

# **SOUTH METRO FIRE RESCUE FIRE PROTECTION DISTRICT**

## **RESOLUTION NO. 2019-11**

### **A RESOLUTION ADOPTING BY REFERENCE VARIOUS LEGISLATIVE AND ADMINISTRATIVE ENACTMENTS OF THE SOUTH METRO/CUNNINGHAM FIRE RESCUE AUTHORITY**

WHEREAS, the South Metro Fire Rescue Fire Protection District (“South Metro”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Article 1, Title 32, Colorado Revised Statutes; and

WHEREAS, the South Metro/Cunningham Fire Rescue Authority (“Authority”) was created by that certain Creation and Pre-Unification Agreement dated November 16, 2017, as Amended (the “Agreement”), between the South Metro Fire Rescue Fire Protection District and Cunningham Fire Protection District, each a special district created pursuant to Article 1, Title 32, C.R.S. (the “Districts”); and

WHEREAS, pursuant to the Agreement the Districts have operated as the Authority since 2017; and

WHEREAS, Section VI. of the Agreement contemplates the consolidation of the Districts by including all property currently within Cunningham Fire into South Metro, excluding such property from Cunningham Fire, and dissolving Cunningham Fire; and

WHEREAS, the Districts contemplate that their consolidation will be complete and approved by the District Courts prior to, or shortly after the end of 2019, and at such time South Metro shall continue to provide services to the area currently within both Districts and which since 2017 has been served by the Authority; and

WHEREAS, Section 32-1-1001(l)(m), C.R.S. authorizes South Metro to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and the laws of the state for carrying on the business, objects, and affairs of South Metro and its Board of Directors; and

WHEREAS, Section 32-1-1001(l)(j) and (k), C.R.S., authorizes South Metro to fix and from time to time increase or decrease fees, rates, tolls, penalties or charges for services, programs, or facilities furnished by South Metro within and without the boundaries of South Metro; and

WHEREAS, South Metro has the authority under Sections 32-1-1002 (d) and (e), C.R.S. to adopt and enforce fire codes and to fix and from time to time increase or decrease fees and charges for fire code inspections; and

WHEREAS, South Metro is authorized by other statutory authorizations to adopt other policies, procedures, requirements, plans, fees and charges; and

WHEREAS, the Authority, for purposes of providing service to the Districts, has adopted by legislative and administrative action various bylaws, rules, regulations, fire codes, plans, rates, fees, tolls, penalties, charges, policies, procedures and requirements; and

WHEREAS, the Board of Directors hereby finds and determines that upon consolidation of the Districts it is appropriate and necessary to the function and operation of South Metro for South Metro to continue to operate and provide services based on the various legislative and administrative bylaws, rules, regulations, fire codes, plans, rates, fees, tolls, penalties, charges, policies, procedures, requirements and similar enactments in effect for the Authority;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the South Metro Fire Rescue Fire Protection District as follows:

1. **Adoption by Reference.** The Board hereby adopts by reference all the various legislative and administrative bylaws, rules, regulations, fire codes, plans, rates, fees, tolls, penalties, charges, policies, procedures, requirements and similar enactments in effect for the Authority as of the exclusion of all property currently within Cunningham Fire and inclusion of the same into South Metro. Such enactments shall include, but not be limited to: Fee Schedule; International Fire Code as Amended; Strategic Plan; Standard of Response Coverage; Personnel Policies; Email Policy; Policy of the Official Custodian Regarding Responding to Open Records Requests; Policy Regarding Retention of Patient Medical Records; Risk Assessment and Mitigation Plan; Electronic Mail Retention Policy; Extending the Temporary Property Tax Rebate for Installation of Residential Sprinkler Systems; Indemnification Resolution; Fees for the Juvenile Firesetter Intervention Program; Property Disposal Policy; and Policy Regarding Guidelines for the Establishment of Director Districts.

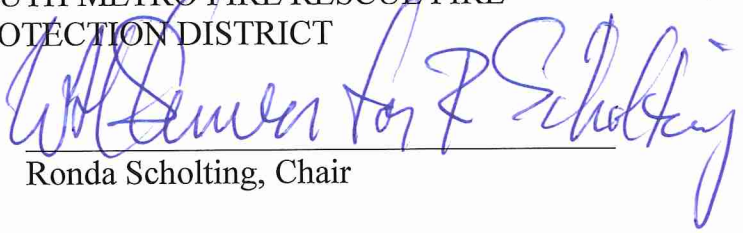
2. **Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution, or the legislative and administrative bylaws, rules, regulations, fire codes, plans, rates, fees, tolls, penalties, charges, policies, procedures, requirements and similar enactments adopted herein by reference, is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

3. **Effective Date.** This Resolution shall take effect and be enforced immediately upon Orders being entered by the District Courts excluding all property currently within Cunningham and including the same into South Metro.

PASSED this 2<sup>nd</sup> day of December, 2019, by a vote of 1 in favor and 0 opposed.

SOUTH METRO FIRE RESCUE FIRE  
PROTECTION DISTRICT

By

  
Ronda Scholting, Chair

Attest:

  
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Danny Gaddy, Secretary