

**RESOLUTION  
BOARD OF DIRECTORS  
EVANS FIRE PROTECTION DISTRICT**

A RESOLUTION AMENDING THE SCHEDULE OF FEES AND CHARGES FOR INSPECTIONS FOR FIRE CODE COMPLIANCE AND COSTS OF RECOVERY ASSOCIATED WITH HAZARDOUS MATERIALS SPILL RESPONSE

**WHEREAS**, the Evans Fire Protection District ("**District**") is a political subdivision of the State of Colorado ("**State**"), organized pursuant to the Special District Act, C.R.S. § 32-1-101, *et seq.*, to provide fire suppression, fire prevention and public education, emergency medical, emergency rescue, and hazardous materials services to the citizens and property within its jurisdiction, and to individuals passing through its jurisdiction (collectively, "**Emergency Services**");

**WHEREAS**, pursuant to State statute, the District Board of Directors ("**Board**") is authorized to:

(a) Fix, and from time to time increase or decrease, fees and charges for requested or mandated inspections if a Fire Code has been adopted by the Board and the governing body of any applicable municipality or unincorporated portion of any county; and requested inspections if a Fire Code has been adopted by the Board, whether or not the Fire Code has been adopted by the governing body of a municipality or county (collectively, "**Inspection Services**"). C.R.S. § 32-1-1002(1)(e); and

(b) Claim reimbursement from the person(s) who have care, custody, and control of the hazardous substance involved in a hazardous substance incident for the reasonable, necessary, and documented costs of removal, containment, and/or other mitigation of such incident, but not including expenses related to extinguishing a fire occurring in connection with such incident; and recover the District's reasonable costs of collecting any such reimbursement, including attorneys' fees (collectively, "**Hazmat Services**"). C.R.S. § 29-22-104;

**WHEREAS**, the District previously adopted Resolution 2015-05 adopting a schedule of fees and charges for Inspection Services, and Resolution 2016-08 adopting a schedule of fees and charges for Hazmat Services. The schedules of fees and charges adopted by Resolution 2015-05 and Resolution 2016-08 no longer accurately reflect the costs the District incurs in providing the Inspection Services and Hazmat Services, respectively;

**WHEREAS**, the District's Chief Staff has developed a proposed updated schedule of fees and charges to more accurately reflect the costs the District incurs in providing the Inspection Services ("**Updated Inspection Services Fee Schedule**"), and a proposed updated schedule of fees and charges to more accurately reflect the costs the District incurs in providing the Hazmat Services ("**Updated Hazmat Services Fee Schedule**");

**WHEREAS**, the Board reviewed the proposed Updated Inspection Services Fee Schedule incident to its adoption of the District's 2021 fiscal year budget, and found that the fees and charges set forth therein are reasonable and necessary to cover the costs that the District incurs in providing the Inspection Services. Accordingly, the Board approved the Updated Inspection Services Fee Schedule effective January 1, 2021 as part of its adoption of the District's 2021 fiscal year budget. The Board now desires to update its Resolution adopting the fees and charges for Inspection Services to reflect the Updated Inspection Services Fee Schedule. A copy of the Updated Inspection Services Fee Schedule is attached hereto as Attachment 1;

**WHEREAS**, the Board has also reviewed the proposed Updated Hazmat Services Fee Schedule. The Board finds that the fees and charges set forth therein are reasonable and necessary to cover the costs that the District incurs in providing the Hazmat Services, and desires to adopt the Updated Hazmat Services Fee Schedule. A copy of the Updated Hazmat Services Fee Schedule is attached hereto as Attachment 2; and

**WHEREAS**, neither the Updated Inspection Services Fee Schedule nor the Updated Hazmat Services Fee Schedule established by this Resolution is intended to apply to Emergency Services the District may provide as part of any separate contract for Emergency Services with a public or private agency, or under the jurisdiction of a Federal agency, the State, or any of their agencies or other units of local government pursuant to a wildland fire deployment ("**Wildland Services**") or any other disaster response ("**Disaster Response**") for which the District may be entitled to reimbursement from such Federal agency, the State, or their agency(ies) or other unit of local government.

**NOW THEREFORE**, be it resolved by the Board of Directors of the Evans Fire Protection District:

1. Effective January 1, 2021, the attached Updated Inspection Services Fee Schedule is adopted as the schedule of fees and charges that the District shall charge for the Inspection Services described in paragraph (a) above, and shall supersede and render null and void all prior schedules of fees and charges adopted by the Board for such Inspection Services.

2. Effective January 26, 2021, the attached Updated Hazmat Services Fee Schedule is adopted as the schedule of fees and charges that the District shall charge for the Hazmat Services described in paragraph (b) above, and shall supersede and render null and void all prior schedules of fees and charges adopted by the Board for such Hazmat Services.

3. The Board hereby authorizes the updating or establishment of schedules of fees and charges for Inspection Services, Hazmat Services, and/or any other Emergency Services for which the District is authorized to assess fees and charges, pursuant to Board Resolution or pursuant to the Board's adoption of such schedules of fees and charges incident to its adoption of the District's annual budget or any amendment thereto. In the event the Board adopts such schedules of fees and charges incident to its adoption of the District's annual budget or any amendment thereto, such schedules of fees and charges shall supersede and render null and void all prior schedules of fees and charges adopted by the Board for the same Inspection Services, Hazmat Services, or other Emergency Services.

4. The District shall issue invoices for fees and charges assessed for Inspection Services, Hazmat Services, or other Emergency Services pursuant to the District's invoicing procedures, as they may be amended from time to time. All fees and charges collected shall be remitted to the District's General Fund. To the extent permitted by law, attorneys' fees and costs may be charged to recover any such expenses incurred by the District in collecting upon any past due invoice.

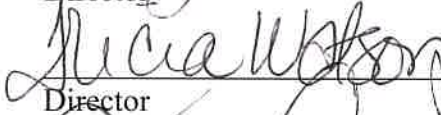
5. The District shall charge fees and charges for Wildland Services and Disaster Response in accordance with the reimbursement policies, procedures, and conditions, if any, of the Federal agency, the State, or the agency or other unit of local government under whose jurisdiction the Wildland Services or Disaster Response was provided, and at the rates authorized by such Federal agency, the State, or the agency or other unit of local government.

DATED this 25th day of January, 2021.

BY THE BOARD OF DIRECTORS  
EVANS FIRE PROTECTION DISTRICT

  
Director

  
Director

  
Director

  
Director

  
Director

## Resolution No. 2021-02

## Attachment 1

<b>Operating Permits</b>	
Fire Protection System permit	\$ -
Amusement Buildings	250
Carnivals & Fairs (non-governmental sponsor)	250
Storage/Handling Explosives	1,500
Open Burning	-
Outdoor Assembly of more than 1,000 (non-governmental sponsor)	250
Usage/Handling Pyrotechnic Materials (non-governmental sponsor)	250
Tents & Temporary Membrane Structures (non-governmental sponsor)	250
Retail Sale of Fireworks	1,500
Discretionary Permit required by Fire Code Official	
If Impact Fees paid	-
No Impact Fees paid	250
<b>Inspections &amp; Plan Review</b>	
Initial plan review/consult (including land use review) & 1 additional review	\$ -
2nd resubmission	250
3rd resubmission and each subsequent	500
Initial Construction inspection & 1 reinspect	-
2nd re-inspect	250
3rd re-inspect and each subsequent	500
Complex, external plan review (at the discretion of the Fire Code Official)	actual cost plus 10%
Fire Inspection & 1 reinspection	-
2nd reinspection	50
3rd reinspection and each subsequent	100

**Resolution No. 2021-02  
Attachment 2**

**RESPONSE SERVICES FEE SCHEDULE**

Equipment will be billed at the hourly rate established by FEMA in their Schedule of Equipment Rates at the time of the incident (<http://www.fema.gov/schedule-equipment-rates>).

Personnel costs will be billed at the hourly rate of the actual personnel working on the incident (including all statutory benefit costs).

Consumable/disposable goods will be billed at the actual cost of replacing the materials (when minimum quantities are required, the minimum quantity will be charged, regardless of the actual quantity used).

A ten (10%) percent administrative overhead surcharge will be added to the reimbursement invoice, additionally, any associated collection costs/expenses will be added.

EFPD will use whatever statutory methods are allowed to recover its costs of mitigating the spill or release of hazardous materials.