

# FRASER - WINTER PARK

TOWN OF  
FRASER

## JOINT WORKING GROUP FINAL REPORT

TOWN OF  
WINTER PARK

JULY 1, 2007



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**I. INTRODUCTION AND ACKNOWLEDGMENTS**

The Fraser-Winter Park Joint Working Group was created pursuant to an Intergovernmental Agreement (“IGA”) between the two Towns dated August 16, 2006. In recent years, the Towns have been able to cooperate to mutual advantage in several areas, including establishing a combined police force and municipal court, both of which have been very successful. These efforts led to an interest in exploring additional areas. The IGA was entered into by the two Towns for that very purpose. While the Working Group was meeting, the Towns finalized the consolidation of their two building departments. It is apparent to all of the members of the Working Group that there is great potential for additional cooperation, whether it be in the form of additional intergovernmental agreements, annexation of one community by the other, or merger of the two Towns. The considerations involved in these various levels of cooperation are detailed in this Report.

The Working Group is composed of the following members:

**Town of Fraser:** Eric Hoyhtya, Steve Sumrall and Steve Witman.

**Town of Winter Park:** Debbie Campbell, Jimmy Lahrman and Nick Teverbaugh.

The Working Group was staffed by Fraser Town Manager Jeff Durbin and Winter Park Town Manager Mark Achen. Gerald Dahl, consultant to the Working Group, prepared meeting materials and assembled drafts of this report for review and revision.

The Working Group conducted 9 meetings:

Meeting #1, October 24, 2006: Organizational meeting

Meeting #2, November 20, 2006: General Government & Personnel

Meeting #3, January 11, 2007: Political Representation

Meeting #4, January 25, 2007: Zoning & Land Use

Meeting #5, February 8, 2007: Special Districts; Water & Sewer Service

Meeting #6, February 22, 2007: Public Works & Public Safety

Meeting #7, March 8, 2007: Miscellaneous Report Review

Meeting #8, March 22, 2007: Finance & Budget/TABOR; Technical Integration; Data Management; GIS

Meeting #9, May 17, 2007: Review & Approval of Final Report

The Working Group specifically wishes to thank the many Town staff and other individuals who attended meetings of the Group and who gave the Group valuable information, including: Patti Garcia, Lu Berger, Nancy Anderson, Nat Havens, Allen Nordin, Catherine Trotter, Drew Nelson, Glen Trainor, Chuck Swanson and Dale Booth.

The Working Group also wishes to thank the staff of the special districts who contributed their time: Joe Fuqua, Mike Wagner and Bruce Hutchins. Fran Cook and Rusty Thompson kindly reviewed the draft and provided valuable editorial comments and corrections.

## II. ORGANIZATION OF THIS REPORT

This report is organized generally in the manner in which the topics were discussed by the Working Group. The report describes how each of the seven (7) topic areas would be addressed under the four alternatives which the IGA assigned the Working Group to investigate:

- Alternative One: No change
- Alternative Two: Additional cooperation
- Alternative Three: Annexation of one Town by the other
- Alternative Four: Consolidation

The seven topic areas are:

- General Government and Personnel
- Political Representation
- Zoning and Land Use
- Special Districts
- Public Works
- Public Safety and Municipal Court
- Finance and Budget

The Working Group identified a number of significant legal questions which affect each of the alternatives. See Section XI.

### III. DESCRIPTION OF THE ALTERNATIVES

#### Alternative One: No Change in Present Level of Cooperation

The Towns have some current cooperative efforts, including open space improvements, police department, and combined municipal court. Under this alternative, these activities will continue, but no special effort will be made to increase their scope.

#### Alternative Two: Additional Cooperation

The Towns would actively consider additional functions and services which could be provided jointly. An intergovernmental agreement would be drafted to provide for the implementation of these functions, which could include creating some merged departments (example: public works). During the time the Working Group was meeting, the Towns also combined their building departments.

#### Alternative Three: Annexation of one Town by the other pursuant to C.R.S. § 31-12-412 and 413<sup>1</sup>

Under this option the Towns would appoint a commission to draft the annexation proposal. Prior to appointing the commission, the Towns could negotiate an intergovernmental agreement providing for the terms and conditions they would be comfortable with in the event a commission were appointed. Then, after the commission was appointed, it could elaborate on the elements of the intergovernmental agreement to create all the necessary documents (notices, ordinances, ballot questions, etc.).

The statutory procedure under this option includes the following steps:

- Each governing body appoints three commissioners to “arrange and report . . . the terms and conditions on which the proposed annexation can be made.”
- Each governing body approves of the terms and conditions proposed by ordinance.

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<sup>1</sup> Early in the Working Group's deliberations, the Group came to the conclusion that to create the most viable community, it was important to retain the Winter Park real estate transfer tax and the fifth one-cent of Winter Park sales tax. The Working Group's legal Counsel, Gerald Dahl, concluded that both of these revenue sources would be lost under the options of Fraser annexing Winter Park under Alternative Three or consolidation under Alternative Four. See Section XI, Questions 2 and 3. These two options would also result in a statutory, rather than a home rule town, under which it is not possible to have representation by geographic districts (referred to as Council districts or wards). These factors made both consolidation and annexation of Winter Park by Fraser much less viable. These legal conclusions, and their significant consequences, affected the thinking of the Working Group from the outset; this effect is seen in the discussion of Alternatives Three and Four throughout the Report. The Group felt that if Alternative Three were pursued, it should more closely resemble a consolidation (yet retaining the transfer and sales tax), to help preserve values important to Fraser.



