

STATE OF COLORADO }
 } SS.
 County of Grand }

At a regular meeting of the Board of County Commissioners for the County of Grand, State of Colorado, held at the Grand County Administration Building in Hot Sulphur Springs on Tuesday, the 5th day of January, 2021 there were present:

Kristen Manguso, Commissioner Chair
Merrit Linke, Commissioner
Richard D. Cimino, Commissioner
Christopher Leahy, County Attorney
Edward Moyer, Assistant County Manager
Sara L. Rosene, Clerk of the Board

RESOLUTION NO. 2021-1-8

DENIAL OF CLIMAX MOLYBDENUM COMPANY’S PETITION FOR EXCLUSION OF REAL PROPERTY FROM HOT SULPHUR SPRINGS-PARSHALL FIRE PROTECTION DISTRICT BOUNDARIES

WHEREAS, This matter comes before the Board of County Commissioners on review of Petitioner Climax Molybdenum Company’s July 19, 2019 C.R.S. 32-1-501 *et seq.* “Petition for Exclusion of Real Property” seeking exclusion from the Hot Sulphur Springs-Parshall Fire Protection District boundaries, and;

WHEREAS, each member of the Board of County Commissioners has individually reviewed the record developed in the November 1, 2019 exclusion petition proceedings held before the Hot Sulphur Springs-Parshall Fire Protection District and jointly considered the Climax Molybdenum Company’s Petition for Exclusion during the Board of County Commissioner’s December 8, 2020 general meeting.

NOW THEREFORE, the Board of County Commissioners, having reviewed the record developed in the November 1, 2019 proceedings held before the Hot Sulphur Springs-Parshall Fire Protection District, and having considered the applicable statutory exclusion factors, finds that Climax Molybdenum Company’s Petition for Exclusion should be denied based on the findings and reasoning set forth below.

**CLIMAX MOLYBDENUM COMPANY-HOT SULPHUR SPRINGS-PARSHALL FIRE
PROTECTION DISTRICT EXCLUSION PETITION OPINION**

NATURE OF THE CASE & APPEAL

This matter comes before the Grand County Board of County Commissioners (BOCC) on review of Petitioner Climax Molybdenum Company's (Climax or Petitioner) "Petition for Exclusion of Real Property" seeking exclusion from the Hot Sulphur Springs-Parshall Fire Protection District boundaries (Petition). Section 32-1-501(1), C.R.S. *et seq.* provides:

The boundaries of a special district ... may be altered by the exclusion of real property by the fee owner or owners of one hundred percent of any real property situate in the special district filing with the board a petition requesting that such real property of the fee owner or owners be excluded and taken from the special district.

On or about July 19, 2019, Climax filed a Petition for Exclusion of Real Property with the Hot Sulphur Springs-Parshall Fire Protection District (District) seeking exclusion of Climax property from the District. Section 32-1-501 (5)(a), C.R.S. provides that if the District Board, after considering all of the factors set forth in subsection (3) of 32-1-501, C.R.S (hereafter called "Exclusion Factors"), determines that the property described in the Petition should not be excluded from the District, it shall order that the Petition be denied. A hearing on Climax's Petition was held on November 1, 2019 before the Board of Directors of the District. By order dated December 11, 2019, the District Board issued a written decision denying the Climax Petition.

Any petition that is denied may be appealed to the Grand County BOCC for review of the Hot Sulphur District Board's decision. 32-1-501 (5)(b)(I), C.R.S. Climax timely filed an appeal to the BOCC.

ISSUE TO BE DECIDED

Whether the record developed before the Hot Sulphur Fire District's Board supports a finding under 32-1-501(3)&(5)(b), C.R.S. that the Climax Property should be excluded from the District's boundaries?

STANDARD OF REVIEW

This "appeal" to the BOCC focuses solely on whether the petition for exclusion filed by Climax seeking exclusion from the Hot Sulphur Fire District should be granted or denied. This appeal will not consider whether Climax was correctly included or added to the District in the first place.

Review of this matter by the BOCC is *de novo* based on the record made before the Hot Sulphur Fire District Board. 32-1-501 (5)(b)(II), C.R.S. The Parties have stipulated that the record before the BOCC is a complete and accurate record of the proceedings before the District

Board. The BOCC is not reviewing the appropriateness of the formal decision of the District Board.

Rather, in order for the BOCC to approve Climax's Petition for Exclusion, the record must support a finding by the BOCC that the Petitioner Climax has demonstrated by a preponderance of the evidence that the C.R.S. 32-1-501 standards required to qualify for exclusion have been met. Preponderance of the Evidence means more likely than not.

Section 32-1-501(3), C.R.S. provides that the BOCC "shall take into consideration and make a finding regarding all of the following factors [the Exclusion Factors] when determining" whether to grant or deny a petition for exclusion. A finding on each of these Exclusion Factors must be made, and these are the standards or measuring sticks to be taken into consideration when rendering a decision on an exclusion petition. While these factors are to be considered in rendering a decision on the record, they are just that, factors to be considered. Other evidence in the record may also be considered if deemed relevant.

The statutory Exclusion Factors to be considered by this Board when rendering a decision on the record on Climax's Petition are:

- (a) The best interests of all of the following:
 - (I) The property to be excluded;
 - (II) The special district from which the exclusion is proposed;
 - (III) The county or counties in which the special district is located;
- (b) The relative cost and benefit to the property to be excluded from the provision of the special district's services;
- (c) The ability of the special district to provide economical and sufficient service to both the property to be excluded and all of the properties within the special district's boundaries;
- (d) Whether the special district is able to provide services at a reasonable cost compared with the cost that would be imposed by other entities in the surrounding area to provide similar services in the surrounding area or by the fire protection district or county fire improvement district that has agreed to include the property to be excluded from the special district;
- (e) The effect of denying the petition on employment and other economic conditions in the special district and surrounding area;
- (f) The economic impact on the region and on the special district, surrounding area, and state as a whole if the petition is denied or the resolution is finally adopted;

- (g) Whether an economically feasible alternative service may be available; and
- (h) The additional cost to be levied on other property within the special district if the exclusion is granted.

32-1-501(3), C.R.S.

Discussion & Analysis

A. Not Considering Costs of Potential For Litigation

As a preliminary matter, the BOCC takes note that the parties in the hearing before the District Board had a difference of opinion on whether potential litigation related costs associated with a dispute over the original decision to include Climax in the District boundaries should be considered when analyzing some of the economic-viability-cost issues and considerations required by the Exclusion Factors. This BOCC has considered this matter and is of the opinion that the threat of litigation is outside the scope of the appropriate consideration of the statutory Exclusion Factors and should not be considered in the factor analysis.

B. Exclusion Factors

The BOCC finds the statutory Exclusion Factors to be poorly written and in some places duplicative or repetitive. Still, every effort has been made to make a specific finding on each of the Exclusion Factors. In sum, the Exclusion Factors appear to direct this Board to analyze, consider, and weigh the following factors in considering whether exclusion is appropriate or not: (1) financial cost and other economic issues relative to the Petitioner, District, and surrounding community; (2) benefits to the Petitioner, District, and surrounding community; (3) the interests of the community; (4) ability to provide sufficient level of fire and rescue response and protection service to Climax and rest of the property within the District boundaries, and; (5) availability of economically feasible alternatives. Accordingly, while the following discussion is specific to each Exclusion Factor, it is the consideration and analysis of these themes that are the primary considerations driving the BOCC's findings that the record supports a decision denying the Petition for Exclusion. Overall, economics, safety, the need to protect the community, including Climax property and employees and visitors, militates a decision consistent with how fire departments and other public safety agencies are typically funded. This is not a place for pay as you go funding, rather, each member of the community needs to contribute ahead of time so the resources are in place to respond effectively at any time. It is, quite frankly, the ultimate life safety insurance for individuals, entities, and the community.

The BOCC's findings on the eight Exclusion Factors are:

(a) The best interests of all of the following:

(I) The property to be excluded;

It is in the best interests of the Climax Property to remain in the District. The record shows the property is remote and forested-wildland fire risk property. R444-456; T66-67.¹ A more rigorous level of training and equipment than Climax has, and maybe can, supply is needed to protect the property and the surrounding exposures in the community. A fire district with it's sole purpose being fire and rescue can provide the level of training and commitment to maximize capabilities and better prevent fires from either getting to the Climax Property, or spreading therefrom. Indeed, the record shows limited or no formal wildland fire training for the Mill Emergency Response Team (MERT). T100 & 147. Similarly, a dedicated first responder fire agency is better suited to respond to emergency needs of employees of the Property on the wide range of health, safety, welfare, and emergency response that fire districts typically respond to, including medical and non-fire rescue calls.

Although the record shows Climax has a twelve person MERT including a Type A fire truck with 1000 gallon water capacity, a fully equipped ambulance and rescue and medical response equipment, the record also shows Climax has had to call on the District in the past for support. R302 et seq.; T163 et seq. The record shows the MERT does not have the level of certification, training, and equipment that District and other local fire departments do. T66, 131 et seq., 143. The record indicates Climax feels that if they need help, they can call the district and assumes the district would respond. T163 et seq. The BOCC believes this is contrary to the reason that a fire district exists. The District needs sustainable funding to be there in case of emergency.

Climax has called in the past regarding a boiler issue, natural gas line, and lightning strike, and the district is asked to respond to smoke reports. Further, the District assists and responds to automobile accidents involving Climax employees. T 163 et seq. If there was a major fire, the District would be required to respond. Fire districts exist to handle the occasional call. No one pays into the district hoping or expecting to use the service. Climax stating that that District is still expected to respond, and perhaps be compensated, on an "as needed basis" does not allow the District to stay financially viable in the event of a major fire or incident at the Climax Property, which event could also threaten neighbors and wildland surrounding the property.

(II) The special district from which the exclusion is proposed;

It is in the best interests of the District for the Climax Property to not be excluded, but rather continue to be included in the District. The record clearly demonstrates the revenue from the Climax Property's special district taxes is significant. T159; R269. The loss of that revenue

¹ R cites refer to the Record Page Number. T cites refer to the Transcript Page Number, not the Record Page Number. Accordingly, any citation to a T page number is to testimony, while R citations are to exhibits.

renders it more difficult to meet the needs of the district and exposures, including the Climax and surrounding properties. T-88, 158-60, 178-79. In short, inclusion of the property provides more resources to the Special District so it can respond to local emergencies, including those involving employees and owners of the Climax Property.

Moreover, the record shows Climax still expects to have to call for assistance for fire and rescue emergencies, and the size and complexity of the Climax Property and operations requires a significant level of preparation, staffing, equipment, and financial resources for the District to prepare for such calls. T22,62,66. A “pay as you go” approach does not help with ensuring proper training, equipment, and other prior planning needs are met *before* there is a call for service. T178-79, 183-185. Inclusion in the District also provides a more predictable revenue stream for the District to engage in annual and long term planning than the uncertainty associated with “pay as you go” approaches. T159 et. seq. Indeed, if there is a fire, either wildland or at the facility, it seems evident the District would be expected, not just by Climax, but also by the rest of the surrounding community, to respond, just as they have in the past.

(III) The county or counties in which the special district is located.

It is in the best interest of the County for the Climax Property not to be excluded. Most importantly, the County has a strong interest and obligation to the public to ensure adequate fire, rescue, and EMS services are provided to the whole county. The BOCC obviously sits as the governing body of Grand County which puts the BOCC in the interesting position of reviewing a request to exclude that is not in best interests of County as a whole. But that is the nature of how County government is structured in Colorado and the BOCC takes its concomitant obligations seriously. Indeed, the County may actually be in the best position to consider this factor. There is no countywide fire service. Rather, the County relies on five fire districts and Grand County EMS to provide emergency first response coverage across the County and it is in the best interests of the County that those districts’ reach cover as much of the County as possible, from a geographic, resource, and financial perspective.

As a rural Wildland Urban Interface (WUI) county, some of the most important interests and responsibilities of the County include continuously improving the probability of protection from catastrophic wildland fire. *See e.g.* Grand County Community Wildfire Protection Plan at R.455. It is the opinion of this Board that not excluding the Climax Property from the local fire district is critical to meeting these WUI obligations.

It is true the County does not have its own fire department, though the Sheriff’s office is responsible for wildland fires in the County. But the County is responsible for ensuring the safety, health and welfare of the County, including the property, residents and visitors of and to the County. The County relies on a countywide ambulance service, which Climax pays into, and County and other local law enforcement, which Climax also helps fund. As noted, for fire, the current approach of Grand County is to rely on five different fire districts, each individually funded through its own tax base. The BOCC takes administrative notice of the fact these fire districts do benefit from County funding assistance in the form of County approved impact fees as well as funding contributions from the County and Grand County Emergency Telephone

Service Authority for dispatch operations, which are based out of the Sheriff's office. (The BOCC can take administrative notice of these facts as the BOCC is integrally involved in the funding of these entities and services). If the County decides to go with one countywide fire service in the future, it is the opinion of this Board it is likely that no portion would be left unprotected or not be required to contribute to funding. As it is, the County expects the fire districts to both provide as thorough a coverage as possible and be adequately funded to do so.

Accordingly, the BOCC finds it is important for the five districts to have jurisdiction over as much of the County as possible in the aggregate to ensure health and safety of all. As noted, this is especially important for wildland-urban interface communities such as Grand County. It is important for all these responders to work together, including the fire districts, EMS, law enforcement and search and rescue. The County expects the District to be fully funded and prepared to respond with the Sheriff or EMS as needed on all rescue and wildland calls, including to the Climax Property and surrounding properties.

Moreover, if there is a wildland fire at the Climax Property, the County has an interest in ensuring it will not spread beyond the property. The District will be a first responder in such a situation and needs to be fully funded and prepared for that mission. Climax will also benefit from agencies it does not contribute to as mutual aid will likely be involved in a wildfire response, but that is how our system is set up.

(b) The relative cost and benefit to the property to be excluded from the provision of the special district's services

The evidence shows the benefit of not being in the District appears to be purely financial in that the District will save hundreds of thousands of dollars a year by not having to pay taxes to the District. R269. Arguably, the evidence also shows the cost to Climax of being excluded is not great since it is likely the District and other fire agencies will still respond to help in time of need. T66, 163 et seq. But this result defies logic as all property in the County would benefit financially, at least in the short term, by not having to pay taxes for services. But in the long term, the costs could be great if there were no finances to support fire, EMS, or law enforcement service. The cost of excluding properties from the District could be great if there were no financial resources to maintain fire service in the District. In turn, the cost on Climax could be great if an emergency occurred and there were no local fire services to respond to a 911 call.

Moreover, while the record shows Climax's MERT may on certain small or localized fires be able to respond quicker on its own property and effectively suppress a fire on or near the mill property-work areas, the surrounding forests, open lands, and residential-wildland interface community exposures require a greater rigor of resources and preparation. Climax benefits from the District's resources to assist in providing more rigorous and comprehensive coverage. T156-60, 163-65, 167-69, 170, 178-79.

The Climax Property pays taxes to many districts and the County for public services such as schools, EMS, libraries, law enforcement and public health. Climax does not protest those costs and benefits, and this Board struggles to see how this is any different. T80. In addition,

inadequate local fire service can have a direct impact on surrounding properties if there is a wildfire.

While the short-term cost savings of exclusion may benefit Climax operations, the fact remains that everyone pays into fire districts for the worst case scenario. Climax states that they would still expect the District to respond, however they simply do not want to pay for that possibility. T22, 33, 35.

(c) The ability of the special district to provide economical and sufficient service to both the property to be excluded and all of the properties within the special district's boundaries

The record shows the District is the closest fire service with the least response time other than Climax's own MERT. T.176-77. The record shows the District already responds to emergency calls related to the Climax Property when called. T161-65. Due to the extensive size of the property, heavy industrial nature of the property's use, and threat to exposures, including wildland and residences, in order for the District to be able to provide sufficient, economical services, the District needs adequate funding. T159 *et seq.*, 179. The District has mutual aid agreements with other agencies to augment their response capabilities and has invested in water supply structures and equipment to ensure high level response. T.156-57, 168-69. There is no evidence Climax has any mutual aid agreements of its own. As for economics, the District's mill levy of 7.753 is the second lowest mill levy rate of the fire districts in the county. T.164.

(d) Whether the special district is able to provide services at a reasonable cost compared with the cost that would be imposed by other entities in the surrounding area to provide similar services in the surrounding area or by the fire protection district or county fire improvement district that has agreed to include the property to be excluded from the special district

The record does not show that any other fire protection or improvement district would be including the Climax Property if excluded from the District. In the alternative, it is Climax itself that would be providing its own fire protection. Accordingly, this factor is not relevant in this instance.

If Climax were considering another fire district, upon information and belief, the next closest, adjacent districts would be either Kremmling or Grand Fire. T177. The record does not appear to address how far away fire service based out of Silverthorne, Colorado is. As both Kremmling and Grand are farther away than Hot Sulphur, and response times would be longer, it is unclear if they could provide "similar" services. T176-77. The record shows that the District's Parshall station is 15-20 minutes away depending on weather. T.176. As noted above, the District's mill levy is the second lowest in the county. T.164. While no doubt an extremely valuable resource, especially for initial response at a heavy industrial site, the MERT will need assistance in larger scale emergencies, and certainly fires. T22, T130-34, R298.

(e) The effect of denying the petition on employment and other economic conditions in the special district and surrounding area

The record appears to be unclear as to what the effect of denying the exclusion petition would be on local employment and other economic conditions. Indeed, Climax expressly states that “[n]either granting nor denying the Petition will have any effect on employment and other conditions in the District and surrounding area.” R.612. The evidence does not show that there will be any significant adverse economic or employment impacts by keeping Climax in the District and denying the exclusion.

What is clear from the record is that denying the petition and keeping Climax in the District provides the District the ability to provide higher quality service for the entire area served by the District. T53-54, 159 et seq, 178-79, 183-190. The BOCC finds and believes higher quality fire protection services have a direct and/or indirect positive impact on the local economy through more affordable insurance rates in these wildland-urban interface communities, higher fire safety ratings, and increased capacities to help stimulate growth, including people moving into the area and increasing the employment pool. *See e.g.* T164; R. 269. *See also*, T53-54.

(f) The economic impact on the region and on the special district, surrounding area, and state as a whole if the petition is denied or the resolution is finally adopted

The Board’s analysis of this statutory factor is similar to that for Exclusion Factor (e) above with regard to the economic impact on the surrounding area and region, and state as a whole, if the petition for exclusion is denied. As noted, the record does not appear to address this factor directly. And again, Climax states “[n]either granting nor denying the Petition will have any economic impact on the region, the District, the surrounding areas, or the state as a whole.”R.612. What is clear from the record, however, is that the Climax Property is a large land base and contributes a significant portion of the District’s annual revenue. R 269, 444-456; T53-54; T159; It appears that the District could survive if Climax were excluded from the District, but that it’s resources to protect the Climax and surrounding properties remain much stronger if the petition to exclude is denied. As noted, this helps ensure the economic benefits identified in Exclusion Factor (e) discussion above. *See also*, T53-54.

(g) Whether an economically feasible alternative service may be available

Again, there is some repetition and overlap in the statutory factors. Regardless, as noted in the discussion of Environmental Factor (d) above, it does not appear from the record and other factors of which this board takes administrative notice such as different jurisdiction’s mill levies, that economically feasible alternative services can be provided by Summit, Kremmling, or other surrounding fire departments. T60-71. *See also*, Environmental Factor (d) discussion above. The record and a comparison of jurisdictions’ mill levies shows the Hot Sulphur District is one of the less expensive mill levy districts in the county, and that the District is the closest to the Climax Property. T. 164, 177. There is also no county-wide fire service.

In addition, the record clearly shows that the District has already been providing service to Climax, and the Climax MERT. T.161-65. Climax even states that it uses the MERT and supplementation from as-needed external services. T22, 108. They simply want to "pay- as-you- go" for Fire protection, and that makes no sense to this Board.

(h) The additional cost to be levied on other property within the special district if the exclusion is granted

The record shows Climax suggests there would be no additional costs to other properties, however, it all depends on the level of service. T54, 58-60. Since Climax was included in the District, the District has increased its capabilities. *See e.g.* T159. This not only benefits Climax, but the entire District. Also, the additional revenue from Climax has benefited all property tax payers as the fire rating for the District has increased, helping property owners with insurance costs. T.164. And, the record shows the additional cost to other properties if exclusion is granted would be substantial. R269; T159. This favors denial of exclusion.

Indeed, an economy of scale analysis supports inclusion of all areas of service in order to serve any areas better. The pay as you go model for EMS, law enforcement, and fire services seems woefully inadequate to ensure public safety across the community. It also does not equitably distribute the cost of the services, and, essentially, insurance the presence of these "on call" services provide a community. Moreover, it seems most efficient to invest the money into an existing service in order to leverage the other financial contributions from the rest of the District. In short, fire prevention and protection is a vital community service and if the system permitted individuals and entities to be excluded from the system, among other deficiencies in public safety, the additional cost levied on other properties in the community would be inequitable since the fire service serves all.

DECISION

Some of the statutory Exclusion Factors the BOCC is required to consider are somewhat unclear, ambiguous, and confusing, and certainly duplicative or repetitive. The focus of the analysis guided by these factors, however, can be summed up as follows: The reviewing body must engage in an economic and other cost benefit analysis, and balancing of what are in the best interests of the subject property, District, and County. This includes analyzing, considering, and weighing the following factors in considering whether exclusion is appropriate or not: (1) financial cost and other economic issues relative to the Petitioner, District, and surrounding community; (2) benefits to the Petitioner, District, and surrounding community; (3) the interests of the community; (4) ability to provide sufficient level of fire and rescue response and protection service to Climax and rest of the property within the District boundaries, and; (5) availability of economically feasible alternatives. So, basically, the primary question the BOCC is being asked to consider is what's the most cost effective and efficient way to provide adequate fire and rescue service to the Climax Property and other properties in the District?

It is clear to the BOCC that a pay as you go approach to fire and rescue service is not advisable, at least for rural communities such as Grand County. For starters, the District's services can only be provided with adequate equipment, personnel, and training. This needs to

be in place before an emergency occurs. Fire districts like Hot Sulphur certainly provide fire prevention benefits. But they also act as insurance- to be used when the emergency event occurs. Insurance with no resources to respond is no insurance at all.

Moreover, the Climax property is a large, heavy industrial operation sitting in the middle of a vast area subject to wildland fire risk that can threaten numerous homes, ranches, and other properties. Climax knows these risks exist. That is why they have the MERT team, and the BOCC strongly supports the existence of this on-site emergency response team. But an analysis of the record and Exclusion Factors shows more is needed to serve the Climax property, employees, and surrounding lands and community. Indeed, the record shows the District has responded to calls involving Climax or its employees. The wildland urban/industrial interface risks in this area are self-evident and unassailable. Indeed, a significant portion of the County has burned since this matter has come before this board.

The evidence in the record supports a denial of the Climax petition for exclusion. Economics, public safety, and the need to adequately protect and serve the District properties, including the Climax Property and rest of the community, militate such a result. Climax is clearly a large landholder in the District by a significant factor. As such, there is no denying they are responsible for a significant portion of the District's tax revenue. It makes sense to the BOCC from a business perspective that Climax would look for some type of relief from local taxes, whether it be for services they are likely to use, or other local government funded services they are perhaps less likely to use. Climax does, however, use fire and rescue services, even though they have their own resources to respond to certain emergencies. It is vital to protection of the County's communities that there be dedicated emergency response services well trained and equipped prior to citizens' needs for response. It also makes sense to have arguably higher risk, larger, and more complex properties contribute a larger portion to public funding for this service and protection. Whether at the magnitude Climax is paying, the BOCC has not been tasked to pass judgement on. Perhaps our property tax system is not the most equitable way to achieve some of the public service funding objectives it supports. Still, it is the system we have at this time and a larger tax bill for a large property alone is not enough to persuade this body that a property should be excluded from a fire district or that a District should have to forgo the revenue necessary to protect that property and the surrounding property base. Climax's MERT is certainly a mitigating factor. And again, maybe there are better ways to fund a fire District that could help offset a property owner's investment in supplementary fire and rescue services on site. But that is not for the BOCC to decide. What is for the BOCC to decide is, considering the Exclusion Factors, do the economics and public safety factors support a pay as you go approach for the Climax mill property.

The BOCC's answer is no. To the contrary, the compelling public safety interest, loss of revenue that would occur because a single landowner owns so much land, the wildland exposures, protection needs of the whole community, need to keep ISO and insurance costs down, and need to be prepared for anything that could happen, including at Climax, supports the need to have Climax in one of the County's fire districts. The evidence shows Hot Sulphur is the closest fire district to the Climax Property and likely the most economical of surrounding options. The record does not include evidence that Climax would be seeking inclusion in a different fire district. Accordingly, the BOCC finds that the record developed before the District

Board provides strong support for this decision by the BOCC to deny the petition to exclude. The factors weigh in favor of keeping the Climax Property in District- for the good of Climax, its employees, and the surrounding wildland and residential communities and exposures. Climax's Petition for Exclusion is denied.

Upon motion duly made the foregoing resolution and written opinion was adopted by the following vote:

Mary Sully Aye
Richard Combs Aye
Roster Mangano Aye

Commissioners

STATE OF COLORADO }
 } SS.
 County of Grand }

I,, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Grand County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Hot Sulphur Springs, this day of A.D. 20.....

County Clerk and ex-officio Clerk of the Board of Commissioners.

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