

SUMMARY OF INCLUSION PROCEEDINGS

PETITION BY 100% PROPERTY OWNERS:

1. Petition for Inclusion, signed by one hundred percent (100%) of the property owners of the subject property, must be filed with Board of Directors of the District. The Board of Directors sets a public hearing to consider the Petition.
2. **Notice of the public hearing must be published** one time in a newspaper with circulation within the District.
3. At the public hearing, the District Board of Directors allows for public comments (including but not limited to the Petitioner). Upon a finding the Petition satisfies any statutory requirements, the Board issues an Order for Inclusion. [NOTE that if the property is currently located within a Fire Protection District, the Board's Order of Inclusion must be contingent upon the property being excluded from the Fire Protection District currently providing service. The exclusion involves a process similar to the inclusion process, heard by the current Fire Protection District providing services for which the Petitioner seeks inclusion].
4. Legal counsel files a Motion (which has the Petition for Inclusion and Board Order attached) with District Court, together with a proposed Order of Inclusion, requesting that the Clerk of the Court certify a copy of the Order once it has been issued.
5. Record the certified copy of the Order of Inclusion with the County Clerk and Recorder. Record Special District Public Disclosure and new boundary map at the same time Order of Inclusion is recorded.
6. File a copy of the recorded certified Order of Inclusion with the Division of Local Government and County Assessor.

In order for the property to be taxed for the current calendar year, the certified Order of Inclusion must be recorded prior to May 1st.

INCLUSION ELECTION:

Before this process is initiated, there may be discussion with the proponents and a pre-inclusion IGA drafted, to set forth the terms of how an election will be conducted and any other terms of interest to the parties. When the Board is ready to start the process, by Resolution, the Board may propose that a specifically described area be included within the District (Referred to in this memo as Process A. to initiate Inclusion Election). Additionally, not less than twenty percent (20%) or two hundred (200) (whichever is less) of the taxpaying electors of an area which is twenty-five thousand (25,000) square feet or more, may file a Petition with the Board for the inclusion of such property, and also initiate the election process (Referred to in this memo as Process B. to initiate Inclusion Election).

1. We envision a two step process for Board resolutions in the Board initiated election process when there has not been substantive discussion in public meetings that precedes the public hearing. But in reality the Board could initiate the process through a Motion directing a public hearing to be set, and then only consider adoption of the final Resolution initiating the election. If the Board wishes to document the vote via Resolution, the first Resolution will direct setting a public hearing to finally consider adoption of the Resolution or Petition.
2. **Notice of the public hearing must be published** one time in a newspaper with circulation within the District.
3. Letter notice must be mailed to every property owner within the area proposed to be included, not more than thirty (30) days nor less than twenty (20) days prior to the public hearing.
4. At the public hearing, the Board will finally consider whether to adopt the Resolution (if using Process A.) or grant or deny the Petition (if using Process B.). If the Resolution is adopted, or Petition is granted, the inclusion election process will proceed.
5. Legal counsel will file Motion for Inclusion Election with District Court, together with a proposed Order, requesting that the Court set a date for the inclusion election.
6. At the inclusion election, only those persons who are eligible electors within the area proposed to be included shall be allowed to vote.
7. Upon approval of the eligible electors (a majority of those electors casting ballots), the Court will issue a final Order of Inclusion. Obtain a certified copy of the Order of Inclusion once it has been issued.
8. Record the certified copy of the Order of Inclusion with the County Clerk and Recorder.
9. File a copy of the recorded certified Order of Inclusion with the Division of Local Government and County Assessor.

In order for the property to be taxed for the current calendar year, the certified Order of Inclusion must be recorded prior to July 1st.