

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

AGENDA ITEM DATE: November 13, 2018	ITEM TIME: 2:30 p.m.
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FROM:	Tom Sullivan
TODAY'S DATE:	November 8, 2018
AGENDA TITLE:	Public Hearing on the Steamboat Springs Area Fire Protection District's proposed inclusion of property pursuant to C.R.S. § 32-1-401, et seq.

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> X ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:

HISTORY:

On or about September 5, 2018, the Steamboat Springs Area Fire Protection District (the “District”) gave notice regarding the hearing of a resolution to approve inclusion within the District of real property located within the City of Steamboat Springs. The hearing on the resolution was scheduled for October 15, 2018.

Property owners within the proposed area of inclusion (“the City”) were also notified of their opportunity to file “petitions to exclude” their properties from the proposed inclusion. Said petitions were required to be filed on or before October 5, 2018. The Board of County Commissioners (BCC) has received numerous petitions to exclude from property owners within the City.

On October 15, 2018, the Board of Directors of the District approved A RESOLUTION REFERRING THE EXCLUSION PETITIONS TO THE ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS AND SEEKING A DETERMINATION OF WHETHER THE POSSIBLE INCLUSION OF THE AREA WITHIN THE CITY OF STEAMBOAT SPRINGS CONSTITUTES A MATERIAL MODIFICATION OF THE DISTRICT’S SERVICE PLAN. This Resolution refers the exclusion requests to the BCC and also asks that the BCC determine if the inclusion request by the District amounts to a material modification of its Service Plan.

In consideration of the Resolution and C.R.S. §§ 32-1-401 and 32-1-203, the BCC has agreed to hear the petitions to exclude.

Additionally, pursuant to § 32-1-207, the BCC is required to approve material modifications of a Service Plan if the plan was previously approved by the BCC, as is the case in this instance. Thus, the BCC must determine if the proposed inclusion is a material modification of the District’s Service Plan.

The District intends to set forth the matter of inclusion on a ballot in May, 2019.

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ISSUES: The attached proposed Resolution provides options to the BCC.

1. To consider the petitions to exclude submitted by numerous property owners. The District has the burden of proving that the exclusion of the properties is not in the best interests of the District. Unfortunately, there is little statutory guidance for the BCC for its determination of “best interests.”
2. To determine whether or not the proposed inclusion of property is a material modification of the District’s Service Plan. C.R.S. § 32-1-207 requires BCC approval of modifications with regard to changes of a basic or essential nature (e.g. additional types of service, a decrease in levels of service, etc.). The statute further states that “Approval for modification shall not be required for changes necessary only for the execution of the original service plan or for changes in the boundary of the special district...” After review of the proposed inclusion, the existing Service Plan dated October 19, 2015, and the relevant authority, staff has determined that the proposed inclusion is *not* a material modification and, thus, does not require approval by the BCC.

HEARING PROCESS: Due to the number of petitions to exclude filed by property owners within the City, the BCC will conduct the hearing in the following manner:

1. The District will present its position as to the requests for exclusion – 15 minutes.
2. The property owners’ position as to the exclusions will be presented – 15 minutes. The BCC strongly encourages the appointment of a single speaker that will present this position. If there is more than one speaker, the time period shall nonetheless apply.
3. The District will present its position as to whether or not its proposed inclusion amounts to a material modification of its Service Plan – 10 minutes.
4. The property owners’ position as to material modification will be presented – 10 minutes. Again, the BCC strongly encourages the appointment of a single speaker that will present this position. If there is more than one speaker, the time period shall nonetheless apply.
5. The BCC will have the opportunity to ask questions and deliberate – 40 minutes.

The BCC will accept written statements prior to the hearing. The BCC reserves the discretion to modify or amend the above process.

ATTACHMENTS: The following documents are attached:

1. A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ISSUING FINAL DECISION ON MATTERS REFERRED BY THE BOARD OF DIRECTORS OF THE STEAMBOAT SPRINGS AREA FIRE PROTECTION DISTRICT.
2. STEAMBOAT SPRINGS AREA FIRE PROTECTION DISTRICT AMENDED AND RESTATED SERVICE PLAN DATED OCTOBER 19, 2015.

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II. RECOMMENDED ACTION:
Consideration of the attached Resolution of the Routt County Board of County Commissioners to determine: <ol style="list-style-type: none">1. If it is in the District's best interest to grant the exclusions requested by the various property owners;2. If the inclusion request from the District amounts to a material modification of its existing Service Plan. The Resolution provides for the various options presented to the BCC.
III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
PROPOSED REVENUE:
PROPOSED EXPENDITURE:
FUNDING SOURCE:
IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):
The City of Steamboat Springs currently contracts with the District to provide fire protection and emergency services to the residents of the City. Contractual services will not be required if the proposed inclusion is approved by the electorate.
V. BACKGROUND INFORMATION:
See above.
VI. LEGAL ISSUES:
The Special District Act sets forth the requirements for the inclusion of property within a special district. In following the process described herein, Routt County will have complied with the requirements of the Act.
VII. CONFLICTS OR ENVIRONMENTAL ISSUES:
N/A
VIII. SUMMARY AND OTHER OPTIONS:
The options for action are stated within the Resolution before the BCC.