

**INTER-CANYON FIRE PROTECTION DISTRICT
RESOLUTION NO. 2024-03**

**A RESOLUTION ADOPTING ADMINISTRATIVE FEES FOR INCLUSIONS
AND EXCLUSIONS OF PROPERTY FROM THE DISTRICT AND
A POLICY STATEMENT REGARDING BEST INTERESTS OF THE DISTRICT**

WHEREAS, the Inter-Canyon Fire Protection District (“District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, the Board of Directors (“Board”) of the District is empowered by Title 32, Article 1, Parts 4 and 5 of the Colorado Revised Statutes, to consider petitions to include and exclude property from the District, filed with the District and accompanied by a deposit of money sufficient to pay all costs of such proceedings; and

WHEREAS, the District is authorized pursuant to §32-1-1001(1)(j) and (k), C.R.S., to establish rates, fees, tolls, penalties and charges for services and facilities provided within and outside the District boundaries; and

WHEREAS, the District’s consideration of petitions to include or exclude property requires the District to incur costs associated with the preparation and publication of a notice of hearing, review of the Petition for statutory sufficiency, conduct of a hearing and advice of legal counsel, and evaluation of the petition and the property proposed for inclusion or exclusion against statutory criteria; and

WHEREAS, in evaluating a Petition for Exclusion, the Board shall take into consideration and make a finding regarding certain factors set forth in §32-1-501(3), C.R.S., including the best interests of the property to be excluded, the best interests of the District, the ability of the District to provide economical and sufficient services to both the property to be excluded and all properties within the District, and any additional cost to be levied on other properties within the District if the exclusion is granted; and

WHEREAS, patchwork exclusions from the District, such as an exclusion of less than an entire subdivision or a significant block of properties, can lead to numerous difficulties, including determining the appropriate agency to dispatch in the event of a fire or medical emergency; and

WHEREAS, the District finds and determines that it is in the best interest of the District and the public health, safety and welfare to not exclude property from the District when such exclusion would result in less than an entire subdivision or significant block of properties being excluded from the District, as such patchwork exclusions may lead to

increased costs and response times and is not in the best interests of the District, its residents, visitors, or customers.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE INTER-CANYON FIRE PROTECTION DISTRICT AS FOLLOWS:

1. **Adoption of Inclusion/Exclusion Fee.** Upon the filing of a petition for inclusion or exclusion of property, a fee in the amount set forth on Exhibit A, attached hereto and incorporated herein, shall be paid for each parcel of property proposed for inclusion or exclusion. Such fee shall be paid prior to the District reviewing the petition or setting the hearing. All orders including or excluding property shall be contingent upon the payment of such fees unless waived by the Board of Directors. The Board reserves the ability to modify such fee for any property in its sole discretion as it determines appropriate. The fee shall be used to offset the costs of processing the petition, including preparation and publication of a notice of hearing; review of the petition for statutory sufficiency; conduct of a hearing and advice of legal counsel; evaluation of the petition and the property proposed for inclusion or exclusion against the statutory criteria and the criteria established by this Resolution; preparation of a revised boundary map if necessary; and Clerk and Recorder fees for recording the court order, disclosure and boundary map. Should the actual costs of reviewing the petition and processing the inclusion or exclusion exceed the deposit, the Petitioner shall pay the additional amount prior to consideration of the petition by the Board of Directors or recording the final order.

2. **Consideration of Exclusion Petitions.** Upon receipt of a Petition for Exclusion, the Fire Chief or designee will review the location of the proposed exclusion property, or properties, and will apply the Board's policy statement finding it to be in the best interests of the District to prohibit patchwork exclusions of properties. If the property or properties proposed for exclusion encompass all of a subdivision or a significant block of properties, the matter shall be set for a hearing according to the procedures in the Special District Act. If the property or properties are not an entire subdivision or a significant block of properties, the owner(s) of the property shall be given the opportunity to (i) withdraw the petition without payment of fees, or (ii) proceed with the petition upon full payment of any required fee. At the exclusion hearing the Board shall be advised that the petition either is or is not for an entire subdivision or a significant block of properties, and the Petitioner shall be given an opportunity to present information that is necessary to establish that such exclusion would be in the best interests of the District, the property, and the other criteria set forth in §32-1-501(3), C.R.S. The Board will consider the Petition and any presentation from the Petitioner, the criteria established by Section 32-1-501(3), C.R.S., and this policy before taking action ordering or denying the exclusion.

3. **Waiver of Fees.** The Board hereby delegates authority to the Fire Chief or designee to waive all or part of the legal fees for inclusion or exclusion of properties that meet the following criteria:

(a) Exclusion or inclusion of properties necessary to correct incongruent service boundaries; or

(b) Several parcels are included in the same petition or multiple petitions filed at the same time such that the economies of scale for processing the multiple parcels significantly reduce the anticipated cost per parcel, in which case the fee schedule on Exhibit A will be followed or a reduction of fees may be offered.

4. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

5. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the Board.

6. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

7. **Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the District Board.

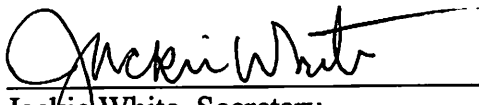
Adopted this 8th day of May, 2024.

INTER-CANYON FIRE PROTECTION
DISTRICT

By: 

Bob Scott, President

Attest:



Jackie White, Secretary

EXHIBIT A

EXCLUSION/INCLUSION FEES

Per Property for First Property:	\$1,000
Additional Fee Per Property for Properties 2 through 5:	\$800
Additional Fee Per Property for Properties 6 through 30:	\$533
Additional Fee Per Property for Properties Exceeding 30:	\$266

Petitioner shall also be responsible for any and all costs incurred by the District in excess of these fees.