

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

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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
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

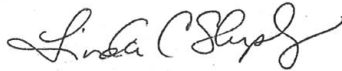
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

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

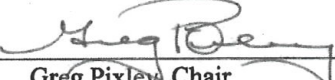
IT IS THEREFORE ORDERED that:

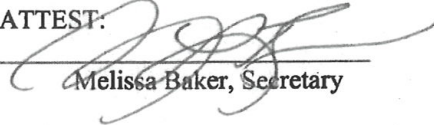
1. The Property described in Exhibit A attached hereto and incorporated herein shall be excluded from Elk Creek Fire Protection District.
2. The boundaries of Elk Creek Fire Protection District shall be altered by the exclusion of the Property.
3. Such exclusion shall be contingent upon the District 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.

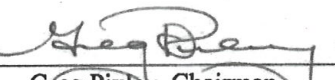
Elk Creek Fire Protection District


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

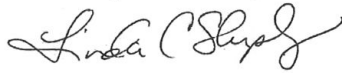
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

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

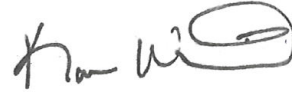
Legal Notice No. CAN 1678
First Publication: October 17, 2024
Last Publication: October 17, 2024
Publisher: Canyon Courier

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

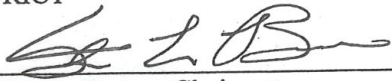
WHEREAS, it is deemed to be in the best interest of North Fork and the taxpaying electors thereof that such Property be included within North Fork’s boundaries.

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:

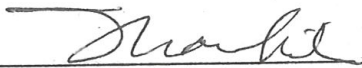
By: 
Elinor White, Secretary

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@q.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>

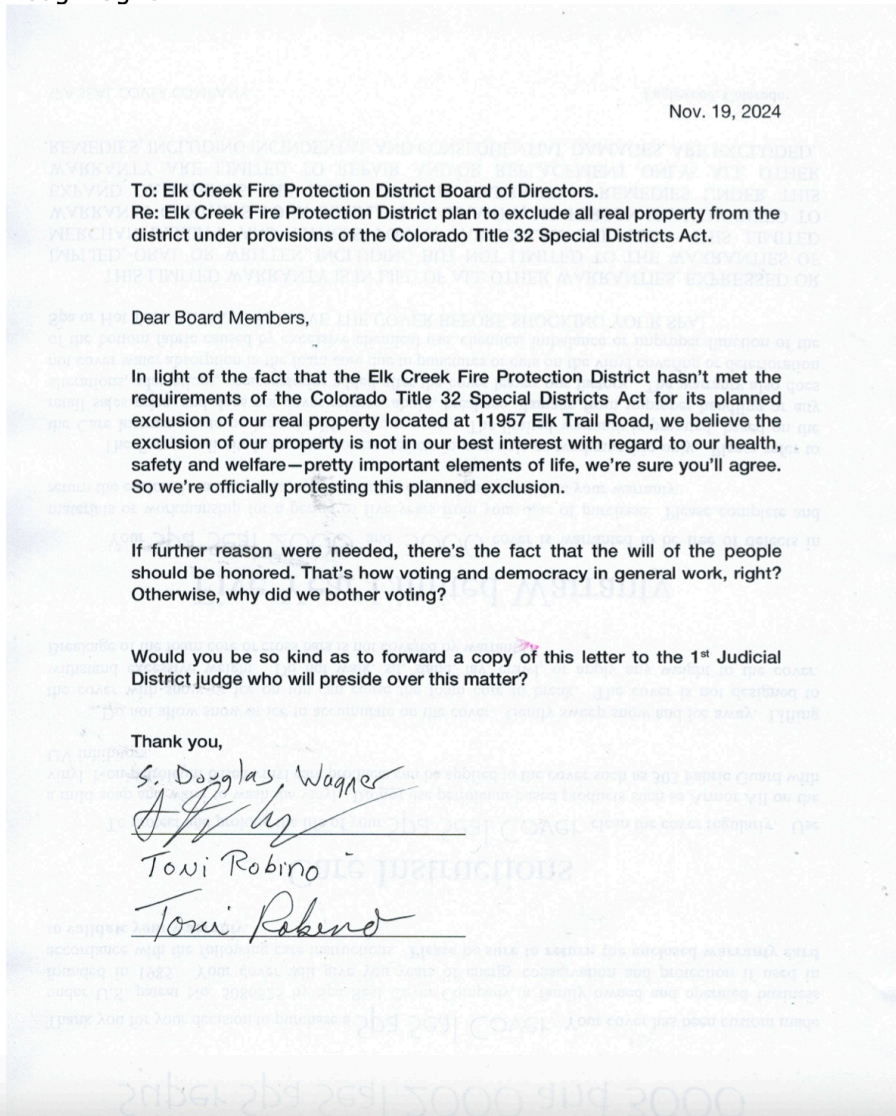
November 19, 2024 at 1:23 PM

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 <cnewby.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

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 <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

ELK CREEK
FIRE-RESCUE

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 \$362,161,144.

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	\$3,699,157	\$3,629,336	\$3,574,938	\$4,545,164
Specific Ownership Taxes	\$148,422	\$171,387	\$217,845	\$252,848	\$175,000
DELINQUENT TAXES					-\$10,000
Total Tax	\$1,954,100	\$3,870,544	\$3,847,181	\$3,827,786	\$4,810,164
Non Tax Revenue					
Net Ambulance Billings	\$176,499	\$197,521	\$338,000	\$355,009	\$395,000
CRF 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	\$389,300
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	\$22,874	\$23,000	\$47,402	\$25,000
Total Non Tax Revenue	\$1,841,455	\$1,873,834	\$1,546,500	\$1,756,639	\$2,191,150
Total Revenue	\$1,733,194	\$3,944,378	\$3,393,681	\$3,384,444	\$7,001,314
EXPENDITURES					
Expenses-Administration	\$134,540	\$189,710	\$1,054,300	\$477,830	\$712,700
Admin Labor		\$189,710		\$177,632	\$287,636
Expenses-CRFF	\$138,621	\$180,402	\$755,112	\$87,248	\$154,024
CRFF Labor		\$520,173		\$525,631	\$926,204
Expenses-ENG	\$302,095	\$120,088	\$881,106	\$128,838	\$138,800
ENG Labor		\$783,465		\$725,442	\$842,738
Expenses-Fire	\$831,127	\$149,144	\$667,470	\$190,143	\$230,800
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	\$183,158	\$278,000	\$183,442	\$185,000
Expenses-Maintenance	\$62,658	\$13,823	\$329,968	\$103,703	\$120,000
Maintenance Labor		\$48,412		\$51,059	\$131,757
Expenses-Prevention/PIO	\$81,538	\$68	\$137,994	\$1,721	\$23,350
Prevention Labor		\$65,760		\$342,246	\$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	\$58,409	\$121,800
Wildland/Suppression Labor		\$60,354		\$53,834	\$51,917
Total Expenditures	\$1,951,280	\$4,346,734	\$5,388,609	\$4,752,948	\$5,261,104
TOTAL REVENUE IN EXCESS OF EXPENDITURES	\$1,764,276	\$1,157,604	\$7,272	\$831,196	\$1,340,410
Available Funds	\$1,803,199	\$1,157,604	\$5,868,871	\$831,196	\$6,350,881
RESERVES					
Labor Reserves	\$132,667		\$14,640		\$70,865
General Fund (Carryover) Reserves	\$500,000		\$538,000		\$580,000
Board Designated Reserves	\$100,000		\$138,000		\$180,000
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

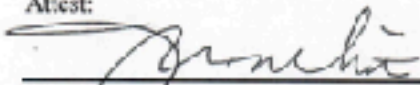
Attest:

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		
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
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.

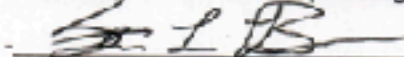


EXHIBIT BB

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

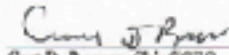
Section 1. That the budget as submitted, amended, and herein above summarized by fund, hereby is approved, and adopted as the budget of the North Fork Fire Protection District for the year stated above.

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

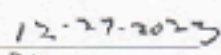

Date

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;

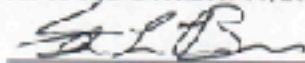
WHEREAS, the reduction of revenue resulting from a reduction of the Residential Assessment Rate is offset by multiplication of the regular mill levy of 12 by (7.20/6.7).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO

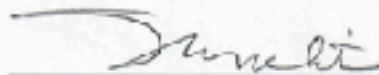
Section 1. That for the purpose of meeting all general operating expenses of the North Fork Fire Protection District during the 2024 budget year, there is hereby levied a tax of 12.896 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 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

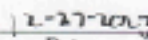

Date

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.

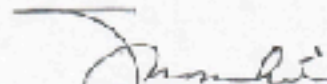
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO:


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@a.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

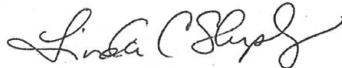
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

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

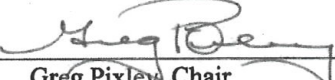
IT IS THEREFORE ORDERED that:

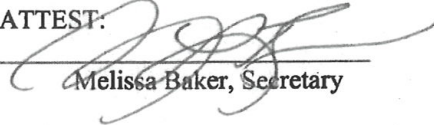
1. The Property described in Exhibit A attached hereto and incorporated herein shall be excluded from Elk Creek Fire Protection District.
2. The boundaries of Elk Creek Fire Protection District shall be altered by the exclusion of the Property.
3. Such exclusion shall be contingent upon the District 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.

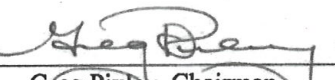
Elk Creek Fire Protection District


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

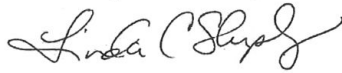
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

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

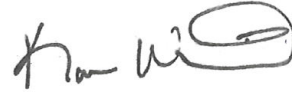
Legal Notice No. CAN 1678
First Publication: October 17, 2024
Last Publication: October 17, 2024
Publisher: Canyon Courier

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

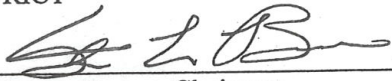
WHEREAS, it is deemed to be in the best interest of North Fork and the taxpaying electors thereof that such Property be included within North Fork’s boundaries.

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:

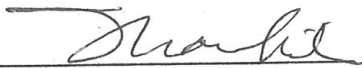
By: 
Elinor White, Secretary

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.

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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@q.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>

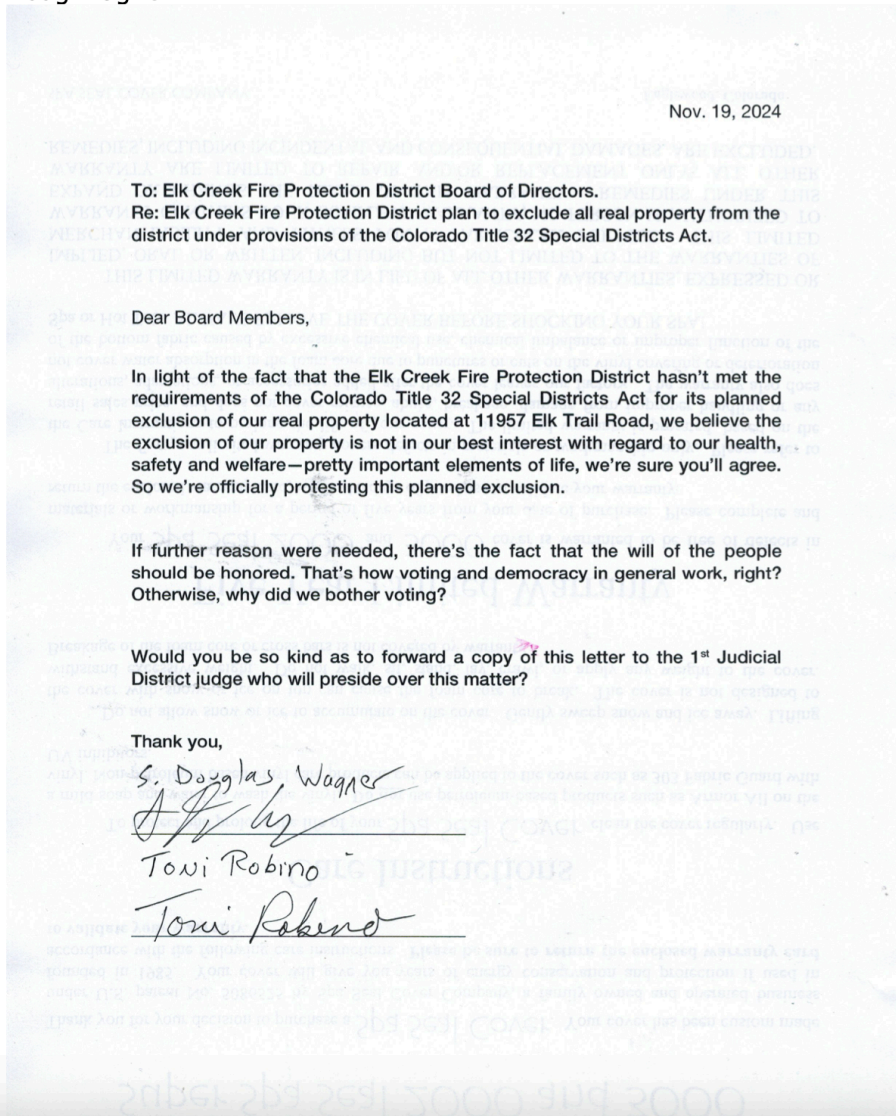
November 19, 2024 at 1:23 PM

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 <cnewby.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

ELK CREEK
FIRE-RESCUE

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
CRF 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	\$389,300
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	\$1,844,378	\$1,397,661	\$1,364,144	\$1,791,314
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	\$926,204
Expenses-ENG	\$302,095	\$120,088	\$881,106	\$128,838	\$138,800
ENG Labor		\$783,465		\$725,442	\$842,738
Expenses-Fire	\$611,127	\$149,144	\$667,470	\$190,143	\$130,800
Fire Labor		\$170,905		\$485,384	\$558,491
Expenses-Fire: Crew	\$35,478	\$0	\$1,200	\$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	\$61,538	\$68	\$13,994	\$1,721	\$23,150
Prevention Labor		\$65,760		\$342,246	\$171,864
Expenses-Training	\$58,187	\$4,475	\$257,494	\$63,030	\$14,300
Training Labor		\$19,446		\$140,141	\$175,376
Expenses-Wildland/Suppression	\$196,658	\$43,850	\$531,415	\$58,409	\$121,800
Wildland/Suppression Labor		\$60,354		\$551,834	\$651,917
Total Expenditures	\$1,791,180	\$4,346,734	\$5,388,609	\$4,752,948	\$5,261,104
TOTAL REVENUE IN EXCESS OF EXPENDITURES	\$1,764,276	\$1,157,644	\$7,272	\$411,196	\$1,340,410
Available Funds	\$1,803,199	\$1,157,644	\$5,868,471	\$411,196	\$6,350,481
RESERVES					
Labour Reserves	\$132,667		\$14,640		\$10,000
General Fund (Carryover) Reserves	\$500,000		\$530,000		\$500,000
Board Designated Reserves	\$100,000		\$136,000		\$100,000
Capital Reserve Fund Savings	\$750,000		\$1,008,000		\$1,850,000
Unrestricted Reserves	\$4,280,532		\$4,048,841		\$2,510,005
Total Reserves	\$5,863,199		\$5,868,471		\$6,350,481

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

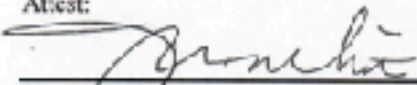
Attest:

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	24,003	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		
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.

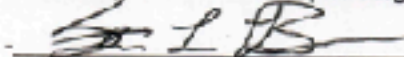


EXHIBIT BB

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
--------------	-----------

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

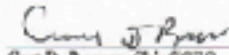
Section 1. That the budget as submitted, amended, and herein above summarized by fund, hereby is approved, and adopted as the budget of the North Fork Fire Protection District for the year stated above.

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

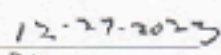

Date

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;

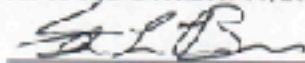
WHEREAS, the reduction of revenue resulting from a reduction of the Residential Assessment Rate is offset by multiplication of the regular mill levy of 12 by (7.20/6.7).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO

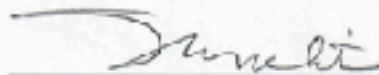
Section 1. That for the purpose of meeting all general operating expenses of the North Fork Fire Protection District during the 2024 budget year, there is hereby levied a tax of 12.896 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 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

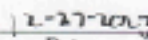

Date 12-27-2023

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:

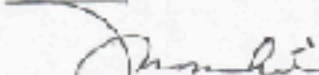
Section 1. That the following sums are hereby appropriated from the revenues of each fund, to the General Fund for the purposes stated:

General Fund	
Operations and Reserves	\$1,637,137

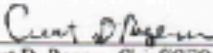
ADOPTED December 06, 2023.



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

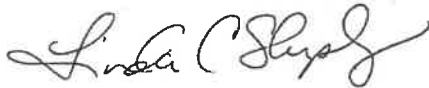
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

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

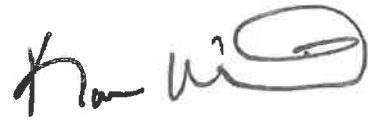
Legal Notice No. CAN 1678
First Publication: October 17, 2024
Last Publication: October 17, 2024
Publisher: Canyon Courier

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**

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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

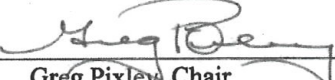
IT IS THEREFORE ORDERED that:

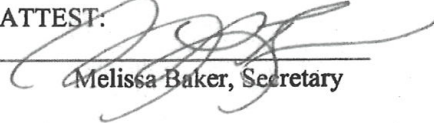
1. The Property described in Exhibit A attached hereto and incorporated herein shall be excluded from Elk Creek Fire Protection District.
2. The boundaries of Elk Creek Fire Protection District shall be altered by the exclusion of the Property.
3. Such exclusion shall be contingent upon the District 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.

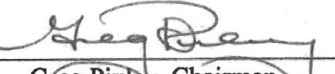
Elk Creek Fire Protection District


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

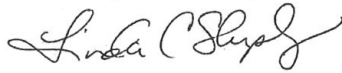
Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

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

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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

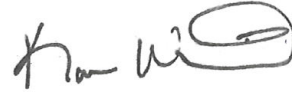
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CERTIFICATE OF MAILING

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**

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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

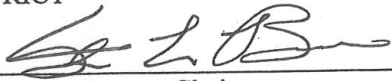
WHEREAS, it is deemed to be in the best interest of North Fork and the taxpaying electors thereof that such Property be included within North Fork’s boundaries.

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.

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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@q.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

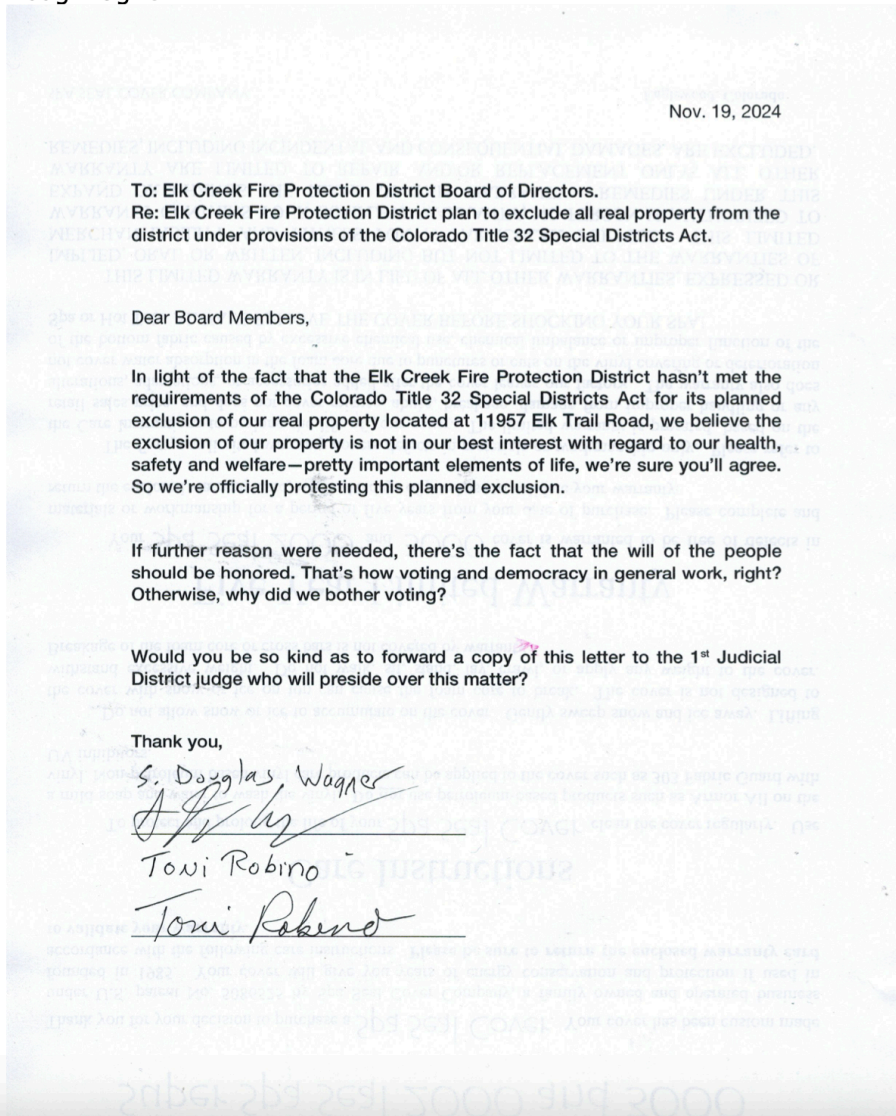


Doug Wagner <sdwmmwejw@gmail.com>
 unification
 To: ECFPD Board of Directors <board@elkcreekfire.org>

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

ELK CREEK
FIRE-RESCUE

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

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

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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; 0049:45; 0057:03; 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.

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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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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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