

December 20, 2024

VIA E-Mail: [cnewby.co@gmail.com](mailto:cnewby.co@gmail.com), [neil3@a.com](mailto:neil3@a.com), [jcbmik@lyonsgaddis.com](mailto: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](mailto: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](mailto: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](mailto: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)
<b>REVENUES</b>				
<b>Tax Revenue</b>				
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)
<b>Total Tax</b>	<b>\$ 3,847,181</b>	<b>\$ 3,827,506</b>	<b>\$ 4,810,365</b>	<b>\$ 4,849,635</b>
<b>Non-Tax Revenue</b>				
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
<b>Total Non-Tax Revenue</b>	<b>\$ 1,540,500</b>	<b>\$ 1,756,639</b>	<b>\$ 2,191,150</b>	<b>\$ 2,685,856</b>
<b>Total Revenue</b>	<b>\$ 5,387,681</b>	<b>\$ 5,584,144</b>	<b>\$ 7,001,515</b>	<b>\$ 7,535,491</b>
<b>EXPENDITURES</b>				
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
<b>Total Expenditures</b>	<b>\$ 5,380,409</b>	<b>\$ 4,752,948</b>	<b>\$ 6,370,604</b>	<b>\$ 7,443,742</b>
<b>TOTAL REVENUE IN EXCESS OF EXPENDITURES</b>	<b>\$ 7,272</b>	<b>\$ 831,196</b>	<b>\$ 630,911</b>	<b>\$ 91,749</b>
<b>Available Funds</b>	<b>\$ 5,810,471</b>	<b>\$ 831,196</b>	<b>\$ 6,441,382</b>	<b>\$ 6,533,131</b>
<b>RESERVES</b>				
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
<b>Total Reserves</b>	<b>\$ 5,810,471</b>		<b>\$ 6,441,382</b>	<b>\$ 6,533,131</b>

**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:

<b>General Fund:</b>		
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

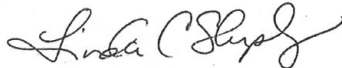
Colorado Community Media  
750 W. Hampden Ave. Suite 225  
Englewood, CO 80110

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:

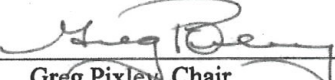
1. The Property described in Exhibit A attached hereto and incorporated herein shall be excluded from Elk Creek Fire Protection District.
2. The boundaries of Elk Creek Fire Protection District shall be altered by the exclusion of the Property.
3. Such exclusion shall be contingent upon the District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

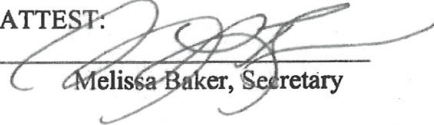
The foregoing Resolution and Order of Exclusion was initially adopted by a vote of 4 in favor and 1 against at a meeting of the Board of Directors of Elk Creek Fire



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

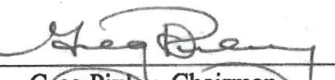
Elk Creek Fire Protection District


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

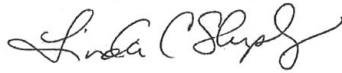
Colorado Community Media  
750 W. Hampden Ave. Suite 225  
Englewood, CO 80110

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

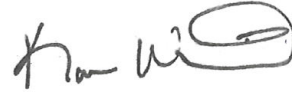
Legal Notice No. CAN 1678  
First Publication: October 17, 2024  
Last Publication: October 17, 2024  
Publisher: Canyon Courier

**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.

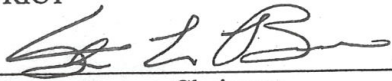
**IT IS THEREFORE RESOLVED** that the Board of Directors of the North Fork Fire Protection District, pursuant to the provisions of Sections 32-1-501(1.5)(a), hereby agrees to serve the Property and orders it be included into North Fork immediately after the effective date of an Order of the District 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](mailto: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](mailto: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](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](mailto: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, WAIT ....on 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



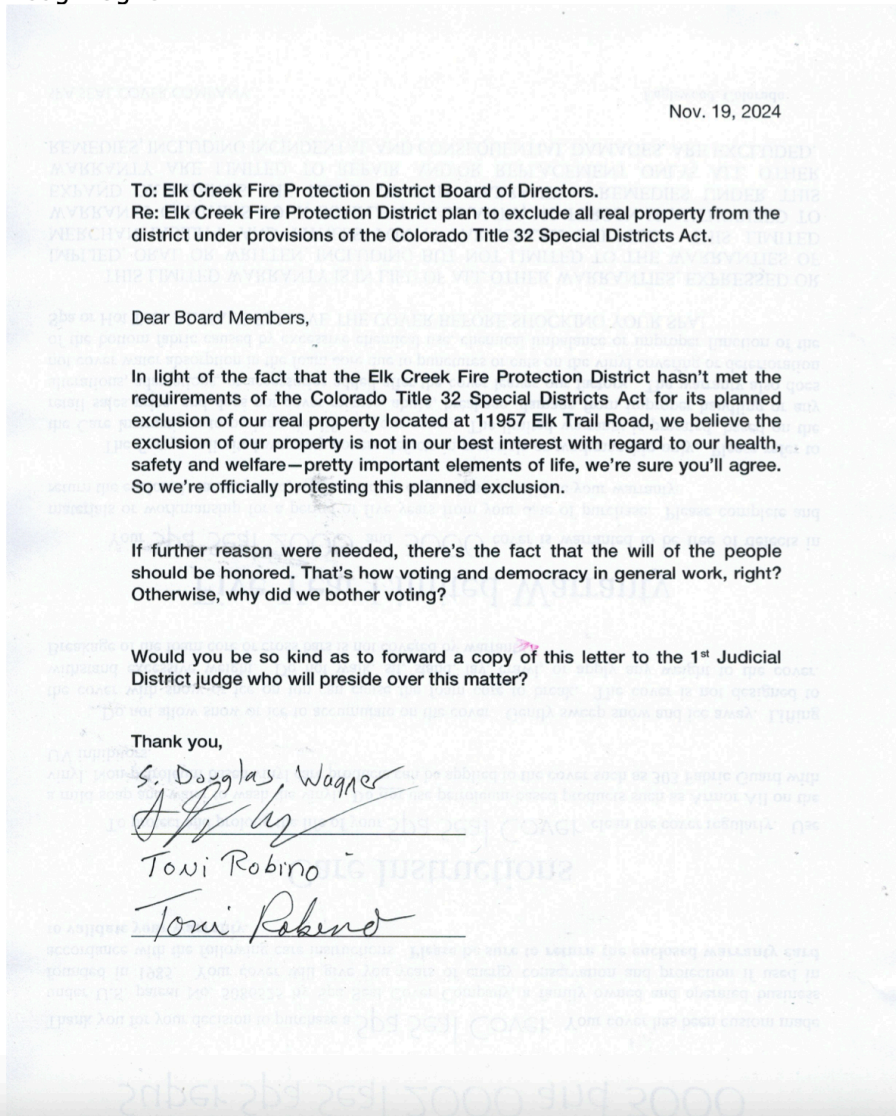


Doug Wagner <sdwmmwejw@gmail.com>  
 unification  
 To: ECFPD Board of Directors <board@elkcreekfire.org>

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>

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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>

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## To the Board

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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>

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## Unification

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**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](mailto: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](mailto: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>

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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).

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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](mailto:al.leo2012@gmail.com)

**Al Leo**  
+1 (214) 801-7638  
[al.leo2012@gmail.com](mailto:al.leo2012@gmail.com)



Bethany Urban <burban@elkcreekfire.org>

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## Residents in Support of Unification

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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.

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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](mailto:al.leo2012@gmail.com)

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### 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 \***

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2. **Address \***

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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

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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
<b>Total</b>	<b>60</b>



Bethany Urban <burban@elkcreekfire.org>

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## Statement of Support for Unification

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'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

**BY ANDREW HURT**  
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>

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**Fwd: Favor unification comment**

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**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](mailto: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>

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**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 14<sup>th</sup> 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 14<sup>th</sup> 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
<b>Beginning Balance</b>	\$4,038,625		\$5,800,199		\$5,810,471
<b>REVENUES</b>					
<b>Tax Revenue</b>					
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
<b>Total Tax</b>	<b>\$1,954,100</b>	<b>\$1,870,544</b>	<b>\$1,847,161</b>	<b>\$1,827,786</b>	<b>\$1,810,164</b>
<b>Non Tax Revenue</b>					
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
<b>Total Non Tax Revenue</b>	<b>\$1,841,455</b>	<b>\$1,873,834</b>	<b>\$1,546,500</b>	<b>\$1,756,639</b>	<b>\$2,191,150</b>
<b>Total Revenue</b>	<b>\$1,733,194</b>	<b>\$1,944,378</b>	<b>\$1,397,661</b>	<b>\$1,364,144</b>	<b>\$1,901,314</b>
<b>EXPENDITURES</b>					
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	\$811,127	\$149,144	\$667,470	\$190,143	\$130,800
Fire Labor		\$170,905		\$485,384	\$558,491
Expenses-Fuel: Crew	\$35,478	\$0	\$17,200	\$85	\$19,800
Fuel 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	\$103,442	\$165,000
Expenses-Maintenance	\$62,658	\$13,823	\$329,968	\$103,703	\$120,000
Maintenance Labor		\$48,412		\$51,059	\$131,757
Expenses-Prevention/PIO	\$81,538	\$68	\$137,994	\$1,721	\$23,150
Prevention Labor		\$65,760		\$342,246	\$171,864
Expenses-Training	\$58,187	\$43,435	\$257,494	\$83,030	\$114,300
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		\$53,834	\$51,917
<b>Total Expenditures</b>	<b>\$1,791,180</b>	<b>\$4,346,734</b>	<b>\$5,388,609</b>	<b>\$4,752,948</b>	<b>\$5,261,104</b>
<b>TOTAL REVENUE IN EXCESS OF EXPENDITURES</b>	<b>\$1,764,276</b>	<b>\$1,157,804</b>	<b>\$7,272</b>	<b>\$411,196</b>	<b>\$1,340,410</b>
<b>Available Funds</b>	<b>\$1,803,199</b>	<b>\$1,157,804</b>	<b>\$5,868,871</b>	<b>\$411,196</b>	<b>\$6,350,881</b>
<b>RESERVES</b>					
Labor Reserves	\$132,867		\$14,640		\$10,865
General Fund (Carryover) Reserves	\$500,000		\$530,000		\$500,000
Board Designated Reserves	\$100,000		\$138,000		\$100,000
Capital Reserve Fund Savings	\$750,000		\$1,008,000		\$1,850,000
Unrestricted Reserves	\$4,280,532		\$4,048,841		\$2,510,805
<b>Total Reserves</b>	<b>\$5,803,199</b>		<b>\$5,868,871</b>		<b>\$6,350,881</b>

**EXHIBIT BB**

**NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (1)**



**NORTH FORK FIRE PROTECTION DISTRICT**

PO Box 183  
Buffalo Creek, CO 80425-0183  
Phone: 303-838-2270  
Fax: 303-838-0412

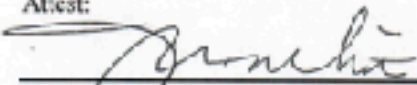
**LETTER OF BUDGET TRANSMITTAL**

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)**

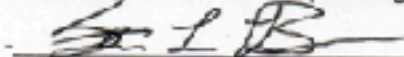
**North Fork Fire Protection District  
2024 Budget**

	Actual 2022	Planned 2023	Proposed 2024
<b>Revenues</b>			
<b>Taxes</b>			
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
<b>Total Revenue</b>	<b>651,508</b>	<b>613,902</b>	<b>657,450</b>
<b>Beginning Fund Balance</b>	<b>781,737</b>	<b>971,089</b>	<b>979,737</b>
<b>Total Resources</b>	<b>1,433,240</b>	<b>1,584,991</b>	<b>1,637,187</b>
<b>Expenditures</b>			
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		
<b>Debt Services Payments</b>			
Principal	0	0	0
Interest Expense	0	0	0
<b>Total Expenditures</b>	<b>462,151</b>	<b>605,254</b>	<b>657,450</b>
<b>Year End Fund Balance Including Reserves</b>	<b>971,089</b>	<b>979,737</b>	<b>979,737</b>
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
<b>REVENUES</b>	
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 ColeTrust 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
<b>EXPENDITURES</b>	
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
<b>CAPITAL EXPENDITURES</b>	
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

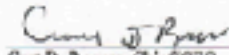
Section 1. That the budget as submitted, amended, and herein above summarized by fund, hereby is approved, and adopted as the budget of the North Fork Fire Protection District for the year stated above.

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

12-27-2023  
Date

**EXHIBIT BB**

**NORTH FORK FPD LETTER OF BUDGET TRANSMITTAL 2024 (5)**

**RESOLUTION TO SET MILL LEVIES  
RESOLUTION #2  
12/06/2023**

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2023, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO, FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of Directors of the North Fork Fire Protection District, has adopted the annual budget in accordance with the Local Government Budget Law, on December 6, 2023, and;

WHEREAS, the amount of money necessary to balance the budget for general operating purposes is \$322,450, and;

WHEREAS, the 2023 valuation assessment for the North Fork Fire Protection District as certified by the Jefferson County Assessor is \$21,430,612 and the Douglas County Assessor is \$3,573,260.

WHEREAS, the District has been authorized by its electors to adjust its mill levy to offset reductions in its revenue resulting from reductions of the Residential Assessment Rate from 7.2%, which Rate has been set for the year 2023 at 6.7%, and;

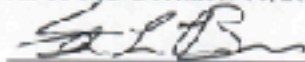
WHEREAS, the reduction of revenue resulting from a reduction of the Residential Assessment Rate is offset by multiplication of the regular mill levy of 12 by (7.20/6.7).

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

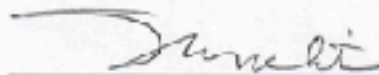
Section 1. That for the purpose of meeting all general operating expenses of the North Fork Fire Protection District during the 2024 budget year, there is hereby levied a tax of 12.896 mills upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2023.

Section 2. That the President is hereby authorized and directed to immediately certify to the County Commissioners of Jefferson County, Colorado, and the County Commissioners of Douglas County, Colorado, the mill levies for the North Fork Fire Protection District as herein above determined and set based upon the final certification of valuation from the county assessors.


ADOPTED December 06, 2023.

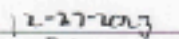


Steven Brown, President



Elinor White, Secretary

Numbers finalized and revised by:   
Curt D. Rogers, Chief/CEO

  
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.

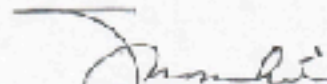
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH FORK FIRE PROTECTION DISTRICT, JEFFERSON AND DOUGLAS COUNTIES, COLORADO:


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.