



MEMORANDUM

To: Town of Johnstown Town Council

From: McGeady Becher Cortese Williams P.C.

Date: January 16, 2025

Re: General Improvement Districts

Purpose: The purpose of this Memorandum is to provide an overview on the powers and authorities of a GID and the steps for organization of a GID.

GID Board: The Board of Directors of a GID is the Town Council.

GID Voters: Individuals who are registered to vote and who:

1. Have been residents of the property in the proposed GID for no less than 30 days; or
2. Who own, or whose spouse owns taxable real or personal property within the proposed GID without regard as to whether they live in the proposed GID; or
3. If the owner is not a natural person, an elector of the GID may be designated to vote on behalf of the owner in writing and filed with the clerk of the municipality.

GID Powers: To construct, install, acquire, operate or maintain any public improvement that the Town is authorized to provide under its home rule charter, and the laws of the state, so long as such improvement or service does not duplicate or interfere with any other municipal improvement and so long as the public improvement or services is unrelated to trash removal and recycling and any other waste management function. The authorized public improvements are generally described in the petition for organization.

GID Revenues: GIDs receive revenues from the following sources:

1. GIDs may levy ad valorem property taxes.
2. GIDs may impose services charges and other fees.
3. GIDs may establish SIDs within their boundaries and impose special assessments.
4. GIDs may receive Credit PIF and Add-on PIF.
 - i. Public Improvements Fees (“PIF”) are established covenant of the private property owner of the property within the proposed GID.
 - ii. The Town Council can amend its sales tax ordinance to provide for a credit against a part or all of the sales tax that would otherwise be due from sales transactions within the proposed GID, and in this circumstance the PIF is referred to as a “Credit PIF”.
 - iii. Public Improvement Fees that, when paid, do not result in a credit against sales tax are referred to as “Add-on PIF”.
5. GIDs may receive and spend revenues pledged to it from other local governments under intergovernmental agreements or received as Credit PIF or Add-on PIF.

GID Bonds: GIDs may issue Bonds payable from any or all of its revenue sources (other than those needed to pay the administrative or operating costs of the GID).

GID Organization: An example of a schedule for the organization of a GID is attached for your reference.

1. The organization of a GID is initiated by petition.
 - a. The attached schedule contains all of the steps in organization to be followed if the petition is signed by less than 100% of the property owners within the proposed GID. In the event 100% of the property owners do not sign, the petition must be signed by no less than 30% of the property owners or 200 of the electors, whichever is less.
 - b. If the petition is executed by 100% of the property owners certain steps in the process can be waived at the discretion of the Town Council. These steps are noted on the attached schedule.

- c. If the property to be within the boundaries of the proposed GID overlaps another special district, including a metropolitan district, the written consent of that other district to the overlap is required.

GID versus Metropolitan District: A GID and Metropolitan District have very similar powers to construct the public improvements needed to support new development and have the same revenue sources to repay Bonds issued to fund these purposes. The biggest differences are:

1. The Board of Directors of a GID is the Town Council and the Board of Directors of a Metropolitan District are the nominees of the property owner/developer.
2. Those municipalities that prefer to work with a GID on any particular project are inclined to want to make the decisions regarding the timing and terms of the issuance of Bonds and to be responsible for the management of the payment of the Bonds. They also prefer the lower administrative costs incurred annually related to the GID versus a Metropolitan District (as the Metropolitan District is a totally independent local government it incurs additional cost in statutory compliance and insurance, etc.).
3. Those municipalities that prefer to work with a Metropolitan District on any particular project are inclined to want the decisions regarding the timing and terms of issuance of Bonds and the risk related to the Bonds to be managed by the Metropolitan District Board and not the municipality.
4. The schedule for organization of a Metropolitan District has more steps than the organization of a GID, but both entities need to present to their voters the question of authorization to issue Bonds and November of 2025 is the earliest date under TABOR for that election.

MEMORANDUM

To: Working Group

From: McGeady Becher Cortese Williams P.C

Date: December 30, 2024

Re: Schedule of Events for Organizing a Title 31 General Improvement District in the Town of Johnstown, Larimer County, Colorado

The following is a preliminary schedule for the approval of formation of a Title 31 General Improvement District (“**GID**”) in the Town of Johnstown (the “**Town**”), Larimer County (“**County**”), and for conducting the related debt election on November 4, 2025.

<u>DATE</u>	<u>EVENT</u>
I. PETITION PREPARATION, SUBMITTAL, REVIEW & APPROVAL	
Present to 4/24/25	Negotiate and Document Agreement with property owner, if applicable. Secure Overlap Consent from any existing special districts. McGeady Becher Cortese Williams drafts Petition and proposed Ordinance Approving Petition and circulates for review.
6/2/25	Informal submittal of draft Petition and Proposed Ordinance to Town
6/2/25 to 6/9/25	Town Staff reviews draft Petition and Ordinance and provides comments.
6/9/25 to 6/11/25	Working Group revises Petition and Ordinance per Town Staff’s comments.

<u>DATE</u>	<u>EVENT</u>
6/12/25	<p>Formal submittal of Petition to Town.</p> <p>Formal submittal requirements:</p> <ol style="list-style-type: none"> 1. Required number of copies of Petition (Town to advise regarding this number). 2. Fee. Non-refundable application fee to Town (Town to advise on amount of Fee). 3. Request a waiver of the notice, publication, and hearing. If the petition for organizing a district is signed by <u>one hundred percent of the owners of taxable real property to be included in the district and contains a request for such waiver</u>, the governing body may, at its discretion, waive all or any of the requirements for notice, publication, and a hearing (31-25-606 & 607, C.R.S).
6/16/25	<p><u>May be waived if 100% Property Owner Petition Request Granted.</u> Town Council will schedule a public hearing at regular Town Council Meeting. Regular meetings are 1st and 3rd Monday of each month at 7 p.m. We will request it to be heard on the July 21st meeting date.</p>
6/17/25	<p><u>May be waived if 100% Property Owner Petition Request Granted.</u> Submit Notice of Town Council Public Hearing to <u>The Coloradoan</u> for publication on June 18, 2025. (Deadline is 3:00 p.m. on Tuesday for publication on next day)</p>
6/18/25	<p><u>May be waived if 100% Property Owner Petition Request Granted.</u> Notice of Town Council Public Hearing mailed to each elector of the GID at the elector's last known address, as disclosed by the tax and official voter registration records of the County.</p>
6/18/25	<p><u>May be waived if 100% Property Owner Petition Request Granted.</u> Notice of Town Council Public Hearing published in <u>The Coloradoan</u> (Notice of hearing on Petition shall be published at least 20 days, but not more than 40 days, prior to public hearing 31-25-606, C.R.S.).</p>

<u>DATE</u>	<u>EVENT</u>
7/21/25	May be waived if 100% Property Owner Petition Request Granted. PUBLIC HEARING ON PETITION; Town Council adopts Ordinance creating GID. <i>(Johnstown Town Council meets the 1st and 3rd Tuesday at 7:00 p.m., 450 S. Parish, Johnstown, Colorado)</i>
7/21/25 to 7/28/25	Ordinance is Recorded.
II. NOVEMBER 4, 2025, ELECTION	
7/01/25	Deadline to notify Larimer County Assessor and BOCC (or City Council) regarding a new district planning to levy taxes for the calendar year of organization (39-1-110, C.R.S.)
7/28/25	Courtesy notice to County Clerk and Recorder of election (100 days prior to coordinated election).
9/05/25	Deadline for DEO to certify ballot content.
9/08/25	DEO to request copies of voter registration records from Larimer County Clerk & Recorder and property owner records from Larimer County Assessor.
9/10/25	Mail Ballot Plans on file in office of the DEO.
9/19/25	Deadline to submit written comments on ballot questions to DEO.
10/06/25	Deadline for DEO to transmit TABOR Notices to Larimer County Clerk & Recorder.
10/7/25	Submit Notices of Election to <u>The Coloradoan</u> for publication on October 7, 2025.
10/06/25	Deadline to mail TABOR Notices.

<u>DATE</u>	<u>EVENT</u>
10/07/25	Notices of Election are published in <i>The Coloradoan</i> and e-mailed to Larimer County Clerk & Recorder. <i>(No later than 20 days prior to election.)</i>
10/13/25 To 10/20/25	<i>DEO mails mail ballot packets.</i>
10/15/25	Deadline to publish Notices of Election and provide to Larimer County Clerk and Recorder. <i>(No later than 20 days prior to election.)</i>
10/09/25 to 11/06/25	Copy of Notice of Election posted in DEO's office until two days after election. E-mail Notice of Election to County Clerk and Recorder
11/04/25	ELECTION DAY
11/05/25 to 11/18/25	Board of Canvassers canvass election returns. <i>(Must occur no later than the 14th day following the election).</i>
12/04/25	Certify results of election to Town, Division of Local Government, County Board of County Commissioners, Town Council, County Assessor, County Treasurer and the State Division of Securities <i>(within 30 days of the election).</i>