

STATE OF COLORADO)
) ss.
COUNTY OF ROUTT)

RESOLUTION NO. 2018 - _____

**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**

RECITALS

- A. The Steamboat Springs Area Fire Protection District ("Fire District") is a political subdivision of the State of Colorado, organized pursuant to the Colorado Special District Act, C.R.S. § 32-1-101, *et. seq.* ("Act"), to provide fire suppression, fire prevention and public education, rescue, hazardous materials, ambulance, and emergency medical services (collectively, "Emergency Services") to the citizens and property within its jurisdiction, and to individuals passing through its jurisdiction;
- B. Historically, the Fire District has worked cooperatively with the City of Steamboat Springs ("City") to provide Emergency Services to the citizens and property within the combined boundaries of the City and the Fire District, with the partnership most recently reflected in a 2009 Amended Contract for Services Between the Steamboat Springs Rural Fire Protection District and the City of Steamboat Springs ("2009 Agreement"). Pursuant to the 2009 Agreement, the City operates Steamboat Springs Fire Rescue, which provides Emergency Services on behalf of the City and the Fire District, the City and the Fire District share real and personal property, and the Fire District provides financial payments to pay proportionately for the costs of the Emergency Services operations and related capital improvements;
- C. The governing bodies of the Fire District and the City mutually determined that the Emergency Services needs of the Steamboat Springs community have sharply increased over the last decade, with minimal increase in the capacity to respond to such needs, while the costs associated with providing modern Emergency Services have steadily risen. As a result, the governing bodies of the Fire District and the City determined that the health, safety, and welfare of their respective citizens and their property would be best served by a single fire protection district that is responsible for the provision of Emergency Services to the citizens and property within the areas currently served by the City and the Fire District. Effective September 4, 2018, the Fire District and the City entered into a *Pre-Inclusion Intergovernmental Agreement Between The City Of Steamboat Springs And The Steamboat Springs Area Fire Protection District*, which provides for the transfer of Emergency Services to the Fire District, if a majority of the citizens within the City vote to include the property within the City into the Fire District's jurisdictional boundaries;
- D. Pursuant to C.R.S. § 32-1-401(3), on September 5, 2018, the Fire District Board of Directors ("Fire District Board") sent letter notification of a public meeting to be held on October 15, 2018 ("Property Owner Notice") to the property owners of each parcel of property within the City of Steamboat Springs ("Subject Properties"). The Property Owner Notice stated it is a notice of a meeting for consideration of the inclusion of the

Subject Properties into the Fire District's jurisdictional boundaries and indicated the date, time, location, and purpose of the meeting, a reference to the type of special district proposed for inclusion, the Fire District's current maximum voter-approved mill levy, and procedures for requesting exclusion of property from the proposed inclusion pursuant to C.R.S. § 32-1-203(3.5). The Property Owner Notice stated that, "any person owning property within the proposed inclusion area may request that his or her property be excluded from the Fire District . . . by submitting the request to the Fire District Board no later than 10 days prior to the hearing (*i.e.*, by October 5, 2018)";

- E. Approximately 133 property owners requested exclusion of 445 parcels of property from the proposed inclusion of the Subject Properties pursuant to and within the time period provided by C.R.S. § 32-1-203(3.5), which are more specifically identified on **Exhibit A** (collectively, the "Exclusion Petitions");
- F. On October 15, 2018, the Fire District Board adopted Resolution No. 2018-10-04, which referred to the Board of County Commissioners of Routt County ("Board") the following two matters:
 - 1. A request that the Board approve or deny the Exclusion Petitions received by the Fire District by the statutory deadline of October 5, 2018, in accordance with the Exclusion Procedures set forth in C.R.S. § 32-1-203(3.5)(a); and,
 - 2. A request that the Board determine whether the possible inclusion of the Subject Properties constitutes a material modification that requires the Fire District to further amend its October 19, 2015 Amended and Restated Service Plan.
- G. On November 13, 2018, the Board conducted a public hearing on the foregoing referred matters.

NOW, THEREFORE, having considered the documents and other materials submitted, the applicable law, and the testimony provided at the November 13, 2018 public hearing, be it resolved by the Board as follows:

1. **Exclusion Petitions.**

The Board **approves** the Exclusion Petitions, finding that the Fire District has failed to meet its burden of proving that exclusion of the properties set forth in Exhibit A from the Fire District's proposed inclusion process is not in the best interest of the Fire District.

Additional Comments: _____

The Board **denies** the Exclusion Petitions, finding that the Fire District has met its burden of proving that exclusion of the properties set forth in Exhibit A from the Fire District's proposed inclusion process is not in the best interest of the Fire District.

Additional Comments: _____

2. Material Modification of Service Plan.

The Board finds the Fire District's proposed inclusion **does not** constitute a material modification of the Fire District's October 19, 2015 Amended and Restated Service Plan.

Additional Comments: _____

The Board finds the Fire District's proposed inclusion **does** constitute a material modification of the Fire District's October 19, 2015 Amended and Restated Service Plan. The Fire District shall submit an amended Service Plan within 60 days of the date the Fire District receives a Court Order including the Subject Properties into the Fire District's jurisdictional boundaries.

Additional Comments: _____

3. **Effective Date.** This Resolution shall be effective November 13, 2018.

UPON MOTION duly made, seconded and passed this 13th day of November, 2018.

BY THE BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY,
STATE OF COLORADO.

Douglas B. Monger, Chairperson

Vote: Cari Hermacinski (yes)(no)(abstain)(absent)
Timothy V. Corrigan (yes)(no)(abstain)(absent)
Douglas B. Monger (yes)(no)(abstain)(absent)

ATTEST:

Kim Bonner, Clerk and Recorder