cheers,

Philip S. 'Flip' Koch – Conifer Resident (and Volunteer Member of ECFPD)



Canyon Courier November 7, 2024
issuu.com

CANYON COURIER

VOLUME 44 | ISSUE 1 WEEK OF NOVEMBER 21, 2024 \$2

Evergreen man uses his mountaineering feats to help and inspire others P2

Jefferson County commissioners deny Shadow Mountain Bike Park proposal

A four-year battle between advocates of a proposed Capitol Lake park and opponents of the surrounding community ended Nov. 12 when the Jefferson County Commissioners voted to deny a special use permit for construction.

Canyon Courier November 21, 2024

issuu.com



RECOMMENDATION for UNIFICATION of NFFPD, ECFPD, and ICFPD
mymountaintown.com

 **FPD Member Letter to Citizens PSK for MMT 16Nov24.pdf**
88K

**TO THE CITIZENS OF ELK CREEK, INTER-CANYON, AND
NORTH FORK FIRE-PROTECTION DISTRICTS (FPDs):
GREETINGS!**

We who have signed below are the men and women who devotedly provide emergency services in your FPDs.

We represent 100% percent of the 79 respondents (78% of all Members) to a formal survey of our three collective FPDs' professional firefighting and EMS personnel (both paid and volunteer, **57 of these responders from Elk Creek Fire, representing 90% of its Members**), and 948 years of actual emergency-response experience (**556 of these years in Elk Creek Fire alone**). It is our professional belief that Unifying our three FPDs, as proposed by our respective Fire Chiefs, is in the best interest of every person residing in each of our FPDs.

The current arrangement of separate FPDs is NOT working well for this community: with growing call numbers, severity, and overlap as well as increased mutual-aid needs, we are constantly within one call of catastrophe in our service to our districts and their people. For these and other operational reasons, we believe that we would be much more effective in this community's care and safety as a single, Unified FPD.

If you want more timely and more fully-staffed emergency response, we urge you to support what volunteer and career staff alike endorse: UNIFICATION OF OUR 3 FPDs!

We encourage, and request that you encourage, your FPD's Directors to vote Yes to Unify our three FPDs and to support this fundamental change in how we work together. Unification will allow us to be more effective and efficient in providing our community the better level of emergency service that is necessary as this community evolves.

Please help us to help you!

Elk Creek FPD Members: 57 responses (90% of Members), all 'In Favor'; 556 Years of Service*

Name	Career / Volunteer	Years of Service	Name	Career / Volunteer	Years of Service
Scott Aaronson	Career	23	Mason McCreedy	Career	1
Cavan Barry	Career	6	Alan McIver	Volunteer	9
Alexia Bartells	Volunteer	5	Andrew McManus	Career	3
Andrew Beckwith	Volunteer	4	Brian Moore	Volunteer	2
Hayden Beckwith	Volunteer	1	Katie Moser	Volunteer	11
John Berry	Volunteer	2	Benjamin Moses	Career	11
Xavier Borg	Career	7	Chris Moya	Career	18
Kevin Devaney	Volunteer	25	Adam Nesbitt	Career	15
Devon Evers	Career	9	Corey Nyholm	Career	6
Luca Fabbri	Volunteer	21	Jason Papenfus	Career	16
Kelly Fontaine	Volunteer	3	Patrick Quiesner	Volunteer	21
Billy Gage	Career	16	Rachel Rush	Career	12
John Gardner	Volunteer	4	Paul Scott	Career	28
Garrett Guttman	Career	10	Austin Shearer	Career	1
Nathan Hankins	Volunteer	8	Ken Shine	Volunteer	7
Lorie Hartley	Career	10	Thomas Smith	Career	4
Thomas Hokit	Career	5	Ashton Steed	Career	1
Walter Huber	Volunteer	12	Sheena Tamburlin	Volunteer	13
Peter Igel	Volunteer	32	Colt Thiel	Volunteer	7
Nicholas Jenkins	Career	11	Natalie Trefethen	Volunteer	2
Trevor Jones	Volunteer	5	Sharon Trilk	Volunteer	6
Lucas Knecht	Career	8	Bethany Urban	Career	10
Philip 'Flip' Koch	Volunteer	9	Ayle Wezeman	Career	6
Ryan LeBaron	Career	14	Brennan Wilkins	Volunteer	3
Kelsey Macaulay	Volunteer	2	Jesse Winefeldt	Career	23
Sam Macaulay	Career	3	Benjamin Yellin	Career	14
Sarah Marble	Volunteer	13	John Zeugschmidt	Career	3
Abram McClain	Career	6	Tyler Zoesch	Career	4
Kelleigh McConnaughey	Career	4			

Inter-Canyon FPD Members 13 responses (65% of Members), all 'In Favor'; 244 Years of Service*

Name	Career / Volunteer	Years of Service	Name	Career / Volunteer	Years of Service
J. Adamy	Volunteer	2	W. Fuller	Volunteer	7
S. Buckles	Career	30	M.Hansen	Volunteer	16
D.I Carcone	Volunteer	34	D. Hatlestad	Volunteer	43
T. Elkins	Volunteer	6	T. James	Career	14
S. Epperson	Career	12	J. Mandl	Career	24
T. Fedyna	Volunteer	1	D. Wurts	Volunteer	30
R. Fuller	Volunteer	7			

North Fork FPD Members 8 responses (44% of Members), all 'In Favor'; 148 Years of Service*

Name	Career / Volunteer	Years of Service	Name	Career / Volunteer	Years of Service
M.T. Bono	Career	39	G. Macdonald	Volunteer	1
A. Dyes	Volunteer	1	J. McCoy	Volunteer	24
J. Gardner	Volunteer	1	J. Rogers	Volunteer	8
J. Graves	Volunteer	24	J. Siewertsen	Volunteer	7

*: Names and statistics as of 0700 Mountain Time Thursday 14 November 2024.

Each Fire Chief's' Years of Service included in total; Chiefs otherwise not included in lists or statistics.



Bethany Urban <burban@elkcreekfire.org>

Fwd: Favor unification comment

Jacob Ware <jware@elkcreekfire.org>
To: Bethany Urban <burban@elkcreekfire.org>

Thu, Nov 21, 2024 at 7:49 AM

Jacob N. Ware
Fire Chief
Elk Creek Fire Protection District
11993 Blackfoot Road/ PO Box 607
Conifer, CO 80433
303- 816- 9385 Station 1
720- 548 0277 Mobile

Begin forwarded message:

From: Ann Imse <annimse@msn.com>
Subject: Favor unification comment
Date: November 20, 2024 at 10:18:31 PM MST
To: "jware@elkcreekfire.org" <jware@elkcreekfire.org>

Please add to the record.
I favor the unification of our fire departments because wildfire has multiplied in danger in the last 25 years and we need to be spending far more than we are on this existential threat. We don't even have enough staff to apply for all the grants we need and we have missed out on millions of dollars in federal and state funding due to shortsightedness about funding our fire departments. Please vote in favor of unification.
Sent from my iPhone



Bethany Urban <burban@elkcreekfire.org>

Support for Unification

Danny Goldman <goldman.danny@gmail.com>
To: "info@elkcreekfire.org" <info@elkcreekfire.org>

Wed, Nov 20, 2024 at 8:10 PM

Resident Letter to ECFPD and IC FPD BoD in Support of Unification

As a resident of the Elk Creek Fire Protection District, I urge the Elk Creek and Inter-Canyon Fire Protection District (FPD) Board of Directors to Approve the proposed Unification Documents to the Pre-Consolidation IGA, allowing Elk Creek and Inter-Canyon FPDs to unify with North Fork FPD. Unification would favorably affect the life safety of every resident in the 400 sq. mi. area currently served by three FPDs – ECFPD, NFFPD, and ICFPD. Chief Ware, Chief Rogers, and Chief Shirlaw have stated that Unification is the best way for the FPDs to move into the future and continue to serve this community at a higher level of service than the present. The challenges the Chiefs articulate — inadequate staffing, retention issues, increasing call volume and acuity, aging equipment, and outdated facilities — are occurring in Conifer and are part of a crisis being experienced across the state and the nation. All of this puts us on the edge of catastrophe, creating situations where there may not be resources to respond to the next emergency, or response times will increase dramatically. In addition to the information provided by the Chiefs and the FPDs, information from the Colorado Department of Fire Prevention and Control 2022 Colorado Fire Service Needs Assessment shows Colorado needs 1,085 career and 1,327 volunteer firefighters over the next 2 years to meet demands.

The status quo isn't an option: it is the answer to yesterday's problems. We can't wish away today's problems and hope volunteers will come. We must take action, and Unification is the right action for our safety today and for tomorrow.

By submitting this email, I affirm that I agree with the statement above and urge the Elk Creek FPD BoD and the Inter-Canyon FPD BoD to Approve the proposed Unification Amendment to the Pre-Consolidation IGA for the reasons stated above.

Name: Daniel & Amelia Goldman
Address: 2290 Nova Road Pine Colorado
Contact Information: 818-430-4674, 818-294-0900



Bethany Urban <burban@elkcreekfire.org>

Please Approve District Unification

Amelia Goldman <amelia.cb.goldman@gmail.com>
To: info@elkcreekfire.org

Wed, Nov 20, 2024 at 6:19 PM

Resident Letter to ECFPD and IC FPD BoD in Support of Unification

As a resident of the Elk Creek Fire Protection District, I **urge** the Elk Creek and Inter-Canyon Fire Protection District (FPD) Board of Directors to **Approve** the proposed Unification Documents to the Pre-Consolidation IGA, allowing Elk Creek and Inter-Canyon FPDs to unify with North Fork FPD.

Unification would favorably affect the life safety of every resident in the 400 sq. mi. area currently served by three FPDs – ECFPD, NFFPD, and ICFPD. Chief Ware, Chief Rogers, and Chief Shirlaw have stated that Unification is the best way for the FPDs to move into the future and continue to serve this community at a higher level of service than the present. The challenges the Chiefs articulate – inadequate staffing, retention issues, increasing call volume and acuity, aging equipment, and outdated facilities – are occurring in Conifer and are part of a crisis being experienced across the state and the nation.

All of this puts us on the edge of catastrophe, creating situations where there may not be resources to respond to the next emergency, or response times will increase dramatically. In addition to the information provided by the Chiefs and the FPDs, information from the Colorado Department of Fire Prevention and Control 2022 Colorado Fire Service Needs Assessment shows Colorado needs 1,085 career and 1,327 volunteer firefighters over the next 2 years to meet demands.

The status quo isn't an option: it is the answer to yesterday's problems. We can't wish away today's problems and hope volunteers will come. We must take action, and Unification is the right action for our safety today and for tomorrow.

By submitting this email, I affirm that I agree with the statement above and urge the Elk Creek FPD BoD and the Inter-Canyon FPD BoD to **Approve** the proposed Unification Amendment to the Pre-Consolidation IGA for the reasons stated above.

Name: Amelia Goldman

Address: 2290 Nova Rd

Contact Information: Amelia.cb.goldman@gmail.com 818-294-0900



Debbie Ford <debbieford@outlook.com>

Inbox - c...reekfire.org

November 21, 2024 at 9:27 AM

Consolidation - Unification

To: ECFPD Board of Directors <board@elkcreekfire.org> & 1 more

Details

Dear Honorable Elk Creek Fire Protection District Board and Chief Ware,

I am writing to you today about the proposed unification based on the statutory process that you stated in Section 32-1-501(1.5), which allows for a fire protection district to initiate an exclusion of property at the Board level if another fire protection district agrees to immediately include that property. **An election is not required** if the district excluding the property has a higher mill levy than the district that is including the property.

Since this has been a controversial issue- even though the election isn't required, **I would highly recommend** that the community vote on a referendum to either approve or reject the proposed measure. This could help bring our community together.

I also want to thank Elk Creek Firefighters for their service to the Conifer community, which we directly benefited from. As I have mentioned before we donated a building to Elk Creek for firefighter training and had a good relationship with Elk Creek. Please reach out if you have any questions.

Sincerely,

Debbie Ford
Conifer, Colorado 80433



Bethany Urban <burban@elkcreekfire.org>

Fwd: Request for property exclusion from the North Fork FPD, or a new unified district

Barbara Stockton <bstockton@elkcreekfire.org>
To: Bethany Urban <burban@elkcreekfire.org>

Thu, Nov 21, 2024 at 11:55 AM

----- Forwarded message -----

From: **Gary and Marlys Fisk** <gfisk293@msn.com>

Date: Thu, Nov 21, 2024 at 11:31 AM

Subject: Request for property exclusion from the North Fork FPD, or a new unified district

To: bstockton@elkcreekfire.org <bstockton@elkcreekfire.org>

Gary Fisk
PO Box 1
Pine, CO 80470

Sent from Outlook



Letter to ECFPD requesting my properties be excluded from a unfied new district Nov 21 2024.docx
19K

To: Elk Creek Fire Protection District, Board of Directors, bstockton@elkcreekfire.org
From: Gary and Marlys Fisk, property owners in the ECFPD
Date: Nov 21 2024
RE: Request for exclusion from the North Fork Fire District, and the proposed Conifer Fire Protection District.

We own three properties in Pine, CO, in the ECFPD located as follows:

2097 Woodside Dr,
2001 Woodside Dr, and
1669 Woodside Dr, Pine, CO.

We request that all of these properties not be removed from the ECFPD. The proposed new unification is proposed even though we, and the majority of property owners in ECFPD voted against consolidation at the general election, Nov, 2023. The proposed unification is perceived as a direct repudiation of the will of the voters, and if legal, it devalues the will of the voters. Our properties are better served as part of ECFPD than they would be as part of North Fork or any other fire district, Please respect the will of the voters, and not proceed with the proposed unification scheme. Unification should be submitted to the voters if the ECFPD has any desire to proceed. The need for haste to proceed with unification without a vote is arrogance and seems to serve management of the district at the expense of service to residents of the district,

Sincerely

Gary and Marlys Fisk
PO Box 1
Pine, CO 80470



Elaine Campbell <elaine.campbell9019@gmail.com>

Inbox - c...reekfire.org

November 21, 2024 at 4:19 PM

Protest of Consolidation

To: ECFPD Board of Directors <board@elkcreekfire.org>

I am in the Elk Creek Fire District and am furious that you are attempting to bypass the citizen-voted denial of your past attempt to consolidate.

Your actions make me question your determined motivations. What are the fire chiefs getting out of this??

What you are doing is underhanded and should be illegal.

Do NOT vote to consolidate!

Elaine Campbell
9019 William Cody Drive
Evergreen, CO 80439

BRIEF OF APPELLANTS IN SUPPORT OF
APPEAL OF ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION NO. 2024-09 RESOLUTION AND ORDER OF EXCLUSION
(NORTH FORK CONSOLIDATION)

INTRODUCTION

Pursuant to CRS § 32-1-501(5)(b)(I), on November 27, 2024, Neil H Whitehead III and Charles F (Chuck) Newby (“Appellants”), each owners of real property situated within the Elk Creek Fire Protection District (“ELK CREEK FPD” or “Appellee”), timely filed this Appeal with the Jefferson County Board of County Commissioners ("JCBC") to contest the legality of the of ELK CREEK FIRE PROTECTION DISTRICT RESOLUTION NO. 2024-09, RESOLUTION AND ORDER OF EXCLUSION (NORTH FORK CONSOLIDATION) dated November 21, 2024 ("RESOLUTION").

Through this Appeal, Appellants assert that approval of the RESOLUTION by the ELK CREEK FPD Board of Directors violated the statutory requirements of CRS § 32-1-501, *et seq.*, as follows:

- I. The RESOLUTION should be vacated because Appellee misused the exclusion provisions of CRS § 32-1-501, *et seq.* to accomplish consolidation and impermissibly circumvent the proper statutory requirements for consolidation of special districts under CRS § 32-1-601, *et seq.*
- II. The RESOLUTION should be vacated because administrative approval of exclusion under CRS § 32-1-501 *et seq.* is not permitted because the mill levy of the excluding special district (ELK CREEK FPD) is lower than the mill levy of the including special district (North Fork Fire Protection District “NORTH FORK FPD”) and therefore, voter approval is required.
- III. The RESOLUTION should be vacated because Appellee completely failed to satisfy the requirement of CRS § 32-1-501(3) to consider and to make actual findings regarding each of the evaluation factors that are enumerated in CRS § 32-1-503(3)(a)-(h).

BACKGROUND

In the summer of 2023, the Boards of Directors of ELK CREEK FPD, NORTH FORK FPD and Inter-Canyon FPD passed consolidation resolutions and filed those documents with the 1st Judicial District Court, Jefferson County, Colorado (the “Court”). Pursuant to CRS § 32-1-602(2)(d)-(e), the Court issued an order on July 26, 2023, whereby the question of Consolidation was submitted to the voters of each of the respective fire districts. Through the election on November 7, 2023, ELK CREEK FPD voters rejected

Consolidation, [Record for Appeal of Elk Creek FPD No. 2024-09 Resolution and Order of Exclusion (North Fork Consolidation) as determined by the Jefferson County Attorney’s Office, (the “Hearing Record”), Exhibit 2 – Elk Creek FPD November 21, 2024, Board Hearing Documents, Newby Statement Opposing Approval, p. 15].

Having failed to obtain the required approval for the proposed consolidation from the voters, the ELK CREEK FPD embarked on a new plan to consolidate. In October 2024, ELK CREEK FPD sent to all residential and commercial property owners a NOTICE OF PUBLIC HEARING TO CONSIDER A RESOLUTION INITIATING EXCLUSION PROCEEDINGS (the "Hearing Notice") under which ALL real property, commercial and residential, situated within ELK CREEK FPD would be excluded from ELK CREEK FPD and subsequently included in NORTH FORK FPD, [Hearing Record, Exhibit 2, Hearing Notice, p. 11, para. 3]. That Hearing Notice included the following misleading statement:

The mill levy assessed by North Fork against all property within its boundaries, ... is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, ... is 12.500. If the Property is excluded from Elk Creek and included with North Fork the mill levy will be reduced by 0.500 mills...

At the time the Hearing Notice was disseminated to property owners, the mill levy rate of NORTH FORK FPD for 2024 was actually 12.896 mills, [Hearing Record, Exhibit 4 – Appellants’ Exhibit C – Emails and Letters submitted to the Elk Creek Fire Protection District in advance of the November 21 Hearing, Newby Letter, pp. 40 – 41]. Moreover, the mill levy rate of NORTH FORK FPD for 2025 will be even higher (up to 14.049 mills) pursuant to Sections 9 and 10 of Colorado HB24B-1001. After the filing of this Appeal, the Board of Directors of NORTH FORK FPD conveniently passed a resolution on December 6, 2024 to limit its imposition of mill levy to 12.0 mills. Of course, that resolution could be amended, revoked or reversed and does not eradicate the false statement in the Hearing Notice nor change the fact that NORTH FORK FPD retains the taxing authority to impose a mill rate up to 14.049 for 2025.

On November 21, 2024, ELK CREEK FPD held its “hearing” regarding the RESOLUTION in issue, [Hearing Record, Exhibit 3 – Recording of November 21, 2024 Public Hearing on Resolution 2024-09 (mp4 recording), from 0h:00m:00s to 1h:19m:04s]. At that so-called hearing, the Board of Directors of ELK CREEK FPD made no presentation nor did the Fire Chief or employees, [Hearing Record, Exhibit 3, statements made by Board of Directors and Fire Chief, from 0h:54m:29s to 1h:17m:57s]. Indeed, the Board of Directors did not receive or consider any evidence, written documentation, data, studies or exhibits in support of the RESOLUTION during that meeting. Rather, the Board of Directors opened the

meeting with an invitation for public comments, without discussion or questions allowed. Citizens were limited to 3 minutes each and were not given any opportunity to have their questions answered by employees, officers or Board Members of ELK CREEK FPD, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments from 0h:00m:00s to 0h:53m:45s]. Most of the support for the RESOLUTION during “public comments” came from current employees and agents of the ELK CREEK FPD. Several property owners not employed by the ELK CREEK FPD expressed disapproval during their public comments of the RESOLUTION given that “consolidation” had been rejected by the voters in 2023 and many expressed concerns about increased insurance rates and taxes if ELK CREEK FPD were to merge with the underequipped and underfunded NORTH FORK FPD, [Hearing Record, Exhibit 3, Recording of Public Hearing, public comments of Appellant Whitehead III from 0h:03m:56s to 0h:07m:00s]. After the expiration of public comments, four of the five Board Members made brief statements regarding their desire to accomplish consolidation and their belief that consolidation was supported by Fire District “professionals”, [Hearing Record, Exhibit 3, Recording of Public Hearing, statements from Board of Directors from 0h:54m:29s to 1h:18m:16s]. One Board Member, Appellant Newby, objected to the RESOLUTION and noted the issues raised in this Appeal, [Hearing Record, Exhibit 3, Recording of Public Hearing, statements made by Appellant Newby from 1h:03m:22s to 1h:08m:12s]. The Board of Directors of ELK CREEK FPD then voted and approved the RESOLUTION, 4-1, [Hearing Record, Exhibit 3, Recording of Public Hearing, statements by Board of Directors from 1h:18m:16s to 1h:18m:47s].

By its terms, the RESOLUTION states that the entirety of ELK CREEK FPD real property is excluded from ELK CREEK FPD on the condition that the property be subsequently included into the NORTH FORK FPD, [Hearing Record, Exhibit 1 – November 21, 2024 Elk Creek FPD Resolution 2024-09]. The RESOLUTION further states that its objective is to accomplish consolidation of ELK CREEK FPD and NORTH FORK FPD pursuant to CRS § 32-1-501(1.5), [Hearing Record, Exhibit 1, Resolution, p. 1]. As with the Hearing Notice, the RESOLUTION also falsely states that the mill rate of NORTH FORK FPD is 12.0 mills, [Hearing Record, Exhibit 1, Resolution, p. 1, para. 6], despite the fact that: 1) the authorized mill rate of NORTH FORK FPD is actually 12.896 mills for 2024 and up to 14.049 mills for 2025; and 2) the December 6, 2024 nonbinding revocable resolution by the NORTH FORK FPD to limit its mill rate to 12.0 mills was passed 15 days AFTER the RESOLUTION was approved.

ARGUMENT

- I. The RESOLUTION should be vacated because Appellee misused the exclusion provisions of CRS § 32-1-501, et seq. to accomplish consolidation and impermissibly circumvented the proper statutory requirements for consolidation of special districts under CRS § 32-1-601, et seq.

By its own admission the ELK CREEK FPD acknowledges that the purpose of its RESOLUTION is to accomplish “consolidation utilizing the procedures available under Section 32-1-501(1.5), CRS...”, [Hearing Record, Exhibit 1, Resolution, p. 1, para. 3]. Under Colorado Revised Statutes, the provisions that dictate the manner and procedure for the wholesale consolidation of special districts are set forth in CRS § 32-1-601, *et seq.* ELK CREEK FPD is well aware of those provisions, as it utilized them in the summer of 2023 to attempt consolidation with NORTH FORK FPD and Inter-Canyon FPD, [Hearing Record, Exhibit 4, Citizen Emails and Letters, Newby Letter, pp. 40 – 41, paras. 2, 3, and 4]. Given the pervasive impact of annexing entire special districts together through consolidation, CRS § 32-1-601 *et seq.* requires many steps, including submission to the county commissioners, county district courts and eventual approval by voters of the districts in issue through an election. When ELK CREEK FPD attempted this procedure in 2023, the voters of ELK CREEK FPD rejected consolidation in the November 7, 2023 election, [Hearing Record, Exhibit 4, Citizen Emails and Letters, Newby Letter, p. 40, para. 2]. In 2024, the ELK CREEK FPD decided to attempt consolidation again, but failed to follow the proper statutory requirements of CRS § 32-1-601 *et seq.* and instead, disingenuously attempted consolidation through the exclusion provisions of CRS § 32-1-501 *et seq.*, [Hearing Record, Exhibit 1, Resolution, p. 1].

CRS § 32-1-501, *et seq.*, governs the procedures for modifying special district boundaries by excluding and including certain real property within special districts as circumstances dictate. See CRS § 32-501(1.5)(a): “the board... may alter the boundaries of a fire protection district through the exclusion of real property from the district if the property to be excluded will be provided with the same service by another fire protection district...” This language contemplates boundary changes through micro alterations of property within special districts where circumstances dictate that a different special district could serve the property better. An example might be where a parcel of property sits along the boundary of a different special district which has just built a new firehouse that would provide faster service to the property than a fire house further away in its current special district. The statute further allows property owners to petition for these exclusions on their own behalf as circumstances warrant. For ELK CREEK FPD to use these provisions for the wholesale voiding out of ALL real property to accomplish a

consolidation and dissolution, where there are explicit statutory provisions that govern consolidation (CRS § 32-1-601 *et seq.*) and dissolution (CRS § 32-1-701 *et seq.*) is clearly contrary to the plain meaning of the statute which governs special districts and is contrary to rules of statutory construction. *See also*, “Consolidation of Fire Protection Districts: A Case Study,” 24 Colo. Law 813 (1995) for a comprehensive discussion of the proper legal mechanisms for consolidating fire districts, which notably doesn’t conceive of using the backdoor approach of CRS § 32-1-501 *et seq.* This maneuver by ELK CREEK FPD appears to be a poorly veiled attempt to avoid having to obtain voter approval as required by statute and to violate the will of the voters NOT to consolidate as expressed during the 2023 election. For these reasons, the RESOLUTION should be vacated.

II. The RESOLUTION should be vacated because administrative approval of exclusion under CRS § 32-1-501 *et seq.* is not permitted because the mill levy of the excluding special district (ELK CREEK FPD) is lower than the mill levy of the including special district (NORTH FORK FPD) and therefore, voter approval is required.

The mill rate of ELK CREEK FPD for 2024 is 12.5 mills. The mill rate for NORTH FORK FPD for 2024 is 12.896 mills, [Hearing Record, Exhibit 4, Citizen Emails and Letters, Newby Letter, p. 40, para. 3]. The authorized mill levy rate of NORTH FORK FPD for 2025 will be even higher (up to 14.049 mills) pursuant to Sections 9 and 10 of Colorado HB24B-1001.

Despite these facts concerning the authorized mill rates, the Hearing Notice sent out by ELK CREEK FPD included the following false statement: *"The mill levy assessed by North Fork against all property within its boundaries, ... is currently 12.000 mills. The mill levy assessed by Elk Creek against all property within its boundaries, ... is 12.500. If the Property is excluded from Elk Creek and included with North Fork [FPD] the mill levy will be reduced by 0.500 mills..."*, [Hearing Record, Exhibit 2, Hearing Notice, p. 11, para. 3].

Moreover, the RESOLUTION falsely stated that the mill rate of NORTH FORK FPD is 12.0 mills, [Hearing Record, Exhibit 1, Resolution, p. 1, para. 6].

After this Appeal was filed by Appellants, the Board of Directors of NORTH FORK FPD conveniently passed a resolution on December 6, 2024 to self-limit its imposition of mill levy to 12.0 mills. That resolution could just as easily be amended, revoked or reversed and importantly, does not eradicate the fact that NORTH FORK FPD retains the taxing authority to impose a mill rate up to 14.049 for 2025.

There are several implications of this mill levy issue that should cause the RESOLUTION to be vacated. First, the Hearing Notice included a false statement that deprived property owners of due process by causing those property owners to believe that their taxes would be reduced and thereby, likely led to fewer property owners asserting their right to protest the RESOLUTION. Second, the RESOLUTION itself includes a material misstatement of fact and therefore, cannot be ratified. Third, when property is excluded under CRS § 32-1-501(4)(c), from a special district with a lower tax rate and included in a special district with a higher tax rate, voter approval through an election is required pursuant to the statute. Fourth, the imposition of increased taxes on property owners in ELK CREEK FPD without voter approval is a violation the Colorado Taxpayer Bill of Rights, Article X Section 20 of the Colorado Constitution. For these myriad reasons, the RESOLUTION should be vacated.

III. The RESOLUTION should be vacated because Appellee completely failed to satisfy the requirement of CRS § 32-1-501(3) to consider and to make actual findings regarding each of the evaluation factors that are enumerated in CRS § 32-1-503(3)(a)-(h).

Pursuant to CRS § 32-1-501(3): “The board **SHALL** take into consideration and make a finding regarding **ALL** of the following factors when determining whether to grant or deny the petition or to finally adopt the resolution or any portion thereof:” [*Emphasis supplied.*] This is not an optional or ambiguous requirement. There are TEN evaluation factors which must be considered to protect property owners from having their property dislodged from a special district without due process. Therefore, the Board of Directors of ELK CREEK FPD was required by law to consider and make actual findings with respect to all ten of the evaluation criteria included in CRS §32-1-503(3)(a)-(h). In this case, the record of the hearing establishes definitively that absolutely no findings were made, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s]. Neither the Board of Directors nor employees of the ELK CREEK FPD even made a perfunctory attempt to posit a presentation in support of the RESOLUTION, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s]. No evidence, exhibits or data were submitted and thus, there were no findings with respect to the evaluation criteria, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s]. Cursory statements that Board Members “trust” professionals in the fire department simply do not meet the statutory requirement of making actual findings. Nor does the Board of Directors meet the statutory requirements by having its lawyer draft a RESOLUTION that says

it considered the factors when the hearing transcript clearly shows that no such findings were made. If the evaluation criteria had actually been considered, it is more likely that the decision to “exclude” or “consolidate” ELK CREEK FPD into NORTH FORK FPD would be revealed to be a patently detrimental decision for the property owners of ELK CREEK FPD.

The following is an itemized discussion of the 10 statutory evaluation criteria that the Board of Directors of ELK CREEK FPD should have considered and made findings, as designated by CRS § 32-1-501(3)(a)-(h):

- 1) The best interest of the property to be excluded. CRS § 32-1-501(3)(a)(I). The hearing record does not include any objective evidence or findings whatsoever regarding how the property in ELK CREEK FPD would benefit by being moved into NORTH FORK FPD, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s].¹
- 2) The best interest of the special district from which the exclusion is proposed. CRS § 32-1-501(3)(a)(II). The hearing record does not include any objective evidence or findings whatsoever regarding how ELK CREEK FPD would benefit by removing all of its property and thus, its source

¹ Had the Board of Directors of ELK CREEK FPD considered the best interests of the property in ELK CREEK FPD, they would’ve determined that the property would be detrimentally impacted since: 1) the excluded property would be removed from Elk Creek FPD where fire and EMS services are supported by annual property tax revenue of approximately \$46,000 per sq-mi in 2024 and placed under the jurisdiction of North Fork FPD where fire and EMS services are supported by annual property tax revenue of approximately \$1,344 per sq-mi in 2024; 2) the excluded property would be removed from Elk Creek FPD that holds a reserve balance of approximately \$7 million and placed under the jurisdiction of North Fork FPD which is seriously underfunded; 3) the excluded property would be removed from Elk Creek FPD with an average ISO Rating of 5 and placed inside North Fork FPD with an average ISO Rating of 10, resulting in higher fire insurance premiums or the loss of fire insurance coverage; and 4) the excluded property would be removed from Elk Creek FPD which operates well trained 24/7 professional crew and placed inside North Fork FPD, which has one paid employee and does not meet the minimum standards with respect to the qualified organizational staff, trained line personnel, level-of-revenue, specialized equipment, and dedicated infrastructure necessary to provide fire protection and emergency medical services. While it is highly likely that property owners in NORTH FORK FPD will benefit from this proposed consolidation, given the influx of tax revenue, operational assets and employees paid for by ELK CREEK FPD taxpayers, it is inescapable that the property owners of ELK CREEK FPD will not benefit, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments made by Kowalski from 0h:24m:30s to 0h:25m:40s and Hearing Record, Citizen Emails and Letters, Wagner Letter, p. 34].

of tax revenue, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s]. Indeed, ELK CREEK FPD will cease to exist pursuant to the RESOLUTION. It's hard to understand how ceasing to exist is a benefit to a special district.

- 3) The best interest of Jefferson and Park Counties. CRS § 32-1-501(3)(a)(III). The hearing record does not include any objective evidence or findings whatsoever regarding how Jefferson or Park County would benefit from the elimination of ELK CREEK FPD, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s].
- 4) The relative cost and benefit to the property to be excluded from the provision of the special district's services. CRS § 32-1-501(3)(b). The hearing record does not include any objective evidence or findings whatsoever regarding the relative cost and benefit to the property to be excluded, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s].²
- 5) The ability of the special district to provide economical and sufficient service to both the property to be excluded and all of the properties within the special district's boundaries. CRS § 32-1-501(3)(c). The hearing record does not include any objective evidence or findings whatsoever regarding the ability of the special district to provide economical and sufficient service to both the excluded property and the existing property in the special district, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s].
- 6) Whether the special district is able to provide services at a reasonable cost compared with the cost that would be imposed by other entities in the surrounding area to provide similar services in the surrounding area. CRS § 32-1-501(3)(d). The hearing record does not include any objective evidence or findings whatsoever regarding whether the special district is able to provide services at a reasonable cost compared with the cost that would be imposed by other entities in the

² Had the Board of Directors of ELK CREEK FPD considered the relative cost and benefit to the property excluded, they would've determined that the excluded property would be detrimentally impacted since the property would be moved from a well funded and equipped district of 98 sq-mi and into a poorly funded and equipped district of 240 sq-mi of high fire risk mountainous forest. This would place a substantial financial burden on the excluded properties.

surrounding area to provide similar services in the surrounding area, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s].

- 7) The effect of denying the RESOLUTION on employment and other economic conditions in the special district and surrounding area. CRS § 32-1-501(3)(e). The hearing record does not include any objective evidence or findings whatsoever regarding the effect of denying the RESOLUTION on employment, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s].
- 8) The economic impact on the region and on the special district, surrounding area, and state as a whole if the RESOLUTION is denied or finally adopted. CRS § 32-1-501(3)(f). The hearing record does not include any objective evidence or findings whatsoever regarding the economic impact on the region and on the special district, surrounding area, and state as a whole if the RESOLUTION is denied or finally adopted, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s].
- 9) Whether an economically feasible alternative service may be available. CRS § 32-1-501(3)(g). The hearing record does not include any objective evidence or findings whatsoever regarding whether an economically feasible alternative service may be available, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s].
- 10) Whether the additional cost to be levied on other property within the special district if the exclusion is granted. CRS § 32-1-501(3)(h). The hearing record does not include any objective evidence or findings whatsoever regarding whether the additional cost to be levied on other property within the special district if the exclusion is granted, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s].

In addition to abdicating on their responsibility to consider and then, make each and every one of these statutorily mandated evaluation criteria findings, ELK CREEK FPD also conducted the “hearing” in a manner that likely wouldn’t meet basic standards of procedural due process in that comments and objections from property owners were taken without those citizens having been given notice of the

rationale for the RESOLUTION, [Hearing Record, Exhibit 3, Recording of Public Hearing, Public Comments and statements made by Board of Directors and Fire Chief from 0h:00m:00s to 1h:18m:16s]. Instead, citizens were told that there would be no questions nor discussion and that their comments were limited to 3 minutes each, [Hearing Record, Exhibit 3, Recording of Public Hearing, hearing procedure instructions provided by Board of Directors President Pixley from 0h:00m:00s to 0h:03m:10s]. The “hearing” at issue in this appeal was barely more than a rubber stamp process. Therefore, the hearing and the RESOLUTION run afoul of the Colorado Administrative Procedure Act, CRS § 24-4-101 et seq. which requires, among other things, that agency actions to be supported by “substantial evidence.”

For all the reasons stated above, the RESOLUTION should be vacated.

REQUEST FOR RELIEF

WHEREFORE, based on the appeal record and the arguments presented above, the Appellants request that the JCBCC vacate the RESOLUTION and make the following determinations:

- i. Appellee may not utilize the exclusion provisions of CRS § 32-1-501, *et seq.* to accomplish consolidation with NORTH FORK FPD;
- ii. If Appellee desires to pursue consolidation in the future, Appellee must adhere to the statutory requirements for consolidation of special districts under CRS § 32-1-601, *et seq.*;
- iii. Appellee may not administratively exclude property from ELK CREEK FPD for inclusion into NORTH FORK FPD as long as NORTH FORK FPD continues to maintain an authorized mill levy in excess of the authorized mill levy for ELK CREEK FPD. Until that time, any attempt for exclusion to NORTH FORK FPD must be accomplished through an election seeking voter approval;
- iv. Appellee failed to satisfy the requirement of CRS § 32-1-501(3) to consider and to make actual findings regarding each of the evaluation factors that are enumerated in CRS § 32-1-503(3)(a)-(h).

[signature page follows]

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BY: /s/ Neil H Whitehead III
Neil H Whitehead III
DATE: February 14, 2025

APPELLANT ADDRESS:
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BY: /s/ Charles F Newby
Charles F (Chuck) Newby
Trustee for the Charles F and
Joanne Newby Living Trust
DATE: February 14, 2025

Jefferson County Board of County Commissioners
100 Jefferson County Parkway, Suite 5550
Golden, CO 80419

Neil H. Whitehead III and Charles F. Newby
Petitioners-Appellants,

v.

Elk Creek Fire Protection District,
Respondent-Appellee.

**APPELLEE’S ANSWER BRIEF
IN APPEAL OF ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION NO. 2024-09 RESOLUTION AND ORDER OF EXCLUSION
(NORTH FORK CONSOLIDATION)**

The Respondent-Appellee, Elk Creek Fire Protection District (“Elk Creek” or “Appellee”), by its counsel John Chmil of the law office of Lyons Gaddis, PC., in response to the Brief of Appellants in Support of Appeal of Elk Creek Fire Protection District Resolution No. 2024-09 Resolution and Order of Exclusion (North Fork Consolidation) (“Appellants’ Brief”), states as follows:

I. INTRODUCTION

Elk Creek is a Title 32 fire protection district in Colorado that serves property located in Jefferson and Park Counties. Elk Creek is one of three fire districts impacted by the proposed unification, alongside North Fork Fire Protection District (“North Fork”) and Inter-Canyon Fire Protection District (“Inter-Canyon”) (together, the “Districts”). Elk Creek is the sole Appellee. Title 32 special districts exist to serve a public use and promote the health, safety, prosperity, security and general welfare of the inhabitants of the district and of the people of the state of Colorado. C.R.S. § 32-1-102(1). The Districts, in an effort to faithfully perform their duty and to improve services to the people and property within their respective boundaries agreed to unify the Districts through the exclusion procedures as set forth in § 32-1-501 *et seq.*, C.R.S.

While Elk Creek has always and continues to provide the best service possible based on availability of resources and engaging service partners, Elk Creek is “one call away from catastrophe” (Exhibit 3 at 00:51:00) and often requires mutual aid from other agencies at a 3-to-1 ratio in order to meet the needs of its citizens’ (*Id.* at 01:03:47). Faced with escalating call volumes and a continual decline in volunteer personnel, it became evident that the existing service model would not sustain the increase in the need for efficient emergency services. “The status quo isn’t an option: it is the answer to yesterday’s problems. We can’t wish away today’s problems and

hope volunteers will come. We must take action, and Unification is the right action for our safety today and for tomorrow.” (Exhibit 4, pg. 13); and “While volunteerism is declining across the country and we are no exception, we have fewer volunteers than we have ever had before.” (Exhibit 3 at 00:16:50) As a result, Elk Creek determined unification was the most appropriate option available to leverage resources and promote better service through its service area, as well as the service areas of North Fork and Inter-Canyon.

On November 21, 2024, the Board held a public hearing to consider the adoption of Resolution 2024-09 (the “Resolution” attached as Exhibit 1). Of the eighteen (18) speakers, twelve (12) were in favor of unification, and six (6) were against (Exhibit 3). Elk Creek also received several emails and letters from interested citizens, the majority of whom favored unification (Exhibit 4). The Board also reflected on the public testimony, provided individual input, and heard from the Fire Chief on the issue of unification. (Exhibit 3 at 00:53:48). Again, the majority of these comments supported unification and the consideration of the statutory exclusion factors, as cited in the Resolution. Following the public hearing, the Board adopted the Resolution which expressly includes the findings required by § 32-1-501(3), C.R.S. (Exhibit 1, Eighth Whereas Finding), and in compliance with § 32-1-501(1.5) and § 32-1-501(4) C.R.S. The Board’s decision to approve the Resolution was proper and there is sufficient basis in the Record to support the approval. Therefore, the Jefferson County Board of County Commissioners’ (“Commissioners”) should similarly approve the Resolution based on the overwhelming testimony supporting approval and the Board’s determination that unification is in the best interest of its constituency. Further, as evidenced below, the Board sufficiently addressed the statutory exclusion factors.

II. PROCEDURAL BACKGROUND AND STANDARD OF REVIEW

On or about November 27, 2024, Appellants filed their Appeal of Elk Creek Fire Protection District Resolution No. 2024-09 Resolution and Order of Exclusion (North Fork Consolidation) (the “Appeal”). In its December 20, 2024, letter regarding the Appeal, the Commissioners limited its review to a singular issue: “Whether the Elk Creek FPD Exclusion Order Violates the Statutory Requirements of C.R.S. § 32-1-501.” On January 10, 2025, Elk Creek filed its Response to Record on Appeal of Elk Creek Fire Protection District Resolution No. 2024-09 Resolution and Order of Exclusion (North Fork Consolidation) for the singular purpose of defining the record on appeal pursuant to the statutory limitation contained in § 32-1-501 *et seq.*, C.R.S. (the “Exclusion Statute”). The Commissioners agreed and affirmed that the record on appeal shall consist only of the following: Resolution 2024-09 (Exhibit 1); Relevant Board Packet Documents (Exhibit 2); Recording of Public Hearing on Resolution 2024-09 (Exhibit 3); and Appellants’ Exhibit C (Exhibit 4), (collectively, the “Record”).

While there is no specific caselaw construing the statutory exclusion appeal process, caselaw construing Colorado Rule of Civil Procedure 106(a)(4) is instructive. Rule 106(a)(4) applies to circumstances in which a governmental body exercises quasi-judicial functions and a party challenges the action as exceeding the body’s jurisdiction. 106(a)(4), C.R.C.P. This appeal arises from quasi-judicial action by the Board and the Commissioners base their review on the record created before the Board. “Quasi-judicial action is generally characterized by the following factors: 1) a local or state law requiring that notice be given before the action is taken; 2) a local or state law requiring that a hearing be conducted before the action is taken; and 3) a local or state law directing that the action results from the application of prescribed criteria to the individual facts of the case.” *Baldauf v. Roberts*, 37 P.3d 483, 484 (Colo. App. 2001). The statutory exclusion

requires notice prior to the action, a hearing to determine the action, and specifies the factors necessary to make a decision based on the facts presented; therefore, it is quasi-judicial action. Using Rule 106(a)(4) as an instructive guideline to this analysis is appropriate. The authority of the appellate body and the scope of its review in such proceedings “is limited to a determination of whether there is any competent evidence to support the decision of the inferior tribunal.” *Civil Serv. Comm’n. v. Doyle*, 424 P.2d 368 (Colo. 1967). Further, “[n]o competent evidence’ means that the governmental body’s decision is so devoid of evidentiary support that it can only be explained as an arbitrary and capricious exercise of authority.” *Bd. of Cnty. Comm’rs v. O’Dell*, 920 P.2d 48, 50 (Colo.1996).

III. ARGUMENT

A. Response to Appellants’ Arguments and Requested Relief.

On February 14, 2025, Appellants submitted their Opening Brief. Appellants object to the Resolution, based on the following: (1) that Appellee misused the exclusion provision to impermissibly circumvent the requirements under C.R.S. § 32-1-601, *et seq.*, (2) that exclusion is not permitted if the mill levy of the excluding district is lower than that of the including district, and (3) that Appellee failed to make actual findings regarding each of the evaluation factors in C.R.S. § 32-1-503(3)(a)-(h). Appellee responds as follows:

Appellants’ first argument is not subject to review on this Appeal, and is outside the scope of statutory authority granted to the Commissioners to make such finding pursuant to § 32-1-501(5)(b)(II), C.R.S. Without waiving the foregoing, the Districts elected to proceed with unification under the Exclusion Statute upon subsequent inclusion, as one method of consolidation. Appellants’ reliance on the 2023 election as evidence of the District’s improper consolidation efforts is misleading. While the District did present a ballot measure to voters in 2023, the measure included both a consolidation component and a TABOR question seeking a mill levy increase. To suggest that the election’s failure was solely a rejection of consolidation distorts the facts and ignores the broader context of the ballot measures, including the potential financial considerations of a mill levy increase, posed to voters in 2023. Further, Appellant does not set forth any law, rule or regulation that suggests that unification by exclusion is improper.

Appellants’ second argument is also not subject to review on this Appeal, and is outside the scope of statutory authority granted to the Commissioners to make such finding pursuant to § 32-1-501(5)(b)(II), C.R.S. Without waiving the foregoing, Appellee agrees that the Exclusion Statute would require an election if the mill levy would increase as a result of the proposed exclusion. However, that was not the case here and that fact is admitted by Appellants in their briefing. The Resolution accurately reflected the base mill levy of each District and, as Appellants report in their Brief, North Fork set its 2025 mill levy at 12.0 mills. Procedurally, this exclusion was not going to change any taxing boundaries for the 2024 mill levies, which moneys would have been already substantially collected and distributed throughout 2024. As a result, it is immaterial what the 2024 mill levies of these Districts were and such a fact is irrelevant to the consideration of the Resolution. As stated in the Resolution and acknowledged by Appellants in their Brief, the mill levy assessed by North Fork against all property within its boundaries is currently 12.000 mills and the mill levy assessed by Elk Creek is currently 12.500 mills (Exhibit 1, Sixth Whereas Finding). Because the mill levy in the North Fork is lower than the mill levy in Elk Creek, no election was required under the Exclusion Statute to consider the Resolution. Furthermore, as

confirmed in the Resolution, North Fork had expressly agreed to include all properties within Elk Creek upon the exclusion of such properties from Elk Creek. (Exhibit 1, pgs. 6-9).

Appellants' third argument is without merit, as further discussed in Section III(B) below. In support of their position, Appellants merely cite the entirety of Exhibit 3, stating that the "hearing record does not include any objective evidence or findings whatsoever." (Appellants' Brief, pp 7-9). The Board conducted a duly noticed public hearing and heard public comment. Following the public hearing, the Board adopted the Resolution in compliance with § 32-1-501(1.5) and § 32-1-501(4), C.R.S., which expressly include the findings required by § 32-1-501(3), C.R.S. (Exhibit 1, Eighth Whereas Finding). The Exclusion Statute does not require any kind of specific form of evidence or presentation and, ultimately, leaves the decision to the Board to weigh the information provided at the hearing with the statutory factors to make its decision.

Finally, the request for relief contained in Appellants' Brief contains four parts. (Appellants' Brief, p. 10, ¶ i-iv). Appellee maintains that items i-iii in Appellants' request for relief are outside of the scope of statutory authority granted to the Commissioners and should therefore be denied. Appellee also objects to the Commissioners' consideration of item iv, as it instructs the Commissioners to make a determination based on the incorrect standard of review. Pursuant to § 32-1-501(5)(b)(II), C.R.S., the Commissioners may only consider the factors set forth in subsection (3) and make a determination whether to exclude the properties mentioned in the resolution based on the record developed at the hearing before the special district board. In doing so, instructive authority on similar reviews under C.R.C.P. 106(a)(4), informs that an appellate body's (here, the Commissioners) appropriate scope of review "is limited to a determination of whether there is any competent evidence to support the decision of the inferior tribunal." *Carney v. Civil Serv. Comm'n*, 30 P.3d 861, 866 (Colo. App. 2001).

Based on the Record, Elk Creek asserts that the Board's decision was supported by substantial, competent evidence, as further discussed below. Elk Creek further asserts that Appellants' Brief fails to proffer an argument that could reasonably establish that the Board violated the statutory requirements of the Exclusion Statute or that approval of the Resolution was not justified based on the Record. Therefore, as further set forth below, the Commissioners should approve the exclusion.

B. Elk Creek Exclusion and Resolution Satisfies All Statutory Requirements of C.R.S. § 32-1-501.

Pursuant to the Exclusion Statute, a reviewing board must take into consideration and make a finding regarding all of the factors set forth in § 32-1-501(3), C.R.S. As reflected in the Resolution, and supported by the Record, Elk Creek asserts that there is substantial, competent evidence supporting each of the statutory factors and permitting the Commissioners to approve the exclusion of all properties within Elk Creek based on the simultaneous inclusion of the properties into North Fork.

- i. Exclusion is in the best interest of all of the following: (I) the property to be excluded, (II) Elk Creek, and (III) Jefferson County and Park County (C.R.S. § 32-1-501(3)(a)(I-III)).

a. Best Interests of the Property

The Record supports the finding that exclusion is in the best interest of the property to be excluded. Rather than relying on an inefficient patchwork of mutual aid, different staffing levels across neighboring districts, and varying resource availability, the unification of the Districts, through approval of the exclusion, will result in improved services to the property proposed for exclusion. The exclusion will promote a centralized system for deploying resources and appropriate staffing throughout Elk Creek and to ensure that efficient redundancy in the system will be able to accommodate the potential for overlapping calls for emergency services.¹ Faster response times are essential for protecting properties from fire damage as unnecessary delays lead to greater property loss, and inevitably higher costs for repairs and recovery. Furthermore, the demands of US Highway 285 provide a constant risk of substantial overlapping calls.

The following testimony emphasizes the practical effect of unification, and the impact to the community:

“To the citizens of Elk Creek, Inter-Canyon and North Fork fire protection districts (hereinafter FPD’s): we who have signed below are the men and women who devotedly provide emergency services in your FPD’s. We represent 100% of the 79 respondents (78% of all Members) to a formal survey for our three collective FPD’s, professional firefighters and EMS personnel (both paid and volunteer, 57 of these responders from Elk Creek Fire, representing 90% of its Members), and 948 years of actual emergency response experience (556 of these years in Elk Creek fire alone). It is our professional belief that unifying our three FPDs as proposed by our respective fire chiefs is in the best interest of every person residing in each of the FPDs. The current arrangement of separate FPDs is not working well for this community: with growing call numbers, severities, and overlap as well as the increased mutual aid needs, we are consistently within one call of catastrophe in our service to our districts and their people. For these and other operational reasons we believe that it would be much more effective in this community’s care and service as a single unified FPD. If you want more timely and more fully-staffed emergency response, we urge you to support what volunteer and career staff members alike endorse: unification for our FPD’s. We encourage and request that you encourage your FPD directors to vote yes on the unity of these FPDs and support this fundamental change and how we work together. Unification will allow us to be more effective and efficient at providing our community the better level of emergent service that is necessary as this community evolves.” (Exhibit 3 at 00:49:45; *See also*, Exhibit 4, pp 21-23).

The trepidation regarding the challenges that Elk Creek faces with increased call volume, call severities, and overlapping incidents, as expressed in the survey, were also repeatedly raised during the November 21, 2024, hearing. One speaker noted, “The neighbors and acquaintances that I have talked to about this unification issue – we’re concerned about how long it takes emergency response to get to our homes. My children attend school in Elk Creek’s district, and I work in North Fork’s district. I am concerned about how long it would take an ambulance to get to my child...” (Exhibit 3 at 00:28:00). Another speaker emphasized the gravity of this situation, stating, “This is a crazy situation in which we have a large fire threat and a very large EMS

¹ Exhibit 3 at 00:20:00; 00:31:31; 00:38:35; 0049:45; 0057:03; 1:08:45; See also Exhibit 4 pp 21-23; See also Exhibit 1 (Eighth Whereas Finding)

threat...” (*Id.* at 00:37:20). The proposed unification is a significant step toward enhancing public safety and security to properties:

“The unification plan will provide initial full-time staff and improve response times within the current Inter-Canyon district where they’ll be housed, but it also provides improved services in all three districts, having more full-time staff gives the district more flexibility on where to put them, have cover for sickness, injury, vacations - also have optimized coverage during an incident. Second calls under the unified district will be responded to immediately without the additional delay of having to call for mutual aid and then wait for volunteers to drop what they are doing and get to the station and pick up necessary equipment. Also, larger more complex calls requiring additional personnel and equipment will be responded to immediately through having those additional staff 24/7...having additional full-time personnel is clearly an improvement in service levels for all residents...we have fewer volunteers than we’ve ever had before...” (*Id.* at 00:31:00).

Unification means faster response times to the perpetual threat to life and property on US Highway 285 and streamlined responses to the perennial threat of wildfire in Colorado. This means that unification is in the best interest of the property to be excluded and therefore weighs in favor of exclusion.

b. Best Interests of Elk Creek (the Excluding District)

The exclusion of all property within Elk Creek, upon the simultaneous inclusion into North Fork is in the best interests of Elk Creek. While Elk Creek will be absorbed into North Fork as part of the exclusion, the members that make up Elk Creek will not experience any loss as all personnel and assets will be transferred to North Fork. As stated, “I want to reiterate that no stations are being closed, no personnel are being released...by combining resources, personnel and expertise, we enhance our ability to respond effectively to emergencies, to reduce redundancy and to impose operational efficiency. This collaboration ensures a more consistent service to all of the community, in particular, Elk Creek.” (*Id.* at 01:08:45) Further, “...having additional full-time personnel is clearly an improvement in service levels for all residents.” (*Id.* at 00:16:39)

As detailed above, Elk Creek currently receives mutual aid from other agencies at a disproportionate 3-to-1 ratio (*Id.* at 01:03:47), placing a substantial burden on neighboring fire districts, such as Inter-Canyon and North Fork. “Unification will increase efficiency in operations and help us not take advantage of our neighbors.” (*Id.* at 00:38:35). With Elk Creek’s inclusion into North Fork (as well as the inclusion of Inter-Canyon into North Fork), unification will streamline operations, enhance communication, and significantly improve response times for emergency services.² The complete transfer of assets and personnel ensures that the unified district operates as one cohesive entity with additional resources and personnel that cannot be achieved by having three distinct districts. “The current arrangement of separate FPDs is not working well for this community...” (Exhibit 3 at 00:49:45; See also, Exhibit 4, pp 21-23). Instead of duplicative dispatches, cumbersome mutual aid requests, and the delays inherent in volunteers leaving their

² Exhibit 3 at 00:20:00; 00:31:31; 00:38:35; 00:49:45; 00:57:03; 1:08:45; See also Exhibit 4 pp 21-23; See also Exhibit 1 (Eighth Whereas Finding)

activities to retrieve equipment,³ the unified fire district will function as a cohesive entity capable of immediate and efficient responses. Overall, this means that the best interests of Elk Creek weigh in favor of exclusion.

c. Best Interests of the Counties

Finally, Jefferson County and Park County will benefit from the exclusion. All three Districts provide fire protection services to Jefferson County; Elk Creek also provides fire protection services to Park County. Running straight through the heart of both Jefferson County and Park County is US Highway 285, a major thoroughfare which represents a substantial demand for services. As stated below, unification, through the exclusion will provide for a more coordinated service delivery for this critical corridor:

“So, lets paint the picture; there’s an accident on 285...so an ambulance is dispatched. That one call would come to Elk Creek, not North Fork, not Inter-Canyon, but Elk Creek. So, the ambulance is dispatched, but wait a minute, another call comes in, there’s another accident on 285, that never happens, right? Not true, there’s accidents on 285 all the time, people drive fast. So, second ambulance goes out on call, could be this station, could be Inter-Canyon, could be a call through mutual aid, but the call comes to Elk Creek when you dial 911, so it’s a really bad accident...so there’s a North Fork ambulance flying back to their station, they’re coming from Swedish, so they’re headed southbound on 285 from Swedish, and when that call goes into Elk Creek for that accident, North Fork ambulance doesn’t know anything about it...they might see the accident on the other side of the road, but they’re going to go right on by, because they weren’t called. So, by the time they put out the mutual aid call, they might already be at their station, which is in Pine, Buffalo Creek, that area, so they might be thirty minutes away from that bad accident. So, another mutual aid call goes out to Inter-Canyon, but wait a minute, Inter-Canyon has an ambulance out too. So, this is the whole story that we heard earlier with overlapping calls and the fact that mutual aid takes time. So, instead of quickly getting to two accidents, they’re pretty far apart. So, in a unified district...same accidents – two accidents, right? One call goes to everybody in the unified district. So, that ambulance that’s driving home from Swedish on 285 – that ambulance knows there’s an accident, and that ambulance knows to stop at that accident. So, three minutes to that accident instead of nine to twelve minutes to that accident. To me, that makes a big difference. (*Id.* at 00:57:03).

The unification of the Districts, through approval of this exclusion, will result in increased service levels and cost efficiencies. In addition, a unified service model along a substantial stretch of US Highway 285 through Jefferson and Park Counties greatly improves the ability for serious accidents to be addressed efficiently and effectively. This realized improvement is certainly in the best interests of Jefferson and Park Counties as the exclusion will promote increased safety and protection of property interests through critical portions of each County.

³ “Second calls under the unified district will be responded to immediately without the additional delay of having to call for mutual aid and then wait for volunteers to drop what they are doing and get to the station and pick up necessary equipment” (Exhibit 3 at 00:31:00)

After thoughtful consideration of the Record, the Board determined that adoption of the Resolution was warranted under C.R.S. § 32-1-501(3)(a)(I-III), finding that the exclusion of the property will be in the best interest of all of the following: (I) the property itself, (II) Elk Creek, and (III) the counties in which Elk Creek is located. (Exhibit 1, Eighth Whereas Finding).

ii. Relative Cost and Benefit to the Property to be Excluded (C.R.S. § 32-1-501(3)(b)).

The property to be excluded from Elk Creek (all property currently within Elk Creek) will benefit from a significant increase in fire protection services with no additional cost for those services. “Ninety percent of Elk Creek volunteers and career staff support this unification. It will result in better services at no additional cost to our residents.” (Exhibit 3 at 00:20:00). “Unification will also better position us with state and federal grants.” (*Id.* at 00:07:59). Upon exclusion, property owners will benefit by receiving quicker emergency response times by a unified service which will improve the health, safety and welfare of citizens, their property, and provide safety to volunteer and career firefighters. The mill levy assessed by North Fork against all property within its boundaries is currently 12.000 mills. The mill levy assessed by Elk Creek is currently 12.500 mills (Exhibit 1, Eighth Whereas Finding). As a result, the improvement in service posed by exclusion would result in a mill levy decrease for Elk Creek citizens. As such, the relative cost and benefit to the property to be excluded weigh in favor of exclusion.

After thoughtful consideration of the Record, the Board determined that adoption of the Resolution was warranted under C.R.S. § 32-1-501(3)(b), finding that the relative cost and benefit to the Property justify exclusion from Elk Creek and inclusion within North Fork. (Exhibit 1, Eighth Whereas Finding). Appellants offer no argument to rebut this finding.

iii. Economical and Sufficient Service to both the Property to be Excluded and all of the Properties within Elk Creek. (C.R.S. § 32-1-501(3)(c))

The consideration of this factor weighs in favor of exclusion because the property to be excluded is the same as all properties within Elk Creek. The Record supports the Board’s finding that the property within Elk Creek will be better served by the exclusion. (Exhibit 1, Eighth Whereas Finding). As a result, all properties within Elk Creek will continue to receive economic and sufficient services despite the exclusion and, in fact, the Record supports that service levels will be improved. Further, as the Record indicates, the very purpose of the exclusion is to improve efficiency and enhance the overall ability to serve the citizens and property, not only within Elk Creek, but within all Districts. The status quo of relying on mutual aid at a 3-to-1 basis has proven insufficient,⁴ and the demand caused by overlapping calls and increased acuity calls is not economical under the current single district service model. “Unification will increase efficiency in operations and help us not take advantage of our neighbors.” (*Id.* at 00:38:35⁵). Instead of overlapping calls, “One call goes to everybody in the unified district, so that ambulance that’s driving home from Swedish on 285, that ambulance knows there’s an accident and that ambulance knows to stop at that accident, so three minutes to that accident instead of nine to twelve minutes...to me, that makes a big difference.” (*Id.* At 01:15:20); and, the improved service will

⁴ Exhibit 3 at 01:03:47

⁵ See also, *Id.* at 00:20:00; 00:31:31; 0049:45; 0057:03; 1:08:45; Exhibit 4 pp 21-23; Exhibit 1 (Eighth Whereas Finding)

come at no additional cost,⁶ will expand opportunity for state and federal grants,⁷ and will decrease the mill levy for Elk Creek residents.⁸ As such, this factor weighs in favor of exclusion.

After thoughtful consideration of the Record, the Board determined that adoption of the Resolution was warranted under § 32-1-501(3)(c), finding that the ability of unified district to provide economical and sufficient service to both the property to be excluded from Elk Creek and all of the properties within Elk Creek is the same. (Exhibit 1, Eighth Whereas Finding). Appellant offers no argument to rebut this finding.

iv. Improved Services at a Reasonable Cost (C.R.S. § 32-1-501(3)(d)).

The Record supports a finding in favor of exclusion on this factor because, at no additional cost,⁹ exclusion will allow for broader operational efficiencies by unifying the surrounding entities instead of isolating them, “The current arrangement of separate FPDs is not working well for this community...” (Exhibit 3 at 00:49:45; *See also*, Exhibit 4, pp 21-23). In fact, consolidation was recommended by neutral consultants, “Both consolidation and unification were options recommended by third party consultants to address the problems facing these FPD’s here through combining them.” (Exhibit 3 at 00:57:20).

Not only for the reasons set forth above, “Having more full-time staff gives the district more flexibility on where to put them, how to cover sickness, injury, vacations, also how to optimize coverage during an incident.” (*Id.* at 00:31:00). “For these and other operational reasons...it would be much more effective in this community’s care and service as a single unified FPD. If you want more timely and more fully-staffed emergency response, we urge you to support what volunteer and career staff members alike endorse: unification for our FPD’s...unification will allow us to be more effective and efficient at providing our community the better level of emergent service that is necessary as this community evolves.” (Exhibit 4, pgs. 21-23). Further, “...having additional full-time personnel is clearly an improvement in service levels for all residents.” (Exhibit 3 at 00:16:39). As such, this factor weighs in favor of exclusion.

After thoughtful consideration of the Record the Board determined that adoption of the Resolution was warranted under C.R.S. § 32-1-501(3)(d), finding that Elk Creek is able to provide services to the Property, but the costs of providing services by North Fork (the unified district) will be less than the cost of providing services solely by Elk Creek. (Exhibit 1, Eighth Whereas Finding). Appellant offers no facts or argument to rebut this finding.

v. Neutral Effect on Employment and Other Economic Conditions (C.R.S. § 32-1-501(3)(e)).

There will be no impact on employment and other economic conditions regardless of whether the exclusion is approved or denied. “We’re not closing any fire stations...we’re not changing any of the staffing. We’re going to just be increasing it.” (Exhibit 3 at 00:31:00). If the Resolution is denied, Elk Creek will be forced to contend with the status quo as demand rises and volunteerism decreases, which is the very problem the unified district, and exclusion, seeks to resolve: “The status quo isn’t an option: it is the answer to yesterday’s problems. We can’t wish

⁶ Exhibit 3 at 00:20:00; and 01:15:125

⁷ *Id.* at 00:07:59

⁸ Exhibit 1, Eighth Whereas Finding

⁹ Exhibit 3 at 00:20:00 and 01:15:125; Exhibit 1 (Eighth Whereas Finding)

away today's problems and hope volunteers will come. We must take action, and Unification is the right action for our safety today and for tomorrow." (Exhibit 4, pg. 13).

In the alternative, approving the Resolution will strengthen the long-term viability of emergency services through unification. Unification through exclusion will provide a more sustainable framework for the future by consolidating resources, eliminating redundancies, streamlining operations, providing consistent, uninterrupted services to the community.¹⁰ Therefore, approving the Resolution will allow emergency services in the area to meet the ever-changing demands in the surrounding area as demonstrated by the comments below:

"...this Board owe[s] it to the people of the district to provide the best emergency services they can within established budgets. Let me be clear, the best way to provide emergency services is by having full-time staff in as many stations as the district can afford. If you're in Denver, Dallas, Louisiana, New York, there's a fire station every few blocks because they have a huge tax base to pay for it. Obviously, that's not practical here in the rural areas, especially up here in the mountains. So, we have to get creative and do the best we can. As residents of this district, we should applaud Chief Ware and the other Chiefs for finding ways to improve emergency services while staying within the established budget. The Unification plan will provide additional full-time staff. Not only does this improve response times within the current Inter-Canyon district where they'll be housed, but it also provides improved services for all three districts." (Exhibit 3 at 00:14:56).

After thoughtful consideration of the Record, the Board determined that adoption of the Resolution was warranted under C.R.S. § 32-1-501(3)(d), finding that there will be no effect on employment and other economic conditions in Elk Creek and surrounding area if this Resolution is or is not finally adopted. (Exhibit 1, Eighth Whereas Finding). Appellant offers no facts or argument to rebut this finding.

vi. Neutral Economic Impact on the Region, Special District, Surrounding Area, and State (§ 32-1-501(3)(f)).

There would be no direct change to the economic landscape of the region, Elk Creek, surrounding area, or state based on the approval or denial of this Resolution. However, if the Resolution is adopted, the region, Elk Creek, surrounding area, and state will certainly benefit. Jefferson and Park Counties will benefit from improved service to US Highway 285, and the state of Colorado, particularly its rural and mountain communities will benefit from streamlined responses to the constant threat of wildfire:

"The Marshall fire, biggest fire in the state's history. Fatalities. Not even 35 miles from here is where it started. The Hayman fire just over the hill and down in the valley. Burned for months. Very, very large fire made national news just like many of the other fires. The East Troublesome Gulch fire, our friends just to the north.

¹⁰ Exhibit 3 at 00:20:00; 00:31:31; 00:38:35; 00:49:45; 00:57:03; 1:08:45; See also Exhibit 4 pp 21-23; See also Exhibit 1 (Eighth Whereas Finding)

Within an hour, hour and a half. Burned for a very, very long period of time and burned hundreds of houses. We are lucky here that it hasn't happened. But it will. It's not if it will. We may not all be alive, but it will happen here. What stops those fires? Firefighters and equipment. That's it. That's what stops those fires, nothing else.” (Exhibit 3 at 00:23:18).

After thoughtful consideration of the Record, the Board determined that adoption of the Resolution was warranted under § 32-1-501(3)(f), finding that there will be no economic impact on the region or on Elk Creek, the surrounding area, or the state as a whole if this Resolution is or is not finally adopted. (Exhibit 1, Eighth Whereas Finding). Appellant offers no facts or argument to rebut this finding.

vii. No Economically Feasible Alternative Service is Available. (§ 32-1-501(3)(g)).

There are no economically feasible alternative services available to Elk Creek. Unifying the Districts is not only the most fiscally responsible option but also the option that best ensures the protection of lives and property, and provides a sustainable and efficient means of delivering essential services which cannot be achieved by the current fragmented structure.¹¹ As stated, “both consolidation and unification were options recommended by third party consultants to address the problems facing these FPD’s here through combining them.” (Exhibit 3 at 00:57:20). Another speaker referenced the District’s recently completed strategic plan: “I’d like to remind everyone in this room that a third party study found that combining the surrounding fire district was in fact not only what was best as far as emergency service to this community, but also the most fiscally responsible and efficient way to handle increasing demands on the local fire and EMS service.” (*Id.* at 01:01:00). As supported by the Record, exclusion is the only feasible alternative to meet growing demands and ensure better uniformity of service in Elk Creek and the overall unified district.

After thoughtful consideration of the Record, the Board determined that adoption of the Resolution was warranted under C.R.S. § 32-1-501(3)(g), finding that there are no economically feasible alternative services available except from North Fork (the unified district). (Exhibit 1, Eighth Whereas Finding). Appellant offers no facts or argument to rebut thus finding.

viii. No Additional Cost (C.R.S. § 32-1-501(3)(h)).

As stated above and applicable here, granting exclusion will not impose any additional costs on other properties within the Elk Creek.¹² First and foremost, this factor supports exclusion because all properties in Elk Creek are proposed for exclusion and the exclusion will lead to improved services at no extra cost to residents (Exhibit 3 at 00:20:00). Moreover, “Unification will also better position us with state and federal grants” (*Id.* at 00:07:59), further strengthening emergency services. In that sense, this is not a situation in which properties will be left within Elk Creek that could be possibly impacted by the exclusion. The exclusion is uniform in its positive impact across the entire service area of Elk Creek.

¹¹ Exhibit 3 at 00:16:39; 00:31:00; 00:38:35; 00:49:45; 00:57:03; 01:03:47; 1:08:45; 01:15:20; See also, Exhibit 4 pp 21-23

¹² Exhibit 3 at 00:20:00 and 01:15:125; Exhibit 1 (Eighth Whereas Finding)

After thoughtful consideration of the Record, the Board determined that adoption of the Resolution was warranted under C.R.S. § 32-1-501(3)(h), finding that no additional costs will be levied on other property within Elk Creek as a consequence of the exclusion. (Exhibit 1, Eighth Whereas Finding).

IV. CONCLUSION

Section 32-1-501(3), C.R.S., requires that the reviewing district board “take into consideration and make a finding” on each of the statutory factors when determining whether to grant or deny a petition for exclusion. As set forth herein, Elk Creek fulfilled that statutory obligation and its conclusion, after receiving substantial public testimony, was that exclusion was warranted. Furthermore, under the standard used for review under Rule 106(a)(4), C.R.C.P., there is ample competent evidence contained in the record to support the decision of the Board, justifying the approval of the Resolution. For the reasons stated herein, the Commissioners should approve the Resolution and authorize the exclusion of all properties within Elk Creek based on the simultaneous inclusion of all such properties into North Fork.

Respectfully submitted this 6th day of March, 2025.

s/ John Chmil
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CERTIFICATE OF SERVICE

This is to certify that on March 6, 2025 a true and correct copy of the foregoing **APPELLEE’S ANSWER BRIEF IN APPEAL OF ELK CREEK FIRE PROTECTION DISTRICT RESOLUTION NO. 2024-09 RESOLUTION AND ORDER OF EXCLUSION (NORTH FORK CONSOLIDATION))** was served by electronic mail upon:

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s/ John Chmil

REPLY BRIEF OF APPELLANTS
IN APPEAL OF ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION NO. 2024-09 RESOLUTION AND ORDER OF EXCLUSION
(NORTH FORK CONSOLIDATION)

Appellee (“ELK CREEK FPD”) first urges this Board of Commissioners to overlook that it is attempting to administratively consolidate ELK CREEK FPD into another district without following the statutory requirements of Colorado Law that explicitly govern the consolidation of special districts. See CRS § 32-1-601 *et seq.* Moreover, Appellee urges this Board not to consider the fact that the voters of ELK CREEK FPD rejected consolidation when Appellee tried to do this properly, following CRS § 32-1-601 *et seq.* in the November 2023 election. Appellee disingenuously asserts that consolidation was on the ballot only because there was a TABOR tax mill rate issue at play (2023 Ballot Issue 7D) and intimates that the voter rejection of consolidation was due to that tax mill rate increase issue. First: consolidation of special districts under CRS § 32-1-601 requires voter approval through an election regardless of whether there is a tax rate increase at issue. Second: the voters of ELK CREEK FPD approved a ballot measure for a tax mill increase (2023 Ballot Issue 7E) while simultaneously rejecting the ballot measure for consolidation (2023 Ballot Issue 7F) in that November 2023 election. Appellee’s impermissible attempt to use the statute that allows changing boundaries of fire districts when certain factors are considered and found, CRS § 32-1-501 *et seq.*, to do away with the fire district by consolidation patently circumvents the voters. Moreover, Appellee’s eagerness for this Board of Commissioners not to consider these serious legal issues should raise alarm bells that the ELK CREEK FPD is operating outside the proper legal framework for effectuating a consolidation and should convince this Board of Commissioners to vacate the RESOLUTION.

Second, Appellee likewise urges this Board of Commissioners to simply disregard the tax mill rate issue and instead engages in semantic games by referring to a “base mill rate levy” even though that is not the rate at which tax is or has been assessed. The actual authorized mill rate at the time of the RESOLUTION was higher in NORTH FORK FPD than in ELK CREEK FPD. And the authorized mill rate is what property owners confront and that authorized mill rate will be higher if the property of ELK CREEK FPD is moved into NORTH FORK FPD. Further, Appellee provides no defense for the fact that the supposedly self-limiting resolution to impose tax at 12.0 mills was ratified only after the RESOLUTION was passed and even after this Appeal was filed and that it can be changed again up to the authorized mill rate without voter consent. Therefore, the statements about a mill rate decrease that were made before and during the November 21, 2024 hearing were not true. This material misstatement of fact, in and of itself, should convince this Board of Commissioners to vacate the RESOLUTION.

Third, Appellee utterly fails to show that the ELK CREEK FPD properly complied with the

provisions of CRS § 32-1-501 during the hearing on November 21, 2024. To do so, the ELK CREEK FPD had to consider and find each and every listed factor in CRS § 32-1-501(3). Appellee offers not a shred of actual evidence that the Board members fulfilled their statutory obligation to make factual findings regarding each of those factors set forth under CRS § 32-1-501(3). The hearing record is utterly devoid of ANY statements of factual findings made by members of the Board that address the evaluation criteria as set forth by statute.

A board must actually consider and find facts. When determining whether there has been an abuse of discretion under the rule Appellee cites, C.R.C.P. 106(a)(4), a reviewing court looks to see if the applicable law has been misconstrued or misapplied. *DeLong v. Trujillo* 25 P.3d 1194 (Colo. 2001) (finding abuse of discretion by misconstruing the applicable law). A board abuses its discretion when its decision is manifestly unreasonable, arbitrary, or unfair, including when it misapplies or misconstrues applicable law or the decision is not reasonably supported by competent evidence in the record. *Freedom Colorado Information, Inc. v. El Paso County Sheriff's Dept.*, 196 P.3d 892 (2008.)

A fact finder abuses its discretion if its decision is manifestly arbitrary, unreasonable, or unfair, or if the decision relies on unsupported factual assertions, erroneous legal conclusions, incorrect legal standards or an erroneous application of law. *Garcia v. Medved*, 263 P.3d 92, 97 (Colo. 2011). See also, *Scholle v. Ehrichs*, 519 P.3d 1093, 1113 (Colo. App. 2022) *rev'd on other grounds*, *Scholle v. Ehrichs*, 546 P.3d 1170 (Colo. 2024) (finding a court abuses its discretion when it gives significant weight to an improper or irrelevant factor or when it relies on factual assertions not supported by the record. A reviewing court cannot affirm a judgment based upon mere possibilities, conjecture or speculation. *Mosko v. Walton*, 144 Colo. 602 (Colo. 1969) (overturning ruling when findings were not supported in the record). That is what happened here—in spades.

Counsel for Appellee pulls random quotes from the 12 people, most of whom are personally affiliated with the ELK CREEK FPD and many of whom have pecuniary bias as they have financial ties to the ELK CREEK FPD, who gave three-minute statements during the public comment period in favor of “consolidation.”¹ The quoted statements are not facts and cannot support the Board’s decision under Colorado law. Rather, they can be summarized as follows: 1) hyperbolic statements about a supposed crisis looming with zero support; 2) bald opinion statements about favoring consolidation; 3) general statements about supporting, trusting and respecting the fire chiefs and first responders; 4) fear-based statements about “something must be done!”; 5) statements of claimed belief as to future events; and finally, 6) misstatements that are so implausible as to demonstrate either ignorance or dishonesty. Moreover, even if one or more of these 12 people had provided a statement of fact or factual assertion

¹ Throughout Appellee’s March 6th Answer Brief, Appellee inconsistently cites the subject November 21, 2024 hearing audio/video recording that has been certified in this case, but then, on other occasions their citations do not align with the recording of record. For purposes of our Reply Brief, we have made a good faith effort to respond to what we presume Appellee intended to reference. Nonetheless, it should be noted that Appellee’s citations are not properly referenced and therefore, Appellee’s assertions are not actually supported.

with some smidge of support, no one was placed under oath or subject to cross examination or *voir dire*. Nor do they represent even a material fraction of the 12,000 property owners of ELK CREEK FPD nor of the 3,000 voters who rejected consolidation in November 2023.

The repeated citations to public comment opinions about the current status quo are ridiculous and unsupported predictions about being “one call away from catastrophe” and general concerns about response times. But nowhere in the record or in Appellee’s brief is there any evidence, explanation or attempt to support how merging a well-funded 98 sq-mi district with 24/7 service, a \$7 million capital reserve and a dozen full time firefighter/EMT personnel (ELK CREEK FPD) into an underfunded 240 sq-mi district with ONE full time employee, limited assets and no capital reserve funds (NORTH FORK FPD) is beneficial to the property owners and taxpayers of ELK CREEK FPD. The quoted statements about how things in ELK CREEK FPD are awful (according to those 12 people) don’t have any relevance to the statutory criteria to be considered as part of exclusion unless those statements are tethered to how merging into another district would bring resources or personnel or equipment to improve fire and EMS protection for property owners of ELK CREEK FPD. To the contrary, as shown with actual record evidence in Appellants’ Initial Brief, the opposite is clear—the back door effort at consolidation if approved would harm ELK CREEK FPD property owners by decreasing services, lengthening response times, and increasing fire insurance premiums and/or reducing or eliminating available fire insurance coverage. Had the Board held the required hearing to consider and assess the relevant factors for a boundary change under the exclusion statute, this conclusion would be inescapable. A consolidation would render the property owners of ELK CREEK FPD encumbered with vast operational expenses and burdens to undertake the jurisdiction of an additional 240 square miles of rural forest land.

Appellee’s brief is also replete with citations to public comment with speculation of how things might be in the future if consolidation is accomplished. These are not findings of fact. These are statements of belief of potential future events that have no relevance to CRS § 32-1-501(c). Moreover, there is no evidence that the people making these comments have any actual knowledge or expertise of what will happen post-consolidation, but rather are offering mere unsubstantiated opinion about what will happen in the future. To that point, these predictions about what will supposedly change are actually contradictory. Some say that nothing will change; [D Devaney at 01H:08M:44S] others project that there will be substantially more full-time personnel (paid for by whom?); [K Shine at 00H:15M:04S] while others say that there will be no additional costs to taxpayers [S Trilk at 00H:20M:05S]. All of these things cannot simultaneously be true. Ultimately, prognostications are not findings of fact and it is an abuse of discretion to rely on wish-casting when the statute requires actual findings.

Appellee’s brief is also laden with general assertions that many volunteer and career firefighters along with administrative staff of ELK CREEK FPD desire to have their local fire district dissolved and subsumed into a subpar poorly funded district that is currently staffed with one full time employee, who is incidentally approaching retirement age. Of course, organizations may take into account the opinions

of their staff, but under CRS § 32-1-501(3), the opinions of special district staff are not a statutorily enumerated evaluation criterion.

The most disturbing statements referenced in Appellee’s brief are those made by staff, officials and volunteers of ELK CREEK FPD that are blatantly inaccurate. These statements demonstrate a lack of veracity and/or reliability that further support the conclusion that the adoption of the RESOLUTION was arbitrary and capricious because the Board members of ELK CREEK FPD are aware of these inaccuracies. Those misstatements include the following:

- 1) Appellee repeatedly cites to false statements about “escalating call volumes” in ELK CREEK FPD. [See e.g., Appellee’s Brief, pages 1, 5, 8.] These statements are then used to justify a cry for change. But the underlying assertion about call volumes is not true. Call volumes in ELK CREEK FPD have been relatively static over the past decade and VERY STABLE over the last several years. This is documented and public information. Over the same period of time where call volume has remained static, the number of full time Fire and EMS crew has substantially increased. As the numbers stand, the full time 24/7 staff of ELK CREEK FPD respond to approximately 3 calls per 24 hours, and that number includes false alarms and good will calls. The Board members of ELK CREEK FPD are privy to this information and therefore, cannot rationally rely on any statements made during public comment that are verifiably untrue. Had a true hearing been held by ELK CREEK FPD and fact finding undertaken, as required, this would have been made evident.
- 2) Appellee repeatedly cites to statements about dis-coordinated 911 calls caused by the fire districts not being consolidated. This culminates in Appellee quoting at length [See Appellee’s Brief, page 7 purportedly supporting CRS § 32-1-501(3)(c)] an absurd hypothetical where a NORTH FORK FPD ambulance drives right by an accident on Highway 285 because the ambulance driver didn’t see or know about it until the ambulance returned to its home station in NORTH FORK FPD. This ridiculous hypothetical was actually recited by a Board member of ELK CREEK FPD [S Woods at 00H:57M:00S]. It is inexplicable that anyone associated with a fire protection district in Jefferson County is unaware of the highly sophisticated Jeffcom911 which centrally manages all 911 calls from its state-of-the art facility in Golden, Colorado. As this Board of Commissioners is well aware, all 911 calls are managed and dispatched from that Jeffcom911 facility and all EMS and Fire equipment, vehicles and personnel are mapped on a real time basis. Moreover, Jeffcom911 sends communications to active responders in the area as to active incidents. The suggestion that an ambulance driving up Highway 285 would not have been apprised of an accident on its path back to NORTH FORK FPD that needed EMS services is ludicrous. The Board members of ELK CREEK FPD are well aware of the Jeffcom911 centralized dispatch system and therefore, cannot rationally rely on statements made during public comment about dis-coordinated 911 dispatch that are verifiably untrue.
- 3) Finally, Appellee also attempts to mislead this Board of Commissioners by citing hearing

statements made by a person who is not a firefighter relating that ELK CREEK FPD has received more mutual aid from adjacent districts than it gives, thus, taking “advantage of our neighbors.” [See Appellee’s Brief, page 6.] Mutual aid is an incident peaking strategy which enables rural fire districts everywhere to carry a lower base load of personnel and equipment which saves taxpayers enormous sums of money. Using this feature of how mutual aid is intended to operate in order to mislead the public into believing that ELK CREEK FPD is tragically dependent on that one full-time firefighter down in NORTH FORK FPD, or that merging into that underfunded and resource depleted district would be the panacea for all that ails ELK CREEK FPD, is ludicrous. The Board members of ELK CREEK FPD are well aware of how the mutual aid call system works and what a fluctuating 2:1 to 3:1 mutual aid statistic actually indicates and therefore, cannot rationally rely on statements made during public comment that attempt to mislead the public as to the actual level of dependency that ELK CREEK FPD has on mutual aid.

As has long been held in Colorado, opinions and desires of community members are just opinions and not relevant for finding necessary facts by a board charged with making assessment and actual findings. See e.g., *MacArthur v. Presto*, 122 Colo 202 (Colo. 1950), finding in the context of an application for a liquor license, “[p]etitions signed by more than one thousand residents requesting that an application for hotel and restaurant liquor license be granted would, in absence of any contrary evidence, constitute a conclusive showing as to desires of the inhabitants, but expression therein of opinions as to requirements of the neighborhood was not controlling, since under statute the issuance of license is dependent on the judgment of the licensing authority and not that of other citizens”.

For the foregoing reasons, the RESOLUTION attempting to consolidate ELK CREEK FPD into NORTH FORK FPD using the incorrect statutory provision, subjecting ELK CREEK FPD property owners to a tax increase without voter consent, based on a sham hearing in which opinions of biased stakeholders were given but no actual factual findings were made, should be VACATED by this Board of Commissioners.

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