



Agenda Item Summary

MEETING DATE: June 24, 2024

SUBJECT: **Resolution No. 52-R-2024** – A Resolution of the Town of Mead, Colorado, Setting the Date of a Public Hearing Concerning the Organization of the Town of Mead Highway 66 and I-25 General Improvement District and Ordering Publication and Mailing of the Notice of Hearing to Electors of the Proposed District

PRESENTED BY: Marcus McAskin, Town Attorney

SUMMARY

The Town Clerk has received a petition for the organization of a general improvement district referred to in the petition as the “Town of Mead Highway 66 and I-25 General Improvement District” (the “GID” or “proposed district”). A copy of the petition for organization (“Petition”) is attached to this *Agenda Item Summary* and is addressed to the Town Clerk and the Board of Trustees.

The petition seeks formation of the GID to assist with defraying the costs associated with operating and maintaining the public streets and related appurtenances within the boundaries of the proposed district, to include snowplowing, future mill and overlay activities, maintenance of drainage infrastructure, and the installation of public infrastructure, public safety, wayfinding and directional signage within the boundaries of the GID (together, the “proposed services”). Part 6 of Article 25 of Title 31, C.R.S. (“Improvement Districts in Municipalities”) sets forth the procedure for organizing general improvement districts.

In addition, Article IV of Chapter 12 of the *Mead Municipal Code* (“MMC”) also sets forth the procedure for organizing general improvement districts in the Town of Mead.

Per Section 12-4-20 of the MMC:

It is the policy of the Town to support and encourage the establishment of general improvement districts for the purpose of acquiring, constructing, installing, operating or maintaining those public improvements or providing those municipal services that are necessary to protect and enhance the health, safety and welfare of the inhabitants of the Town, and to further support and encourage the establishment of general improvement districts for development or redevelopment projects that do not seek the establishment of a Title 32 metropolitan district organized pursuant to this Chapter and C.R.S. §§ 32-1-101, et seq.

Resolution No. 52-R-2024 (the “Resolution”) sets the date of a public hearing regarding the sufficiency of the Petition, as required by state statute.

ADDITIONAL BACKGROUND

Petition

C.R.S. § 31-25-604(1) requires that a petition be signed by at least thirty percent (30%) of the electors of the proposed district or 200 electors of the proposed district, whichever is less. Staff has determined that the Petition is sufficient. Specifically, based on a review of Weld County voter registration records, and the designation of elector form on file with the Town, the Town Clerk has confirmed that the petition has been executed by 100% of the electors of the proposed district (at this point, only one designation of elector form has been filed with the Town Clerk, and the Petition has been executed by the sole designated elector).

Specifically, the Town Clerk has determined that the Petition has been executed by the only current designated elector of the corporate entities owning property within the initial boundaries of the proposed district.

Resolution Fixing Public Hearing

C.R.S. § 31-25-606(1) states that “the governing body shall fix by order a place and time, not less than twenty days nor more than forty days after the petition is filed, for a hearing thereon.” The section further states that the hearing shall be noticed by publication, and C.R.S. Section 31-25-602(4) defines “Publication” as once a week in three consecutive weekly editions of a newspaper. Notice is also required to be mailed to each elector of the proposed district. If the Resolution is adopted by the Board of Trustees, the public hearing will be scheduled for the July 29, 2024 regular meeting. Town Staff will have adequate opportunity to satisfy all applicable notice requirements. Staff is presenting the Resolution for the Board’s consideration to fix the date of the public hearing for July 29, 2024.

Public Hearing and Next Steps (consideration of Ordinance)

C.R.S. § 31-25-607(4)(a) states that if the petition is deemed sufficient by the governing body following the conclusion of the public hearing, then the Board may, by ordinance duly adopted, proceed to order that the question of organization of the GID and such other matters as the Board of Trustees deems appropriate, including but not limited to, the approval of matters for which voter approval is required under Section 20 of Article X of the Colorado Constitution (TABOR), be submitted to electors of the proposed district at an election held for that purpose. The Petition respectfully requests that ballot issues related to the Town O&M GID Mill Levy and Town Administrative GID Mill Levy (as those terms are defined in the MMC), be substantially in the form attached to the Petition.

TABOR Election

C.R.S. § 31-25-607(4)(a) permits the special election (relating to GID formation) to be held on the date of a general election. Staff will conduct the GID organizational/TABOR election for the proposed district as a special mail ballot election to be held on November 5, 2024 in conformance with the Colorado Constitution and C.R.S. Title 1 and 31, as applicable. Currently, it is anticipated that the GID special election will be conducted as a coordinated election with Weld County. Only electors within the proposed district will receive the GID ballot.

A preliminary GID Election/Formation Timeline follows on the next page below.

GID Election/Formation Timeline

June 17, 2024	Complete petition filed in the office of the Town Clerk
June 20, 2024	Town Clerk determines sufficiency of petition
June 24, 2024	Board of Trustees fixes date of public hearing via resolution
July 3, July 10 and July 17, 2024	Publication dates of notice of public hearing - <i>Longmont Times-Call</i> (notice of hearing required to be published three (3) times, per state statute)
July 26, 2024	(or any date prior to July 26, 2024), Town Clerk provides notice to Weld County Clerk / Elections Division to confirm that the Town has taken formal action to participate in the 2024 General Election
July 26, 2024	Deadline for Town to notify County regarding intent to participate in November 5, 2024 general election (Town intent to coordinate Town general election)
July 29, 2024	<u>Public hearing</u> : Board of Trustees conducts/completes public hearing on Petition
July 29, 2024	Board of Trustees considers ordinance following conclusion of public hearing; ordinance calls special election for November 5, 2024 (re GID formation/other matters required to be voted per TABOR).
August 27, 2024	Deadline for intergovernmental agreement with Weld County for the November 5, 2024 Coordinated Election
September 6, 2024	Final ballot content and certification due to County Clerk (note: last day for the designated election official (DEO) of each political subdivision to certify the ballot order and content for the 2024 General Election/Coordinated Election) (no later than 60 days before the election).
September 20, 2024	Last day for electors to file written pro/con comments concerning TABOR issues with Town Clerk/DEO in order to be included in the ballot issue notice (by noon the Friday before the 45 th day before the election).
September 23, 2024	Last day for the Town Clerk / DEO to deliver the full text of any required ballot issue notices to the Weld County Clerk/Elections Division (no later than 43 days before the 2024 General Election).
October 4, 2024	Last day for Town Clerk/DEO to mail TABOR notices to electors.
October 11, 2024	First day ballots may be mailed (first day that mail ballots for the 2024 General Election/Coordinated Election may be mailed to voters, except for UOCAVA voters).
November 5, 2024	Election Day

Note: As set forth in the Resolution, the Board of Trustees retains the option, in accordance with the specific request set forth in the Petition and C.R.S. § 31-25-607(3.5), to waive all or any of the requirements for notice, publication, and a hearing if the Petition (as may be amended) is signed by one hundred percent of the owners of taxable real property to be included in the proposed district.

FINANCIAL CONSIDERATIONS

C.R.S. § 31-25-605 requires that the petitioners file a bond or cash deposit with the Town to pay all expenses connected with the GID formation proceedings.

The Petition sets forth that the Petitioner will file the bond or cash deposit with the Town prior to the hearing on the Petition, in an amount to be determined by the Town.

The Resolution confirms that a one thousand dollar (\$1,000) cash bond is sufficient and reserves the Board's authority to require the deposit of additional cash to cover expenses of the Town, as authorized by C.R.S. § 31-25-605.

STAFF RECOMMENDATION/ACTION REQUIRED

A motion to approve the June 24, 2024, consent agenda will approve the Resolution. If this item is pulled off the consent agenda for further discussion or questions, Staff recommends the following motion:

Suggested Motion:

“I move to approve Resolution No. 52-R-2024 - A Resolution of the Town of Mead, Colorado, Setting the Date of a Public Hearing Concerning the Organization of the Town of Mead Highway 66 and I-25 General Improvement District and Ordering Publication and Mailing of the Notice of Hearing to Electors of the Proposed District.”

ATTACHMENTS

Resolution No. 52-R-2024

Petition to Create the Town of Mead Highway 66 and I-25 General Improvement District