

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Date: November 5, 2019

To: Planning Commission
Brian Risley, Chair

Re: ID-19-007
Colorado Centre Metropolitan District Amendment

From: Nina Ruiz, Planner III
Gilbert LaForce, Engineer II
Craig Dossey, Executive Director

Subject: A request by the Colorado Centre Metropolitan District to amend the District service plan to add fire protection to the list of purposes for the District.

Summary:

A request by the Colorado Centre Metropolitan District for approval of an amendment to the Colorado Revised Statutes Title 32 Special District service plan to add fire protection to the list of purposes for the District. The Board of County Commissioners approved the District service plan in 1984 (PCD file no. ID-83-001). Pursuant to Section 9.3.2 of the El Paso County Land Development Code (2019) as well as C.R.S. § 32-1-207(1)-(3), an addition to the types of services provided by the special district is considered a material modification, which requires approval by the Board of County Commissioners. The existing service area boundaries are located generally north of Fountaine Boulevard, south of Drennan Road, and east of Powers Boulevard. This area of the County is included within the Highway 94 Comprehensive Plan (2003) area.

Background:

The Board of County Commissioners approved the District service plan in 1984 (PCD file no. ID-83-001). The existing service plan includes the following purposes (services): water, wastewater, storm sewer and drainage, streets, street lights, traffic signals, bridges, parks and recreation, mosquito control, and safety protection. The District has been providing first responder services under the allowance of "safety protection" since 2009. The District has provided a copy of the First Responder Call Summary, which

demonstrates the types of calls they have responded to over the years. In addition, the Colorado Springs Fire Department provided the District with a letter of support which includes the following statement:

“The Colorado Springs Fire Department (CSFD) collaborates regularly with the CCMD First Responders Service and can verify that the services they provide are the same as those provided by local fire departments across the country.”

The District is not proposing to increase the applicable mill levy to fund the functions of the fire district and anticipates that the existing 3 mills for “safety protection” will continue to be adequate. This amendment is not anticipated to have an impact upon the District other than allowing the District the same opportunities to apply for and obtain financial resources, including grant funds, which are available to formalized fire districts.

Criteria for Disapproval:

Mandatory Criteria for Disapproval. The BoCC shall disapprove the draft service plan unless evidence satisfactory to it of each of the following is presented or, in the BoCC’s discretion, the BoCC conditionally approves the draft service plan to cause compliance with these criteria (C.R.S. § 32-1-203(2)):

- There is sufficient existing and projected need for organized service in the area to be served by the proposed special district;
- The existing service in the area to be served by the proposed special district is inadequate for present and projected needs;
- The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries;
- The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

Discretionary Criteria for Disapproval. The BoCC may disapprove the draft service plan if evidence of the following, at the BoCC’s discretion, is not presented (C.R.S. § 32-1-203(2.5)):

- Adequate service is not, or will not be, available to the area through the County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis;
- The facility and service standards of the proposed special district are compatible with the facility and service standards of each County within which the proposed special district is to be located and each municipality which is an interested party as defined in C.R.S. § 32-1-204 and this Code;

- The proposal is in substantial compliance with the El Paso County Master Plan;
- The proposal is in compliance with any duly adopted County regional, or State long-range water quality management plan for the area; or
- The creation of the proposed special district will be in the best interests of the area proposed to be served.

Actions:

If the Board of County Commissioners determines the request does not comply with the El Paso County Land Development Code, the adopted El Paso County Special District Policies, or the criteria within the Colorado Revised Statutes for a Title 32 Special District Service Plan and if a motion for disapproval is made, the Board of County Commissioners may disapprove the item.

If it is determined that the request complies with the El Paso County Land Development Code, the adopted El Paso County Special District Policies, and the criteria within the Colorado Revised Statutes for a Title 32 Special District Service Plan and if a motion for approval is made, the Board of County Commissioners may approve the request with conditions.

If it is determined that the request complies with the El Paso County Land Development Code, the adopted El Paso County Special District Policies, and the criteria within the Colorado Revised Statutes for a Title 32 Special District Service Plan and if a motion for approval is made, the Board of County Commissioners may approve the request without conditions.

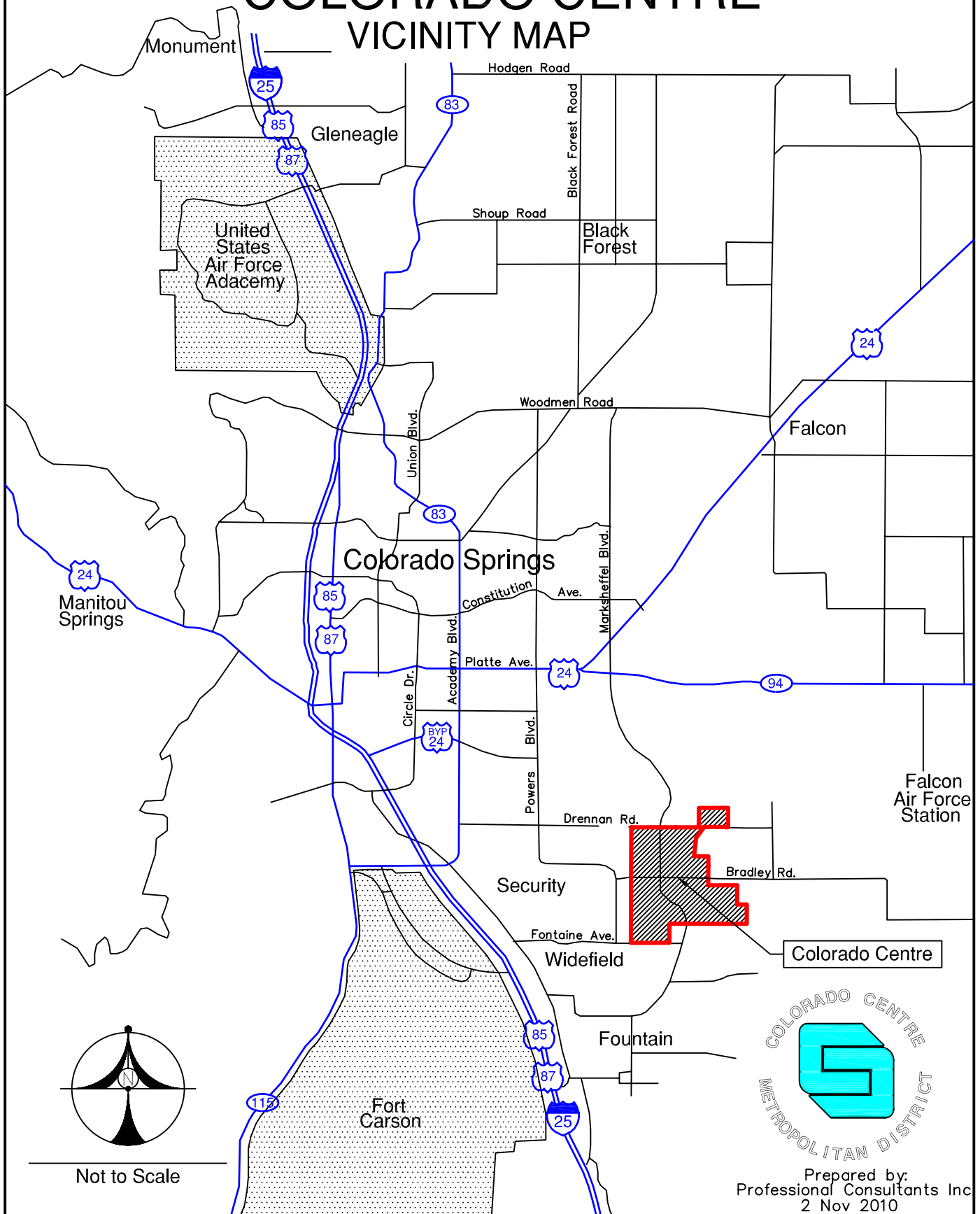
Public Comment and Notice:

There are no posting or mailing requirements for hearings before the Planning Commission on Colorado Revised Statutes Title 32 Special District service plans. However, there are notice requirements for hearings before the Board of County Commissioners. The applicant was required to notify all taxing jurisdictions within three (3) miles of the District boundary as required by state statute prior to the Board of County Commissioners hearing. In addition, published notice was provided by County staff in the Shopper Press.

Attachments:

Vicinity Map
 District Boundary Map
 Financial Plan Summary
 Letter of Intent
 Letters of Support
 Proposed Service Plan Amendment
 2007 El Paso County Special District Policies
 Chapter 9 of the El Paso County Land Development Code (2019)

COLORADO CENTRE VICINITY MAP



[illegible]

SHEET 1 OF 2



SCALE 1" = 2,640'

COLORADO CENTRE
METROPOLITAN DISTRICT
BOUNDARY

1903 Lelaray Street, Suite 102
COLORADO SPRINGS, CO 80909
(719)448-0844 FAX (719)448-9225

EXHIBIT MAP

Line Table		
Line #	Length	Direction
L37	5160.70	N00° 09' 02"E
L36	3638.69	N00° 15' 30"E
L35	7067.27	N00° 19' 58"E
L34	4580.37	N89° 56' 36"E
L33	1529.05	N89° 56' 39"E
L32	49.50	N00° 43' 42"E
L31	3063.85	N89° 56' 36"E
L30	49.50	S00° 04' 08"E
L29	2651.47	N00° 36' 05"E
L28	1333.25	N89° 35' 16"E
L27	2667.99	N89° 55' 24"E
L26	2651.65	S00° 32' 11"W
L25	338.33	S89° 50' 35"W
L24	33.60	N00° 32' 34"E
L23	753.79	S89° 58' 57"W
L22	207.62	S04° 37' 33"E
L21	1605.00	S37° 09' 04"W
L20	2540.00	S06° 25' 04"W
L19	1964.45	S89° 45' 38"E
L18	1319.06	S00° 11' 01"W

Line Table		
Line #	Length	Direction
L17	2642.22	S00° 25' 10"W
L16	2665.97	S89° 53' 31"E
L15	1323.82	N89° 52' 37"E
L14	2644.70	S00° 28' 13"W
L13	1323.81	N89° 54' 19"E
L12	2634.56	S00° 13' 22"W
L11	2654.31	N89° 58' 42"W
L10	5301.72	N89° 48' 51"W
L9	210.20	S89° 56' 35"W
L8	1927.50	S89° 56' 35"W
L7	2666.48	S00° 09' 37"W
L6	2631.56	S89° 55' 53"W
L5	2645.88	S89° 50' 47"W
L4	496.40	S89° 56' 35"W
L2	49.50	N89° 55' 52"E
L1	2317.96	S89° 58' 31"W

JOB: 19-08-01

SHEET 2 OF 2

**COLORADO CENTRE
METROPOLITAN DISTRICT
BOUNDARY**

POLARIS SURVEYING, INC.

1903 Lelaray Street, Suite 102
COLORADO SPRINGS, CO 80909
(719)448-0844 FAX (719)448-9225

FIRE FUND										
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Beginning Balance:	\$0	\$0	\$0	\$0	\$17,932	\$70,503	\$98,414	\$206,403	\$273,839	\$444,939
Revenues:										
Property Taxes General (20 mills):										
Property Taxes Parks (2 mills):										
Property Taxes Fire (3 mills):	\$37,506	\$38,852	\$40,533	\$40,430	\$42,594	\$47,058	\$51,687	\$55,747	\$58,643	\$58,834
Specific Ownership Taxes:										
Inter-Governmental Revenue:										
Street Lights:										
Refuse Disposal:										
First Responders:	\$164,724	\$272,212	\$283,777	\$278,178	\$282,322	\$318,730	\$335,582	\$342,525	\$338,716	\$352,262
Restricted Taxes:										
Miscellaneous:						\$4,290	\$414	\$6,323	\$2,182	\$446
Total Revenues:	\$202,230	\$311,064	\$324,310	\$318,608	\$324,916	\$370,078	\$387,683	\$404,595	\$399,541	\$413,532
Expenses:										
Administration:						\$15,695	\$15,917	\$17,672	\$18,004	\$16,665
Public Safety:	\$202,230	\$250,458	\$271,405	\$286,891	\$310,724	\$318,399	\$326,706	\$345,028	\$354,199	\$369,789
Public Works:										
Street Lights:										
Refuse Disposal:										
Culture & Recreation:										
Capital Outlay:						\$8,073	\$4,169	\$98,158	\$9,502	\$3,227
Debt Service - Administration:										
Debt Service - Payment:										
Miscellaneous:						\$0	\$0	\$0	\$0	\$0
Total Expenses:	\$202,230	\$250,458	\$271,405	\$286,891	\$310,724	\$342,167	\$346,792	\$460,858	\$381,705	\$389,681
Oth. Rev. Sources:										
Restricted Taps:										
Transfers In:					\$38,379	\$70,503	\$67,098	\$123,699	\$153,264	\$138,580
Transfers Out:		(\$60,606)	(\$52,905)	(\$13,985)					\$0	(\$525)
Total Other:	\$0	(\$60,606)	(\$52,905)	(\$13,985)	\$38,379	\$70,503	\$67,098	\$123,699	\$153,264	\$138,055
Ending Balance:	\$0	\$0	\$0	\$17,732	\$70,503	\$98,414	\$206,403	\$273,839	\$444,939	\$606,855

FROM 2013 BACK, FIGURES ARE EXCERPTS OF THE COMBINED
GENERAL FUND

<----->

FROM 2014 FORWARD THERE'S A
SPECIFIC FIRE SUB-FUND IN THE

Paul G. Anderson, LLC
Attorney/Mediator

P.O. Box 50631
Colorado Springs, CO 80949-0631

Phone: (719) 510-9420
pandllc@comcast.net

August 2, 2019

Via EDARP

Nina Ruiz
El Paso County Planning & Community Development
2880 International Circle
Colorado Springs, CO 80910

Re: Letter of Intent - Service Plan Amendment
Colorado Centre Metropolitan District

Dear Ms. Ruiz,

Per the July 18 meeting with you, Craig Dossey, Mark Gebhart and Cole Emmons at the Development and Community Planning office, on behalf of the Colorado Centre Metropolitan District (District) I am submitting this Letter of Intent requesting an amendment to the District's Service Plan; the proposed amendment to the District's Service Plan is submitted herewith. The District understands that the July 18 meeting constituted the Early Assistance meeting for purposes of the District's application to amend its Service Plan as described herein.

Service Plan Amendment Request Summary

The District requests amendment of its Service Plan to include fire protection as part of the District's services consistent with the Colorado Special District Act, C.R.S. § 32-1-101, *et seq.* (Act). The District's request to amend its Service Plan is submitted in compliance with the Act. A legal description of the District's service area, along with vicinity and District boundary maps, are hereby submitted with this Letter of Intent.

Need and Justification for the Amendment

1. *Background*

The District was formed in 1984 pursuant to the Resolution 83-216 adopted by the El Paso County Board of County Commissioners (County Commissioners) and upon a Decree entered by the El Paso County District Court (District Court) in February 1984. The hearing notice regarding the District's petition to organize as a special district indicates that fire protection was one of the services to be provided by the newly formed District; however, the final version of the District's Service Plan (Exhibit A to the above County resolution) makes no reference to fire protection service.¹ Similarly, the County's resolution and the District Court

¹ The Service Plan contains a brief reference to fire protection and fire hydrants (at p. 20) in conjunction with the District constructing a water supply system.

Decree make no specific reference regarding the District providing fire protection. The District thereafter contracted with private and public entities for fire protection for several years, constructed a fire station, and since 1992 the District has received external fire protection service from the Colorado Springs Fire Department through an intergovernmental agreement (IGA) with the City of Colorado Springs.

In 2005 the District residents approved a three (3) mill levy for funding fire protection service and to create a reserve for "fire or other emergency", and between October 2006 and December 2008 the District had a staffed fire station within its service area pursuant to IGAs with Lorson Ranch Metropolitan District Nos. 1-7 and Rolling Hills Metropolitan District Nos. 1-15. Based on a public survey, in 2009 the District adopted Resolution No. 2009-4-23.1 to establish a "first responder" service within the District service area and a related monthly charge for "fire protection and related emergency service to the community until (Colorado Springs Fire Department) personnel arrive at the fire or emergency". The District has operated a 2-person, 24-hour first responder service continuously since 2009 by retaining off-duty firefighters as independent contractors in addition to maintaining an IGA with the City of Colorado Springs for external fire protection support. The IGA with the City was renewed in November 2018 with a termination date of December 31, 2037.

2. *Need & Justification*

According to the District's Fire Chief, annual response calls average between 175-200. A summary of annual responses is submitted with this Letter of Intent. Since 2009, the District has been providing fire protection in fact through its "all risk" first responder service and thus it seeks to formalize its authority to provide fire protection under the Service Plan. Doing so will enable the District to pursue outside funding opportunities and enhance its fire protection capabilities through additional equipment and training for its first responder contractors. With potential increased funding, the District can also consider expanding the number of on-duty fire protection personnel.

Additionally, the District has informal "mutual response" agreements with local fire departments. With enhanced equipment and personnel, the District can provide better mutual response and stronger support to other fire departments. As you know, the Fire Chiefs for the Colorado Springs Fire Department and Security Fire Department submitted letters of support for the District's Service Plan amendment; copies of those letters were distributed at the July 18 meeting and are also submitted with this Letter of Intent. For the reasons stated in those support letters, including fire protection service under the District's Service Plan ultimately makes sense.

Financial Analysis

Since 2009, the District has funded first responder services and all expenses related to the fire protection IGA with the City of Colorado Springs using the 3-mill levy earmarked for fire protection and emergency purposes and the "first responder" fee charged monthly to each

residential and commercial property within the District service boundaries.² Beginning with the 2010 budget year, the District's "Fire Chief" in coordination with the District Manager prepares an annual budget for District Board review and approval as part of the District's budget process. A summary of annual income and expenses for the years 2010 - 2018, as audited, is submitted with this Letter of Intent. As shown in the financial summary, the District has consistently met its annual expenses while simultaneously building a reserve fund for future capital expense. The District thus has demonstrated the ability to effectively fund fire protection under the auspices of its first responder services. Because current operations are not anticipated to change significantly any time in the near future, the transition from a first responder to a fire protection service is expected to be seamless and not result in any new or additional expense; as such, the first responder fee and excess mill levy revenue are expected to continue to fully fund fire protection if the Service Plan amendment is approved.

Under the Service Plan amendment, the District retains all financial authority and related powers under the Act. The District also retains authority to refinance and refund any District debt it may incur if the District's Board of Directors determines it is in the best interest of the District to do so.

Miscellaneous

As part of its annual budget process, the District shall ensure adequate notice and disclosure is provided to current and subsequent property owners within the District regarding the existence, operation and cost of the District including fire protection service costs. The District also acknowledges the following:

- a. The District's continued operations are under the jurisdiction of the Special District Control Act.
- b. The District will not change its territorial boundaries without the consent of El Paso County.
- c. The District will not consolidate with any other district without the consent of El Paso County.

Compliance

The District agrees that:

1. An annual transparency notice, aka annual report and disclosure, will be required and submitted as described in C.R.S. § 32-1-207(3)(d) and further addressed by County resolution.

² Under the 2005 and more recent 2018 intergovernmental agreement (IGA) with the City of Colorado Springs, the District paid for fire protection services through the purchase of a new fire engine; any additional charges incurred by the Colorado Springs Fire Department for services not covered under the IGA are billed separately to the District.

2. Should material modifications occur as described in C.R.S. § 32-1-207(2), the District shall apply for approval of such modifications to El Paso County in advance of the modification occurring.

Conclusion

The District has operated a first responder service since 2009 through which the District has provided fire protection in fact for over 10 years to its residents. Two major, neighboring fire departments, Colorado Springs and Security, fully support the District's efforts to formalize its authority to operate as a fire protection district. The District can meet future fire protection funding obligations through the current 3-mill levy and the first responder fee. Amending the District's Service Plan to include fire protection will allow the District to pursue opportunities currently available only to formal fire departments and enhance the District's long-term ability to provide fire protection within and outside of its service area.

To operate with the formal authority of a fire protection district and execute related functions, the District proposes that the County Commissioners approve the Service Plan amendment as submitted herewith. The District believes this Letter of Intent establishes the following:

- Based on the operating history of the first responder service, the District is capable of providing fire protection service consistent with the Act; and
- Approval of the Service Plan amendment submitted herewith is in the public interest and in the best interests of current and future property owners within the District.

The District appreciates the opportunity to work with you to complete this process. Please do not hesitate to contact me with any questions. Thanks very much.

Very truly yours,



Paul G. Anderson

Submittals as stated

cc w/submittals: M. Cole Emmons, Senior Assistant County Attorney

cc w/o submittals: Cindy Monroe, District Manager
Josh Winter, Fire Chief, Colorado Centre Metropolitan District
Alvaro J. Testa, Ph.D., P.E.



COLORADO SPRINGS FIRE DEPARTMENT
OFFICE OF THE FIRE CHIEF

July 9, 2019

Mr. Craig Dossey
El Paso County Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Dear Mr. Dossey:

This letter is provided in support of the Colorado Centre Metropolitan District's application to have its emergency services status listing changed from "First Responder Service" to "Fire Department." The Colorado Springs Fire Department (CSFD) collaborates regularly with the CCMD First Responders Service and can verify that the services they provide are the same as those provided by local fire departments across the country.

The change in status would provide access to additional resources for this valuable community agency, allowing them to apply for grants and support for improved equipment and gear, thereby contributing to increased safety not only for the firefighters, but for the community they serve. The CCMD First Responder Service provides timely, effective, and professional service to the CCMD jurisdiction, and the requested change in status will only enhance their ability to serve.

The CSFD strongly supports this application for CCMD's First Responder Service to be recognized as a Fire Department.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ted Collas".

Ted Collas
Fire Chief



Colorado Springs Fire Department
375 Printers Parkway
Colorado Springs, CO 80910-3191
TEL 719-385-7202 • FAX 719-385-7388



"Providing the highest quality problem solving, fire and rescue service to our community since 1894."



Colorado Centre Metropolitan District
4770 Horizonview Drive, Colorado Springs, Colorado 80925
Telephone: 719-390-7000 ; Facsimile: 719-390-3709
E-mail: cocemedi@earthlink.net Web: www.coloradocentre.org

Mr. Dossey,

Colorado Centre Metropolitan District's (CCMD) First Responders Service plays an important role in community safety as well as community fire protection, prevention, and education. With professional emergency certifications and services such, as Firefighters and Fire Officers, Emergency Medical Technicians, Hazardous Material Operations Specialist, Wildland Firefighters, Public Information Officers, and Fire and Life Safety Educators, coupled with the Intergovernmental Agreement with the Colorado Springs Fire Department, a recent survey by the International Organization for Standards (ISO) awarded the CCMD community an insurance rating of 2. This rating is strictly based on Fire Protection to the community which is most often provided by a Fire Department. For this reason, it is my recommendation that the CCMD First Responder Service be recognized as a "Fire Department" by the State of Colorado and that be reflected in the CCMD service plan.

The most important reason for this change is to create added life safety benefits to the community as well as our Firefighters. Our current service plan listing as a First Responder Service does not qualify us for Fire Department specific grants that would improve our service delivery. For example, our current annual budget does not allow each firefighter to have a set of personal protective equipment fitted and assigned specifically to them. We have outdated equipment such as an extrication tool (jaws of life) that is no longer serviceable. We do not have a PPE extractor which removes toxic cancer-causing chemicals from our PPE after fires. The added concern to that is that if this gear is worn into a community members home, this contaminates their living space. Having said that, we continue to provide a professional emergency response and fire protection service to the community no different than other fire departments.

Each of our Firefighters has a minimum of 5 years of paid professional firefighting experience. The fire station is staffed with these professional firefighters 24 hours a day, 7 days a week. These firefighters are able to provide an immediate fire department specific response anywhere in the districts service area within minutes. This is then backed up by a full fire department response from the Colorado Springs Fire Department. As stated above, the First Responder Service and response that is provided by CCMD is no different than any other small size fire department in the nation. In fact, we have responded to and mitigated two structures fires in the past three months with such efficiency that fires were extinguished quickly enough that the homes were not only saved but still habitable. Further support for recognition as a "fire department" can be seen in our 911 alarm response statically breakdown over the past two years of service provided to the district which has been attached to this packet.

By definition, a first responder is "a person (such as a police officer or an EMT) who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance." CCMD currently provides a **team** of professional firefighters that respond to and **mitigates** emergencies. Our firefighters are then backed up by the Colorado Springs Fire Department. This is similar to other fire department's utilizing mutual aid agreements to supplement emergency responses due to lack of funding for additional needed resources.

As a 23-year veteran of the Fire Service and as the District's Fire Chief, it is my recommendation that the service plan reflect the fire department response that is currently being provided to the community with recognition as a "Fire Department". The original service plan is outdated and it is in the community's best interest to make this change as soon as possible. For all practical purposes, the CCMD First Responders Service response model and abilities is that of a Fire Department. Thank you for your consideration in labeling the serves as what it should be, the Colorado Centre Fire Department.

Sincerely,

Josh Winter
Fire Chief
Colorado Centre First Responder Service



Security Fire Protection District

Fire Chief ~ David Girardin

County Commissioners,

On behalf of Security Fire Department, it is our pleasure to write this letter in favor of Colorado Centre Metropolitan District (CCMD) being granted the deserved title of Fire Department rather than First Responder Service. CCMD provides a vital service to their community on a daily basis with trained personnel that hold the same certifications that surrounding fire departments require. As a sister department that has worked with CCMD hand in hand for several years now, we can testify to the fact that their community would be much better served by allowing them to be recognized as a Fire Department, thus giving them opportunity to obtain further resources and finances to continue to provide utmost service to not only their community, but surrounding communities as well. In order to keep up with the ever-evolving standards of Fire and EMS, as well as helping CCMD provide top quality assurance of their crew's health and safety, it is undeniably in the best interest to grant CCMD Fire Department status.

David Girardin

FDZ	2016	2017	2018	2019
8470	7	9	7	5
8471	40	41	45	20
8475	37	42	55	18
8476	3	7	2	
8478	1	6	4	2
8479		1	1	
8480	3	1	8	1
8482	13	18	17	13
8483	69	80	62	35
8484	1	2		
8490		1		
Grand Total	174	208	201	94

Sit Found by FDZ	2016	2017	2018	2019
8470	7	9	7	5
Good Intent	2	4	1	1
Medical	5	2	3	1
Rescue		2	2	1
Service Call			1	1
#N/A		1		1
8471	40	41	45	20
False Alarm	2	3	7	2
Good Intent	8	18	15	9
Medical	21	13	14	7
Rescue				1
Service Call	7	4	6	1
#N/A	2	3	3	
8475	37	42	55	18
False Alarm	4	1	1	
Fire	2	1		
Good Intent	12	11	26	13
Medical	11	19	24	3
Other		1		
Over-Pressure Rupture	1			
Rescue		1		
Service Call	3	2	2	1
#N/A	4	6	2	1
8476	3	7	2	
Good Intent	1		1	
Medical	1	3	1	
#N/A	1	4		
8478	1	6	4	2
False Alarm		1	1	
Good Intent			1	2
Medical	1	4	2	
Service Call		1		

8479		1	1	
Good Intent			1	
Medical		1		
8480	3	1	8	1
Good Intent	2	1	5	
Medical			1	
Over-Pressure Rupture	1			
#N/A			2	1
8482	13	18	17	13
False Alarm		1	1	
Fire		1		
Good Intent	4	8	12	7
Hazardous Condition	1			
Medical	5	4	3	4
Other		1		
Rescue	3	1	1	1
Service Call		1		
#N/A		1		1
8483	69	80	62	35
False Alarm	5	3	2	1
Fire		1		1
Good Intent	19	35	28	21
Medical	33	31	23	9
Service Call	5	4	4	1
#N/A	7	6	5	2
8484	1	2		
Medical		2		
Service Call	1			
8490		1		
#N/A		1		
Grand Total	174	208	201	94

Sit Found Category	2016	2017	2018	2019
False Alarm	11	9	12	3
Fire	2	3		1
Good Intent	48	77	90	53
Hazardous Condition	1			
Medical	77	79	71	24
Other		2		
Over-Pressure Rupture	2			
Rescue	3	4	3	3
Service Call	16	12	13	4
#N/A	14	22	12	6
Grand Total	174	208	201	94

Dispatched As:	2016	2017	2018	2019
Abdominal Pain	2	4	8	2
Alarms	1	1	1	
Allergies (Reactions) / Envenomation (Stings, Bites)	2	2	1	
Animal Bites / Attacks				1
Assault / Sexual Assault / Stun Gun	8	8	1	1
Atal	31	25	20	16
Back Pain (Non-Traumatic Or Non-Recent Trauma)		1	4	1
Breathing Problems	6	12	6	2
Carbon Monoxide / Inhalation / Hazmat / Cbrn	2			
Cardiac Or Respiratory Arrest / Death	1	2	2	
Chest Pain	6	8	8	4
Choking	3		2	
Convulsions / Seizures	5	5	8	
Diabetic Problems	1		1	
Falls	4	14		
Falls / Public Assist			9	1
Fuel Spill / Fuel Odor		2		
Gas Leak / Gas Odor (Natural And Lp Gases)	1		4	
Gfir		4	2	1
Hazmat	4	4	6	2
Heart Problems	1	2	1	1
Heat / Cold Exposure	1			1
Hemorrhage / Lacerations	3	3	1	1
Illness			16	4
Instation Alarm		1		
Lightning Strike			1	
Medical	20	19	31	24
Odor	3	2	4	1
Other	1	2	2	1
Other Fire	3	1	5	4
Outside Fire	1	2	1	
Overdose / Poisoning (Ingestion)	6	8	7	1

Pregnancy / Childbirth / Miscarriage		1	2	1
Psychiatric / Abnormal Behavior / Suicide Attempt	10	6	4	3
Service	6	7	4	3
Sick Person (Specific Diagnosis)	7	10		
Smoke Investigation	2	1	2	
Stab / Gunshot / Penetrating Trauma	2	2	1	
Stroke (Cva) / Transient Ischemic Attack (Tia)	2			
Structure Fire	1	3	1	1
Traffic / Transportation Incidents	13	10	7	5
Traffic Accident		10	3	7
Transport			12	1
Traumatic Injuries (Specific)	3	3	1	1
Unconscious / Fainting (Near)	7	12	7	2
Unknown Problem (Person Down)	4	11	3	1
Vehicle Fire			1	
Violent	1		1	
Grand Total	174	208	201	94

SERVICE PLAN AMENDMENT

COLORADO CENTRE METROPOLITAN DISTRICT

1. Amend the first sentence of Section 1.0 (Introduction) of Part I to read as follows (with proposed changes in **bold text** and ~~striketrough text~~):

It is intended that the ~~proposed~~ Colorado Centre Metropolitan District provide the following services and/or facilities: water, wastewater, storm sewer and drainage, **fire protection**, streets, street lights, traffic signals, bridges, parks and recreation, mosquito control and safety protection.

RESOLUTION NO. 07-272
EXHIBIT A
SPECIAL DISTRICT POLICIES

I. PURPOSE, INTENT AND APPLICATION

- A. Purpose.** The purpose of these policies is to provide a framework for the evaluation of applications for new, amended and updated special district service plans as authorized by C.R.S. Title 32 and which are under the jurisdiction of the El Paso County Board of County Commissioners.
- B. Intent.** It is the intent that applications for new and revised service plans should be drafted to both address and be consistent with these policies. However, the applicant(s) for a proposed district or districts, or amendment to any existing service plan shall have the right to seek relief or modification from any of these stated policies, based on proper justification, to the extent allowable by law. The County, for its part, maintains its discretion to apply additional evaluation criteria, policies and limitations to the formation of new and revised districts, as the County may deem applicable.
- C. Model Service Plans.** New service plans and any major amendments thereof shall adhere to the applicable Model Service Plan formats as further addressed in Resolution No. 07-273 (June 25, 2007) as may be amended. The purposes of the model plan approach include standardizing the organization of information, and inclusion of standard language and limitations consistent with current Board policy. Additionally, this approach is intended to focus on variations from standard language and/or policy. The appropriate Model Service Plan template (i.e. Single District, Multiple District, and Master District) should be utilized and then modified as appropriate to address the particular needs and circumstances associated with a given application. Title 32 Special Districts which are not metropolitan districts should adhere to the Model Service Plan template to the extent possible.
- D. Required Hearings.** Prior to a hearing of the Board of County Commissioners, all service plans for new Title 32 Special Districts and Major Amendments thereof shall first be considered at a hearing of the Planning Commission in accordance with Colorado Revised Statutes and as further described in the El Paso County Land Development Code and its accompanying Procedures Manual. Any request

for a service plan amendment which does not meet the definition of a Major Amendment does not require a hearing by the Planning Commission unless a need for this hearing is specifically determined by the Development Services Department Director. The above policy is intended to apply retroactively to any previously approved Service Plans which may have had conditions requiring all requests for Material Modifications to first be heard by the Planning Commission.

E. Special Justification. Certain matters shall be specifically and comprehensively justified based on the unique needs and circumstances associated with the particular Service Plan application. Matters requiring special justification include but are not necessarily limited to the following, as further addressed in these policies:

1. Use of Master Districts;
2. Authorization of mill levy caps in excess of the caps as set forth in Section III.F;
3. Specific authorization of special purpose mill levy caps which have the effect of increasing the Maximum Combined Mill Levy Cap above 60 (sixty) mills as set forth in Section III.F.5 and 6;
3. Processing of service plans prior to approval of underlying land use approvals as set forth in Section III.I.;
4. Use of a district or districts for covenant enforcement in lieu of Homeowners Associations (HOAs), where a Master District arrangement is proposed and/or where the district or districts are not otherwise being used to provide ongoing services.

F. Procedures. The detailed procedures governing the application process for new and amended service plans shall be maintained by the Development Services Director in a Procedures Manual (to be subsequently adopted by the BoCC and as may be amended).

II. BACKGROUND

A. History. Prior to 2007, El Paso County followed Special District policies which were initially adopted on September 2, 2004, and subsequently amended on September 22, 2005, and on December 28, 2006 to address limited changes. El Paso County has processed approximately 40 new and amended Service Plan Applications between 2000 and mid- 2007, involving about 70 separate districts. During this period, policy issues have continued to evolve. In October of 2006

the Board of County Commissioners directed the Long Range Planning Division Staff to review the County's existing policy language for additional updates and pursue the adoption of a Model Service Plan approach.

- B. **Formation of Special District Task Force.** Since the County recognizes the value Special Districts provide in developing community infrastructure and services, a Special District Task Force was formed in early 2007, comprised of special district attorneys and managers, members of the development community, El Paso County Administration and Commissioners, and citizen representatives.
- C. **Objectives of Special District Task Force.** The initial, 2006 objectives of the Task Force were (1) to recommend an updated Annual Report form; and (2) make a policy recommendation pertaining to developer advances. Additional objectives for 2007 included revising existing County policy and preparation of Model Service Plans. It was contemplated the Task Force may also be utilized to provide beneficial input regarding potential future legislative and technological changes. The importance of using the County Web site as a vehicle for communication and disclosure was also agreed upon.
- D. **Outcome of Special District Task Force.** An updated Annual Report Form was prepared to include a single combined Annual Report and Disclosure form, approved by the Board of County Commissioners on December 18, 2006. County staff worked together to reference this document on the Assessor's tax bill and allow for internet availability. The developer funding agreement policy was proposed and approved by the Board of County Commissioners on December 28, 2006. Special District Model Service Plans and revised Policies were approved by the Board of County Commissioners on June 25, 2007.

III. **OVERALL SERVICE PLAN POLICIES**

- A. **Conformity.** All proposed service plans shall be evaluated by both the applicant and County staff for conformity with the applicable standards contained in C.R.S. 32-1-203. Evaluation shall consist of more than a simple listing of the standards and/or statement that the service plan complies.
- B. **Consistency.** All proposed service plans shall also be evaluated by the County for consistency with applicable elements of the El Paso County Master Plan, and with respect to these Special District Policies.

- C. **Applicable Statutes and El Paso County Preferences.** It shall be the responsibility of the applicant to assure that service plans are drafted to meet all of the minimum requirements contained in C.R.S. Title 32, specifically including C.R.S. 32-1-202 (2) as well as all other applicable State requirements.
1. Districts which include water supply as one of their purposes shall be strongly encouraged to join the El Paso County Water Authority upon formation.
 2. The preference of El Paso County is for the formation of conventional districts which accord full electoral representation to residents and property owners within the district(s) and/or service area(s).
- D. **Application and Schedule.** Although the County will endeavor to be reasonably flexible in accommodating the scheduling needs of special district applicants, it is the ultimate responsibility of the applicants to allow sufficient time to meet the County's procedural guidelines and requirements for application processing.
- E. **Review.** Service plans shall be drafted and processed in a manner that allows for coordination and input of all affected elected officials and County departments and other external agencies, specifically including the Clerk and Recorder, the Assessor and the Treasurer.
- F. **Mill Levy Caps**
1. All proposed districts that rely significantly on future development to meet financing projections shall include mill levy caps as part of their service plans. To the extent permitted by law, such caps may be lifted once the district achieves the ratios of assessed valuation to debt and other requirements which would allow these caps to be removed. However, actual removal of a Board-imposed mill levy cap is subject to approval of the Board of County Commissioners at the time the cap is proposed to be removed. Removal of mill levy caps should be supported by justifications including, but not limited to, data establishing ratios of assessed valuation to debt that meet statutory criteria for the issuance of bonds without a mill levy cap, and enhancement of a district's ability to refinance debt at a more favorable rate (if proposed in connection with a refunding of debt).
 2. The Maximum Debt Service Mill Levy Cap for Full Service Districts shall normally be 50 (fifty) mills, subject to Gallagher adjustment as permitted by law. Debt Service Caps for Limited Service Districts should be

correspondingly lower based generally on the proportion of services and facilities the district will be providing compared with a Full Service District.

3. A Maximum Operational Mill Levy Caps of up to 10 (ten) mills shall be allowed if supported by the Service Plan and accompanying Development and Financial analyses. Unless a special district has been “de-TABORED” with respect to its operational mill levy, the Maximum Operational Mill Levy Cap shall not subject to Gallagher adjustment.
4. All service plans for metropolitan districts shall specify a Maximum Combined Mill Levy cap. Unless otherwise provided for and justified below, the Maximum Combined Mill Levy shall be 60 (sixty) mills
5. If justified and fully documented by supporting information, an increase in the Maximum Operational, Debt Service and/or Maximum Combined Mill Levy Caps to allow up to 15 (fifteen) additional mills may be specifically authorized for the purpose of funding ongoing fire protection services where either the District itself will be providing these services or the District(s) propose to contract with another district to provide these services. Such additional mill levy caps shall only be allowed in cases where the property within the proposed district is not presently included in an organized fire protection district.
6. If justified and fully documented by supporting information, an increase in the Maximum Combined Mill Levy Caps of up to 5 (five) additional mills may be specifically authorized as a Special Purpose Mill Levy for the purpose of funding ongoing covenant enforcement and/or maintenance of common facilities in the absence of a Homeowners Association, or if such covenant enforcement, in the alternative, is to be undertaken by the District.
7. In cases where districts are subject to a mill levy cap and will be relying significantly on future development to meet financing projections, notice shall be provided in the service plan or its approval to the effect that repayment periods for bonds and/or other district obligations are subject to extension in the event revenues come in at a rate lower than anticipated.

G. Disclosure, Notice and Annual Reports

1. It is the policy of El Paso County to further and encourage full, balanced, clear, convenient and constructive disclosure of special district information to all potentially effected parties especially including existing and potential future residential property owners.
2. Notice and disclosure should specifically address topics including but not necessarily limited to unique representational issues (e.g. master districts), dissemination of contact and basic financial information to property owners, and apprising tax and rate payers of their potential maximum financial risk and exposure associated with owning property in the district(s)
3. All districts shall file an Annual Report and Disclosure form in accordance with Resolution 06-472, as may be amended.

H. Non-Proliferation and Need for Districts. Notwithstanding the many factors which may create a justification to form one or more new and independent special district(s), it is the policy of the County to discourage the unnecessary proliferation of additional districts in the County.

1. All proposals for new districts shall clearly and comprehensively justify their need compared with alternatives including using existing districts or non-special district options.
2. Plans for new districts shall be designed and implemented to allow reasonable options for inclusion of additional property; thereby reducing the necessity of creating additional districts in the future.
3. Although the County supports the reasonable and judicious inclusion of additional territory by existing and proposed new districts, conditions should be placed on new and revised service plans to limit the potential for inclusion of remote properties unless these actions were anticipated in the original service plan.
4. Service Plans should be written with contingences that contemplate eventual annexation of territory by a municipality, in cases where this is a significant possibility.

I. Land Use Approvals. Applicants for developer-initiated districts are encouraged to obtain Underlying Land Use Approvals prior to, or at a minimum, in conjunction with service plan application. In those cases where an applicant desires to process a service plan prior to final action on underlying land use approvals, the

burden shall be on the applicant to justify the necessity of this timing, sufficient conditions shall be placed on the service plan to address potential subsequent denial or modification of the land use applications, and notations shall be added making it clear that the County has no obligation whatsoever to approve subsequent land use applications in cases where applicants may chose to process service plans in advance of obtaining underlying land use approvals.

J. Fees. Within the limits of State Statutes, it is the policy of the County to establish and charge fees commensurate with the actual cost of processing and reviewing of new and amended service plans. Such fees are established by separate Board resolution, and may be waived or reduced by the Board of County Commissioners either in advance of or in conjunction with the hearing on a given service plan. Justifications for fee waiver or reduction include, but are not limited to:

1. County-initiated or partnered service plans.
2. Reduced fee based on limited non-controversial modification to an existing Service Plan.
3. Processing of service plans for volunteer initiatives and/or for districts with limited proposed indebtedness and revenue generation.

IV. SERVICE PLAN REQUIREMENTS & PROCEDURES

A. Development and Financial Analysis. A development analysis shall be required prior to formation or full authorization of all proposed districts which rely significantly on future development to meet financial projections

1. At a minimum, the development analysis shall include a summary of the anticipated development within the district described by applicable category and with development absorption projected throughout the applicable forecast period.
2. A summary financial analysis shall be provided to correspond with the development analysis. This financial analysis shall include, a first year revenue budget, a summary of projected revenues, expenditures, and proposed debt issuances over the forecast period, and at a minimum shall address the requirements of C.R.S. 32-1-202 (2) (b) and (f).
3. The development analysis and financial plan shall address the “most probable” market absorption assumptions at a minimum, but shall also specifically address contingencies in the event initial development is

significantly delayed and/or market absorption occurs at significantly lower rates than anticipated.

4. Service Plans for newly developing areas shall specifically address the potential vulnerability of the development forecasts to short-term market downturns at the beginning of the forecast period.

B. Eligible Improvements.

1. It is the policy of the County to encourage the use of financing districts for Regional Public Improvements which provide a benefit to a significant share of residents and businesses within a larger development and/ or to areas outside the development.
2. Special districts may be authorized to fund Local Public Improvements, where a need is demonstrated, and if a plan for this financing can be justified in the Service Plan.
3. Districts shall not be authorized to finance non-public improvements, nor shall district facilities be used for non-public purposes without proper remuneration to the district(s).
4. In cases where districts are used to finance Local Public Improvements which are tied to the subdivision process, any Service plans and/or subdivision agreements shall be structured in order to prevent a loss of sales tax revenue from sales of construction materials which would otherwise accrue to the County or other local government taxing entities.

C. Acquisitions and Eminent Domain

1. The policy of the County is to generally discourage the use of districts as a mechanism to reimburse developers for the cost of facilities or other costs already committed to a land development project unless such reimbursement was contemplated in previous County approvals.
2. The contemplated use of eminent domain and/or dominant eminent domain should be addressed in the service plan with reasonable limits placed on thereon, based on the intended use of the district(s). Such limits may include the requirement for express prior approval of the Board for any purposes not explicitly identified in the service plan.
3. In no case shall the authorized eminent or dominant eminent domain powers of the district(s) be used to acquire land or other assets for the purpose of private economic development of such property, where such

acquisition is not clearly necessary to support the essential facility and service provision purposes of the districts (s).

4. Pursuant to Colorado Revised Statutes, districts shall not be authorized to acquire water rights by condemnation.

D. Authorization of Debt and Issuance of Bonds

1. Districts shall be encouraged to prudently phase the issuance of debt, especially in situations where future development will be substantially relied upon for to generate revenue to pay such debt.
2. The pre-authorization of debt shall be reasonably limited.
3. In cases where there will be a Master District arrangement, consideration may be given to limitations which require prior Board of County Commissioners approval for re-authorization of debt if and when the original authorization expires.
4. Districts shall evaluate their proposed mill levy and debt in relationship to the current and potential future combined mill levies and debt which may be levied by all overlapping and eligible taxing entities for the affected area.
5. Where applicable and appropriate, districts are encouraged to rely on a combination of property taxes, fees and charges both to diversify their revenue sources and to reduce some of the repayment impact on future property owners, particularly in the case where the district(s) will be used to fund Local Public Improvements.
6. Districts are encouraged to limit the term of bond issuances to the shortest time period that is reasonable and practical. The term of each individual bond issue should be limited to thirty (30) years or less unless specific justification for a longer duration is provided.
7. In cases where developers or other directly interested parties may be purchasing developer-held bonds, an opinion letter from an external financial advisor shall be provided to ensure that interest rates for these bonds are competitive as compared with bonds sold on the open market.
8. Districts shall not be authorized to directly accept sales or use tax revenues (i.e. from tax increment financing arrangements) without express prior approval of the Board).

- E. Developer Funding Agreements.** Districts shall be allowed to prudently use developer funding agreements and/or capitalized interest as a means of compensating for delays in receipt of property tax and other revenues in newly developing districts.
1. The proposed and potential use of Developer Funding Agreements shall be addressed as part of the Service Plan for new districts and Major Amendments, as well as for other non-Major Amendments if this topic is deemed by the Development Services Director to be pertinent to the amendment.
 2. To the extent Developer Funding Agreements are included in an approved Service Plan (or any amendment thereof), such Agreements may provide for the earning of simple interest thereon, but under no circumstances shall any such Agreement permit the compounding of interest. The Service Plan may permit an interest rate that does not exceed the prime interest rate plus two points thereon
 3. Unless specifically addressed in the original Service Plan or a Board of County Commissioners-approved amendment of the Service Plan, the maximum term for repayment of a Developer Funding Agreement shall be twenty (20) years from the date the Special District becomes obligated to repay the Developer Funding Agreement under the associated contractual obligation. For the purpose of this provision, Developer Funding Agreements are considered repaid once the obligations are fully paid in cash or when converted to bonded indebtedness of the Special District (including privately placed bonds). Any extension of such term must be approved by the Board.
 4. Required disclosure notices shall clearly identify the potential for a Special District to enter into obligations associated with Developer Funding Agreements.

F. Multiple Districts.

1. Multiple District Service Plans shall include the following:
 - a. Provide justification that the total number of proposed districts is the minimum necessary to effectively manage the infrastructure and operational needs of the service area.

- b. Clearly and comprehensively address the relationships among separate districts, including proposed intergovernmental agreements and contingencies for potential dissolution or combination.
 - c. Clearly address intent to fairly and equitably distribute costs and benefits among separate districts.
- 2. If justified in the Service plan(s) the Board may consider Multiple District concepts for the following purposes:
 - a. Accommodating the phasing of infrastructure financing for distinct major phases of a larger land development project
 - b. Allowing for differential mill levies between non-residential and residential areas within a larger project for the purposes of addressing the impact of the Gallagher Amendment.

G. Master Districts. Service plans which contemplate Master District concepts shall provide justification that the total number of proposed districts is the minimum necessary to effectively manage the infrastructure and operational needs of the service area. Master District approvals shall be allowed subject to specific justification of the unique need for these limited representation arrangements.

- 1. The preference of El Paso County is for the formation of conventional districts that accord full electoral representation to residents and property owners within the district(s) and/or service area(s).
- 2. Service Plans that contemplate Master District concepts shall provide justification that the total number of proposed districts is the minimum necessary to effectively manage the infrastructure and operational needs of the service area.
- 3. In cases where one or more Master Districts will provide services or facilities to a larger defined service area, the applicants for the district shall use reasonable means (including mailings and/or informational meeting) to inform existing property owners of the proposed district arrangement.
- 4. Board of County Commissioners appointed Citizen Advisory Councils (CACs) should be actively considered as a means to allow a more formal role in the affairs of the Controlling Board of Directors, including, where appropriate, consideration of establishing the Chair of the CAC as either

an ex-officio or formal voting member of the Controlling Board of Directors.

5. If not initially required as a condition of Service Plan approval, and if so provided as part of such approval, at any time during the existence of the Controlling Board of Directors, the Board of County Commissioners, either on its own initiative or in response to citizen input, may exercise their prerogative to require the creation a Citizen Advisory Council (CAC) if it is determined to be in the best interest of the County, and/or the property owners within the service area. The Board may establish the Chair of the CAC as either an *ex-officio* or formal voting member of the Controlling Board of Directors.
6. Other than responsibility for the appointment process, the Controlling Board of Directors shall have responsibility for support of any CACs, which may be required.
7. In the event of insufficient interest in CAC membership, appropriate justification presented by the Controlling District Board of Directors, or for any other reason, the Board of County Commissioners, at its sole discretion, shall have the right to eliminate a prior requirement for a CAC.
8. Service plans which contemplate Master District arrangements shall include provisions to accommodate a transition back to a conventional district once the area served by the district(s) is fully developed.

H. Covenant Enforcement and Homeowner's Association Functions.

1. Any intent or reserved option to use the proposed District(s) for Homeowners Association (HOA) functions, including covenant enforcement or common area maintenance should be clearly described in the Service Plan. Such description should specify whether there is intent to use the District(s) in lieu of one or more HOAs or to contract with HOA(s) for provision of certain services.
2. Use of district(s) for ongoing covenant enforcement purposes should be specifically discouraged if there are expected to be no other ongoing needs for the perpetual existence of the District(s).

I. Service Plan Amendments & Material Modifications.

1. The Board of County Commissioners reserves the discretion to impose review standards and hearing requirements as deemed appropriate and

necessary for any application for amendment of an existing Service Plan, as otherwise allowed under State Statute.

2. In cases where one or more Major Amendments are proposed to be made to an existing Service Plan, a revised Service Plan submittal shall be required with hearings to be scheduled before both the Planning Commission and the Board of County Commissioners consistent with the review of a Service Plan for a new district, except where these procedures may be clearly inapplicable. Final action on a Major Amendment shall consist of approval of the new Service Plan which will have the effect of replacing the previous one, and any conditions or notations which may have been imposed on that plan by the Board of County Commissioners.
3. In cases where one or more Minor Amendments are proposed to be made to an existing Service Plan, the submittal shall not normally require a complete new Service Plan, but only those materials necessary to support and justify the amendment as determined by the Development Services Department Director in consultation with the County Attorney's Office. The hearing or hearings addressing Minor Amendments shall be scheduled directly before the Board of County Commissioners. Final action on a Minor Amendment shall consist of approval of a resolution specifically amending the language included in the existing Service Plan or the conditions or notations imposed on that plan by the Board of County Commissioners.
4. Material Modifications may be processed as either Major or Minor Amendments at the discretion of the Development Services Department Director in consultation with the County Attorney's Office.
5. Administrative amendments to approved Service Plans shall only be approved administratively (by the Development Services Department Director in consultation with the County Attorney's Office) in those cases where this authority is expressly delegated by the Board of County Commissioners.
6. Determinations as to the use and applicability of the Major or Minor Amendment process, as outlined above, shall be made by the Development Services Department Director for all Service Plans

approved prior to the date of adoption of these policies, based on a determination of the need for and appropriateness of the Minor versus Major Amendment processes.

7. Any administrative decisions concerning IV. J. 2-6 above may be appealed to the Board of County Commissioners pursuant to applicable procedures as outlined in the El Paso County Land Development Code, or as otherwise provided for in State Statute.

V. **DEFINITIONS**

The following terms are defined specifically and solely for use in conjunction with these El Paso County Special District Policies. The definitions may or may not completely correspond with definitions in State Statutes, the El Paso County Land Development Code, or other relevant documents:

- Board – The Board of County Commissioners of El Paso County, unless otherwise specified
- Citizens Advisory Council (CAC) – A five (5) member advisory board appointed by the Board of County Commissioners for the purpose of providing input to the Commissioners and to the Controlling Board(s) in the case of Master District arrangements.
- Complete Service Plan – A complete service plan filed in accordance with C.R.S. Title 32 and County requirements and these Policies, and specifically including a complete financial plan as well as a market study, if applicable
- Controlling Board of Directors – The board or boards of directors of that have the ability to directly influence the major financial decisions of a district or combination of related districts.
- Conventional Representative District – One or more Title 32 special districts, each of which is structured to allow all residents and property owners to participate in elections for the Controlling Board(s) of Directors, as otherwise allowed by Statute.
- County – El Paso County, Colorado, as represented by its Board of County Commissioners.
- Developer Funding Agreement – An agreement of any kind executed between a Special District (“District”) and a Developer as this term is specifically defined below, including but not limited to advance funding agreements, reimbursement agreements or loans to the District from a Developer, where such an agreement creates an obligation of any kind which may require the District to re-pay the Developer. The term “Developer” means any person or entity (including but not limited to corporations, venture partners,

proprietorships, estates and trusts) that owns or has a contract to purchase undeveloped taxable real property greater than or equal to ten percent (10%) of all real property located within the boundaries of the District. The term “Developer Funding Agreement” shall not extend to any such obligation listed above if such obligation has been converted to any bonds issued by the District to evidence the obligation to repay such Developer Funding Agreement, including the purchase of these bonds by a Developer.

- District(s) – Any district or districts duly organized or contemplated to be organized under C.R.S. Title 32.
- Dominant Eminent Domain – Condemnation action undertaken by one governmental entity with respect to property owned by another governmental entity.
- External Financial Advisor – A consultant that: (i) advises Colorado governmental entities on matters relating to the issuance of securities by Colorado governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (ii) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer’s Municipal Market Place; and (iii) is not an officer or employee of the District for which External Advisor Services are being rendered, and (iv) has not been otherwise engaged to provide services in connection with the transaction related to the applicable Debt.
- Full Service District – A 32 district which may be a metropolitan district and which provides a substantially full range of facilities and services to normally include central water and sewer, along with a combination of other purposes which may include road improvements, parks and recreation, and drainage. A Full Service District may contract or otherwise arrange with other entities to provide some of these facilities and services.
- Gallagher Adjustment – An allowed adjustment to the Maximum Debt Service Mill Levy, Maximum Operational Mill Levy, or Maximum Special Mill Levy intended to offset the effect of adjustments to the ratio between market value and assessed value of taxable property within the applicable District that would cause a reduction in the revenue otherwise produced from such Maximums based on the ratio between market value and assessed value as of January 1 in the year in which the applicable District’s organizational election is held.
- Limited Service District – A Title 32 district that may be a metropolitan district and which provides a more limited range of facilities, services or purposes than a Full Service

District, such that either other entities or the individual property owner are responsible for providing a significant share of the facility and service needs of the development.

- Local Public Improvements – Facilities and other improvements which are or will be dedicated to the County or another governmental or quasi-governmental entity for substantially public use, but which do not qualify under the definition of Regional Public Improvements. Examples would include local streets and appurtenant facilities, water and sewer lines which serve individual properties and drainage facilities that do not qualify as reimbursable under adopted drainage basin planning studies.
- Major Amendment – An amendment to an existing approved Service Plan which is considered substantial enough to warrant the submittal of a revised Service Plan and the requirement for hearings by both the Planning Commission and the Board of County Commissioners, as determined by the Development Services Department Director in consultation with the County Attorney's Office. Such Amendments specifically include but are not limited to those amendments which are expressly stipulated as being Major Amendments, either in the text of the existing Service Plan or in the conditions or notations attached to its approval.
- Material Modification – Any variance or deviation from an existing approved Service Plan which meets the definition of this term as it is defined in C.R.S. 32-1-207 (2) and/or any other variance or deviation which is specifically identified as a Material Modification either in the text of the existing approved Service Plan or the conditions or notations attached to its approval. The procedure for Board of County Commissioners approval of Material Modifications may involve either a Minor or a Major Amendment as addressed in these policies.
- Master District – Any arrangement of districts with the intent of using one or more small directors parcels for the purpose of retaining control of the key financial decisions of the districts such that the majority of future property owners who will receive facilities and/or services of the district(s) will not be eligible to participate in the election of the Controlling Board of Directors.
- Maximum Debt Service Mill Levy Cap – The maximum Gallagher-adjusted ad valorem mill levy the district, or combination of districts which are part of a consolidated service plan, may certify against any property within the district(s) for the purpose of servicing any debt incurred by or on behalf of the districts (s).
- Maximum Operational Mill Levy Cap – The maximum Gallagher-adjusted ad valorem mill levy the district, or combination of districts which are part of a consolidated service

plan, may certify against any property within the district(s) for the purposes providing revenues for ongoing services, administration or any other allowable activities other than the servicing of debt.

- Maximum Combined Mill Levy Cap – The maximum combined Gallagher-adjusted ad valorem mill levy the district, or combination of districts which are part of a consolidated service plan, may certify against any property within the district(s) for any purposes.
- Minor Amendment – An amendment to an existing approved Service Plan which is not considered substantial enough to warrant the requirement for submittal of a complete revised Service Plan and the requirement for hearings by both the Planning Commission and the Board of County Commissioners, as determined by the Development Services Department Director in consultation with the County Attorney's Office. Such Amendments specifically include but are not limited to those amendments which are expressly stipulated as being Minor Amendments either in the text of the existing Service Plan or the conditions or notations attached to its approval.
- Model Service Plan – The applicable standardized format and content for a service plan as currently adopted by the Board of County Commissioners.
- Multiple Districts – Any combination of two (2) or more districts as part of a consolidated service plan for the purpose(s) of phasing the relinquishment of control by a developer-controlled board of directors and/or phasing the issuance of debt in accordance with phased land use plan and/or accommodation of differential mill levies within the consolidated service area.
- Planning Commission – The El Paso County Planning Commission.
- Regional Public Improvements – Facilities and other improvements which are or will be dedicated to the County or another governmental or quasi-governmental entity for substantially public use, and which serve the needs of the region.
- TABOR and deTABOR – “TABOR” is an acronym which refers to the Taxpayer Bill of Rights found in Article 10, Section 20 of the Colorado Constitution.
- Underlying Land Use Approvals – Any pre-existing approvals by the Board of County Commissioners of one or more sketch plans, generalized planned unit development (PUD) Plans, site-specific PUD plans, conventional rezonings, preliminary plans, final plats, or any combinations of the foregoing which are consistent with and support the development assumptions included in the Service Plan.

Chapter 9 - SPECIAL DISTRICTS

9.1. - GENERAL PROVISIONS AND PROCEDURES

9.1.1. Purposes

The purpose of this Chapter is to implement the BoCC's authority to review and approve service plans for proposed special districts and amendments of existing service plans under C.R.S. §§ 32-1-201, et seq. (' Control Act '), 1993, as amended. All provisions of this Chapter are intended to be in compliance with the authority and procedures specified in the Control Act and related statutes. To the extent that this Chapter does not expressly incorporate all applicable provisions of the Control Act and related statutes, those provisions shall still govern as stated in the Control Act or related statutes.

The procedures recognized in the Control Act and set forth in this Chapter are necessary for the orderly creation of special districts and for the logical extension of special district services throughout the County. The Control Act as implemented herein serves the purposes of preventing unnecessary proliferation and fragmentation of local government and avoiding excessive diffusion of local tax sources pursuant to C.R.S. § 32-1-102.

The policies of the County regarding special districts are included with the Special District Policies, Model Service Plans and Annual Reports and Disclosure Forms, as adopted by the BoCC and as amended from time to time, and referenced in this Code.

Any special district requirements or policies as referenced in this Chapter are available through the Clerk to the BoCC.

9.2. - SERVICE PLAN APPLICATION STEPS AND REQUIREMENTS

9.2.1. Application Submittal

Any person proposing the organization of a special district which includes property in the unincorporated County shall submit a service plan to the BoCC and obtain approval of the draft service plan from the BoCC prior to filing a petition for the organization of the special district in district court in accordance with the requirements of this Chapter (C.R.S. § 32-1-202).

9.2.2. Pre-Submission Requirements (Early Assistance)

- (A) **Materials to be Submitted.** The applicant shall submit the required copies of a letter of intent and all materials to the PCD including such other information as necessary to adequately describe the proposed service plan.
- (B) **Initial Review of Submitted Materials.** The letter of intent and information submitted are circulated to the Clerk to the Board, OCA, and any involved county departments for initial review and comment. Issues or comments identified in the initial review shall be addressed and included in the draft service plan.

9.2.3. Draft Service Plan

- (A) **Materials to Be Submitted.** The applicant shall submit the required copies of the materials identified in the Procedures Manual to the PCD, along with any required fee as identified in the fee schedule. The applicant shall provide a copy to the Clerk to the BoCC pursuant to C.R.S., § 32-1-202(1).

- (B) **Review of Draft Service Plan.** To the extent time allows prior to the hearing, the PCD Director shall, at his/her discretion, refer information concerning the draft service plan to interested governmental units and any other relevant review agencies.
- (C) **Schedule Hearing.** The PCD will coordinate the scheduling of the Planning Commission hearing and the BoCC hearing with the Clerk to the BoCC.
- (D) **State Reporting.** The Clerk to the BoCC is responsible for any State reporting requirements regarding the filing of the draft service plan.
- (E) **Staff Report and Comments.** The PCD is responsible for providing to the Planning Commission and BoCC any staff reports and written comments regarding the draft service plan.
- (F) **Planning Commission Review of Draft Service Plan.** The following review procedure has been adopted pursuant to the procedure outlined in C.R.S. § 30-28-112, and required by C.R.S. § 32-1-202(1):
 - (1) **Public Hearing.** The Planning Commission shall consider the draft service plan or any major amendment to a service plan at a public hearing. The applicant for the draft service plan shall receive prior notice of the hearing. The applicant shall comply with applicable public hearing notice requirements in C.R.S. § 32-1-204.
 - (2) **Planning Commission Recommendation.** The Planning Commission shall review the draft service plan and make a written recommendation in the form of a resolution on the draft service plan to the BoCC. The action by the Planning Commission may be in the form of recommending approval, disapproval, or approval with conditions. The Planning Commission shall make its recommendation within 30 days following the submission of the draft service plan with the Clerk and Recorder. The Planning Commission also may continue the hearing to a set date and time to resolve any outstanding issues, but shall not continue the hearing beyond the established recommendation deadline without the consent of the applicant. The applicant's consent to the continuance shall relieve the Planning Commission from having to make their recommendation within 30 days following submission of the draft service plan with the Clerk and Recorder.
- (G) **BoCC Review of and Action on Service Plan.** The following review procedure has been adopted pursuant to the procedure required by C.R.S. § 32-1-202 and C.R.S. § 32-1-204:
 - (1) **Set Hearing Date.** At the next regular meeting of the BoCC which is held at least 10 days after the final Planning Commission action on the draft service plan, the BoCC shall set a date within 30 days for a public hearing on the draft service plan.
 - (2) **Notice to Colorado Division of Local Government.** The Clerk to the BoCC shall provide written notice of the date, time, and location of the public hearing to the Colorado Division of Local Government.
 - (3) **Notice to Applicant.** The BoCC shall provide written notice of the date, time, and location of the public hearing to the applicant for the special district and to the governing body of any existing municipality or special district which has levied an ad valorem tax within the preceding tax year and which has boundaries within a radius of 3 miles of the proposed special district boundaries. The governmental units noticed shall be interested parties in the public hearing process.
 - (4) **Published Notice.** The BoCC shall publish notice of the public hearing in a newspaper of general circulation in the County, the first publication of which shall be at least 20 days prior to the public hearing date. The publication shall constitute constructive notice to the residents and property owners within the boundaries of the proposed special district. The residents and property owners within the boundaries of the proposed special district shall be interested parties at the public hearing.

The published newspaper notice shall contain the following information:

- The date, time, location, and purpose of the hearing;
 - A general description of the land contained within the boundaries of the proposed special district; and
 - Information outlining the methods and procedures concerning the filing of a petition for exclusion of territory from the proposed district.
- (5) **Property Owner Notification.** Not more than 30 days nor less than 20 days prior to the public hearing, the applicant for the special district shall send letter notification of the hearing to the property owners within the boundaries of the proposed special district, all as further required by C.R.S. § 32-1-204(1.5). The written notification shall indicate that this is a notice of a hearing for the organization of a special district and shall indicate the date, time, location, and purpose of the hearing, a reference to the type of special district and any other requirements of the statute, and shall include a complete return address, and shall include a point of contact for the applicant and stipulate that written requests for exclusion be directed to the Clerk to the BoCC.
 - (6) **Joint Hearing.** If the boundaries of the proposed special district include territory within the County and another County or counties, the BoCC of each of the respective counties, at their discretion, may hold a joint hearing on the proposed special district in accordance with the procedural requirements applicable to BoCC hearings on draft service plans (C.R.S. § 32-1-205(1), referencing the hearing requirements of § 32-1-204).
 - (7) **Required Public Hearing Procedures.** The hearing held by the BoCC shall be open to the public, and a record of the proceedings shall be made. Interested parties at the hearing shall be the following:
 - The governing bodies of any existing municipality or special district which has levied an ad valorem tax within the preceding tax year and which has boundaries within a radius of 3 miles of the proposed special district; and
 - The residents and property owners within the boundaries of the proposed special district.

All interested parties shall be afforded an opportunity to be heard under the rules of procedure as may be established by the BoCC. Any testimony or evidence which in the BoCC's determination is relevant to the organization of the special district shall be considered.

(8) **Exclusions of Property from Proposed District.**

- (a) **Requesting Exclusion from the Special District.** Any person owning property within the boundaries of the proposed special district who requests that their property be excluded from the special district prior to approval of the draft service plan shall submit the request to the Clerk to the BoCC no later than 10 days prior to the BoCC's public hearing on the draft service plan, but the BoCC shall not be limited in their action with respect to exclusion of territory based upon such request.
- (b) **Consideration of Requests for Exclusion.** The BoCC may exclude certain properties from within the proposed boundaries of the special district prior to approval of the draft service plan, and shall consider those requests for exclusion of property filed in accordance with C.R.S. § 32-1-203. The PCD shall provide an analysis of any requests for exclusion of property, which may be used as a basis for BoCC action pursuant to individual request for exclusion.

The applicant for the special district shall have the burden of proving that the exclusion of any property requested to be excluded is not in the best interests of the proposed special district.

The BoCC shall act on all requests for exclusion before they take final action issuing a resolution of approval for the special district.

- (9) **BoCC Authority to Act on Service Plan.** The findings of the BoCC on the draft service plan shall be based solely upon the draft service plan and the evidence or recommendations presented at the BoCC's public hearing by the applicant for the special district, the Planning Commission, and any interested party.

The BoCC has the following authority in the review of any proposed draft service plan:

- To approve the draft service plan as submitted without condition or modification.
- To disapprove the draft service plan as submitted.
- To conditionally approve the draft service plan subject to the submission of additional information relating to, or the modification of, the draft service plan. The BoCC may exercise this power of conditional approval if they have satisfactory evidence, based on the public hearing, that the draft service plan does not comply with the required criteria for approval (C.R.S. § 32-1-203(2)). The BoCC's final approval shall then be contingent upon the applicant modifying the draft service plan to include the changes, or providing the additional information, as the BoCC shall specifically state in their findings on the draft service plan. If the BoCC requires changes, modifications or additional information to the draft service plan before approval, the hearing will be continued until the changes, modifications, or additional information requirements are satisfied and incorporated into the draft service plan. Unless the continuation is to a date and time specific as announced at the hearing, re-notification of interested parties and parties requesting exclusion is required.

- (10) **Notice Concerning Decision.** Within 20 days following BoCC action on the draft service plan, the BoCC shall advise the applicant for the proposed special district in writing of the BoCC action on the draft service plan.

- (11) **Recording the BoCC Action.**

- (a) **Approval.** If the draft service plan is approved as submitted, a resolution of approval shall be issued to the proponent incorporating the findings of the BoCC.
- (b) **Disapproval.** If the draft service plan is disapproved as submitted, the specific detailed reasons for the disapproval shall be set forth in writing.
- (c) **Conditional Approval.** If the draft service plan is conditionally approved, the BoCC shall set forth in writing the conditions, changes or modifications to be made in, or the additional information relating to, the draft service plan, together with the reasons for the changes, modifications, or additional information. Upon incorporation of the specified conditions, changes, modifications, or additional information into the draft service plan (applicant shall provide 4 copies of the revised draft service plan to the PCD and shall provide a copy to the Clerk and Recorder) the BoCC shall issue a resolution of approval to the proponent of the special district.

- (H) **Criteria for Approval of Draft Service Plan.**

- (1) **Territory Which District May Cover.** A special district may be entirely within or entirely without, or partly within and partly without, one or more municipalities or counties, and may consist of noncontiguous tracts or parcels of property (C.R.S. § 32-1-107(1)).
- (2) **Limitations on Approval of a Service Plan.** No special district may be organized wholly or partly within an existing special district providing the same service (C.R.S. § 32-1-107(2) and § 32-1-202(2.1)). Nothing in this provision, however, shall prevent a special district providing different services from organizing wholly or partly within an existing special district.
- (3) **Petition Filed.** No draft service plan shall be approved if a petition objecting to the draft service plan and signed by the owners of taxable real and personal property, which equals more than 50 percent of the total valuation for assessment of all taxable real and personal property to be included in the proposed special district, is filed with the BoCC no later than 10 days prior to the BoCC's public hearing on the draft service plan, unless such property has been excluded by the BoCC (C.R.S. § 32-1-203(3.5)).
- (I) **Mandatory Criteria for Disapproval.** The BoCC shall disapprove the draft service plan unless evidence satisfactory to it of each of the following is presented or, in the BoCC's discretion, the BoCC conditionally approves the draft service plan to cause compliance with these criteria (C.R.S. § 32-1-203(2)):

- There is sufficient existing and projected need for organized service in the area to be served by the proposed special district;
- The existing service in the area to be served by the proposed special district is inadequate for present and projected needs;
- The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries;
- The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

- (J) **Discretionary Criteria for Disapproval.** The BoCC may disapprove the draft service plan if evidence of the following, at the BoCC's discretion, is not presented (C.R.S. § 32-1-203(2.5)):

- Adequate service is not, or will not be, available to the area through the County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis;
- The facility and service standards of the proposed special district are compatible with the facility and service standards of each County within which the proposed special district is to be located and each municipality which is an interested party as defined in C.R.S. § 32-1-204 and this Code;
- The proposal is in substantial compliance with the El Paso County Master Plan;
- The proposal is in compliance with any duly adopted County regional, or State long-range water quality management plan for the area; or

- The creation of the proposed special district will be in the best interests of the area proposed to be served.

(K) **Filing of Approved Service Plan.** The approved service plan shall be filed as part of the petition for the organization of the special district in district court in accordance with State Statute. The approved service plan shall be considered the final service plan when an order is entered by the district court declaring the special district organized.

9.3. - MATERIAL MODIFICATIONS TO COUNTY-FINAL SERVICE PLAN

9.3.1. County Approval of Substantial Modifications to Final Service Plan

Once a special district with territory in the unincorporated County has been organized pursuant to the terms of this Chapter and the Control Act, the Board of Directors of the special district may make material modifications to the final service plan only by petition to and approval by the BoCC pursuant to the procedures governing the review and approval of the original service plan submittals (C.R.S. § 32-1-207(1)-(3), as amended).

9.3.2. Material Modification Defined

A material modification of a final service plan shall be a change of a basic or essential nature, including but not limited to the following:

- Any addition to the types of services provided by the special district;
- A decrease in the level of services provided by the special district;
- A decrease in the financial ability of the district to discharge the existing or proposed indebtedness; or
- A decrease in the existing or projected need for organized service in the area.
- Any service provided outside of the district boundaries or approved service area which reduces service capabilities within the district.
- Any modification that is contrary to a condition imposed by the BoCC in the final service plan or which is identified as a material modification within the final service plan.

9.3.3. Change of District Boundaries

A material modification may be found to exist if an approved special district changes its boundaries to include territory in the unincorporated County when the district previously included no territory in the unincorporated County. If the special district changes its boundaries in this fashion, it shall notify the BoCC, who may review the inclusion of territory. If the BoCC determine based on this review that the inclusion constitutes a material modification to the special district's final service plan, the Board of Directors of the special district shall file a petition for approval of a material modification of the final service plan.

9.3.4. Excluded Modifications

Approval for modifications of a final service plan shall not be required for changes necessary only for the execution of the final service plan, or for changes in the boundaries of the special district other

than to include territory in the unincorporated County when the special district previously included no territory in the unincorporated County.

9.3.5. Processing Fee

The processing fee for review of a petition for approval of a material modification is identified in the fee schedule and shall be submitted prior to consideration of the application.

9.3.6. Judicial Enforcement Against Material Departures or Modifications to Approved Service Plans

The BoCC may seek an injunction in the district court which approved the petition for the organization of the special district for any material departure from the final service plan, or, if the plan has been modified, from the final service plan as modified, which constitutes a material modification of the final service plan.

9.3.7. Initiating Action Against Material Departure or Modification

No action may be brought to enjoin the construction of any facility, the issuance of bonds or other financial obligations, the levy of taxes, the imposition of rates, fees, tolls and charges, or any other proposed activity of the special district unless the action is commenced within 45 days after the special district has published notice of its intention to undertake the activity.

The notice shall describe the activity proposed to be undertaken by the special district and provide that any action to enjoin the activity as a material departure from the final service plan must be brought within 45 days from publication of the notice.

The notice shall be published one time in a newspaper of general circulation in the special district, and shall be provided to the district court, as well as mailed to the BoCC on or before the date of publication of the notice.

9.4. - ANNUAL REPORTING REQUIREMENTS

9.4.1. Request for Required Reports from Any Special District

- (A) **Require Annual Report to be Filed.** Any special district located wholly or partly within the unincorporated County shall file, not more than once a year, a special district annual report (C.R.S. § 32-1-104(2) and § 32-1-207(3)(C)-(D)). The detailed requirements of the annual report and disclosure form are stipulated in BoCC Resolution 06-472, as may be amended. The annual report shall be filed with the BoCC, the Colorado Division of Local Government, and the State Auditor, and shall be placed on file with the Clerk and Recorder for public inspection. A copy of the report shall also be made available by the special district to any interested party.
- (B) **Contents of Annual Report.** The annual report shall include but shall not be limited to information on the progress of the special district in the implementation of its final service plan.
- (C) **Review of Annual Reports.** The BoCC may review the annual reports in a regularly scheduled public meeting, and such review shall be included as an agenda item in the public notice for such meeting. In addition, the State Auditor will review the annual report and report to the Colorado Division of Local Government any apparent decrease in the financial ability of the district to discharge its existing or proposed indebtedness in accordance with the final service plan. In such event, the Colorado Division of Local Government shall confer with the BoCC of the special district and with the BoCC regarding such condition.
- (D) **Recording of Annual Reports.** The Annual Report and Disclosure Form is recorded in conjunction with the recording of a final plat located within the special district.

9.4.2. Special District to Provide Contact Information Annually

On or before January 15 of each year, each special district located in the unincorporated County shall notify the BoCC, the County Assessor, the County Treasurer, and the County Clerk and Recorder (in addition to the other entities specified in C.R.S. § 32-1-104(2)), of the name of the chair of the Board of Directors, the contact person, the telephone number, and the business address of the special district. If the persons and address are not located within the special district, the special district shall notify the County Clerk and Recorder of the name, address, and telephone number of a contact person located within the special district, if such person is available.

9.4.3. Failure to Provide Information or Annual Report

If a special district fails to file an annual report or provide any information required to be submitted within 9 months of the date of the request for the annual report or information, the BoCC, after notice to the special district, may notify any County treasurer holding moneys of the special district to prohibit release of any moneys until the special district complies with the applicable requirement.

9.5. - SERVICE PLAN PROCESSING FEES

The fees for processing any Service Plan are established by State Statute and implemented by resolution and the fee schedule. The processing fee shall be used to reimburse the County for the reasonable direct costs related to processing the service plan and conducting the public hearings on the plan, including but not limited to the costs of notice, publication, and recording of testimony.

If it is determined that more in-depth review of a particular service plan is required, an additional service fee as provided in C.R.S. § 32-1-202(3) and identified in the fee schedule may be imposed at submittal, to reimburse the County for the reasonable direct costs related to the in-depth review.