



Agenda Item Summary

MEETING DATE: July 29, 2024

SUBJECT: **Ordinance No. 1062** – An Ordinance of the Town of Mead, Colorado, Making Findings and Determinations With Respect to a Petition Concerning the Organization of the Proposed “*Town of Mead Highway 66 and I-25 General Improvement District*” Pursuant to § 31-25-601, *et seq.*, C.R.S., and Providing for the Question of the Organization of the District to be Referred to the Electors Thereof Along With Additional Ballot Issues Authorizing the Imposition of General Property Taxes to Accomplish the Purposes of the 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”).

Pursuant to Resolution No. 52-R-2024 dated June 24, 2024, the Board of Trustees set the date of a public hearing concerning the organization of the proposed district and ordered publication and mailing of the notice of hearing on the petition.

The public hearing is scheduled for July 29, 2024 at 6:00p.m. at Town Hall.

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.

Ordinance No. 1062 (the “Ordinance”): (1) declares the petition sufficient, and (2) orders that an organizational election regarding the proposed district be held.

A copy of the Ordinance is attached to this *Agenda Item Summary* (AIS) for review by the Board of Trustees.

ADDITIONAL BACKGROUND

Public Hearing

As set forth above, at the June 24, 2024 regular meeting, the Board approved Resolution No. 52-R-2024 scheduling the public hearing regarding the sufficiency of the petition. The hearing is scheduled for July 29, 2024 at 6PM. In accordance with state statute the notice of public hearing was published in the July 3, July 10 and July 17, 2024 issues of *The Longmont Times-Call* newspaper. The notice was mailed to each elector of the proposed district on June 28, 2024.

Below are staff’s findings regarding C.R.S. § 31-25-607, which are scheduled to be presented at the July 29th public hearing:

C.R.S. Section	Staff Finding
<p>C.R.S. Section 31-25-607</p> <p>(1) On the day fixed for such hearing...the governing body shall ascertain from the tax rolls of the counties in which the district is located, from the last official registration list and from such other evidence which may be adduced, the total number of electors of the district and the total valuation for assessment of the real and personal property therein.</p> <p>The definition of elector is found in C.R.S. Section 31-25-602(2):</p> <p>(a) “Elector of a district” means a person who, at the designated time or event, is qualified to register to vote in general elections in this state and:</p> <p>(I) Has been a resident of the district or of the area to be included in the district for not less than thirty days; or</p> <p>(II) Owns, or whose spouse owns, taxable real or personal property within the district or within the area to be included within the district, whether the person resides within the district or not.</p> <p>(b) Where the owner of taxable real or personal property specified in subparagraph (II) of paragraph (a) of this subsection (2) is not a</p>	<p><u>Total Number of Electors:</u> Based on the Weld County property records and the Weld County voter registration lists for the properties in the proposed district, the number of electors of the proposed district is one (1). See Designation of Elector Form (attached to this <i>Agenda Item Summary</i>).</p> <p><u>Total Valuation for Assessment of Real and Personal Property:</u> Based on the Weld County property records (Assessor records) the total assessed valuation of the properties in the proposed district is \$1,714,750.</p>

<p>natural person, an “elector of a district” shall include a natural person designated by such owner to vote for such person. Such designation shall be in writing and filed with the clerk of the municipality. Only one such person may be designated by an owner.</p>	
<p>C.R.S. Section 31-25-607 (2) If it appears that said petition is not signed by at least the number of electors required under section 31-25-604(1) or if it is shown that the proposed improvement or service will not confer a general benefit on the district or that the cost of the improvement or service would be excessive as compared with the value of the property in the district, the governing body shall dismiss the petition and adjudge the cost against those executing the bond filed to pay such costs. No appeal or other remedy shall lie from an order dismissing said proceeding. Nothing in this section shall prevent the filing of subsequent petitions for similar improvements or services or for a similar district. The right so to renew such proceeding is hereby expressly granted and authorized.</p> <p>C.R.S. Section 31-25-604(1) states: The organization of a district shall be initiated by a petition filed in the office of the clerk of the governing body vested with jurisdiction. The petition shall be signed by not less than thirty percent or two hundred of the electors of the proposed district, whichever is less. After the signing of a petition, no signer shall be permitted to withdraw his or her name from the petition.</p>	<p><u>Petition Sufficiency:</u> Staff determined that the petition signer is a valid elector of the district, based on the definition of electors in C.R.S. Section 31-25-602(2). Therefore, staff’s finding is that the petition contains one valid signature for the one (1) known elector of the proposed district, Staff finds that the petition is sufficient.</p> <p><u>General Benefit:</u> 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. <i>Reference</i> Section 12-4-20 of the MMC.</p> <p><u>Proposed Services</u> As set forth in the Petition, the primary purpose of the District will be to assist with defraying the costs associated with operating and maintaining the public streets and related appurtenances within the boundaries of the 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 District (together, the “proposed services”).</p>

C.R.S. Section 31-25-607

(3) The finding of the governing body upon the question of the genuineness of the signatures and all matters of fact incident to such determination shall be final and conclusive on all parties in interest, whether appearing or not.

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.

The Ordinance: (1) declares the petition sufficient, and (2) orders that an organizational election regarding the proposed district be held. Specifically, the organizational election will be held on November 5, 2024. Town Staff recommends approval of the Ordinance.

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: Board of Trustees conducts/completes public hearing on Petition</u>
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

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 \$1,000 cash bond (required by Resolution No. 52-R-2024 dated June 24, 2024) has been received by the Town Clerk.

STAFF RECOMMENDATION/ACTION REQUIRED

Suggested Motion:

“I move to approve Ordinance No. 1062, of the Town of Mead, Colorado, making findings and determinations with respect to a petition concerning the organization of the proposed “*Town of Mead Highway 66 and I-25 General Improvement District*” pursuant to § 31-25-601, *et seq.*, C.R.S., and providing for the question of the organization of the District to be referred to the electors thereof along with additional ballot issues authorizing the imposition of general property taxes to accomplish the purposes of the District.”

ATTACHMENTS

Ordinance No. 1062
Resolution No. 52-R-2024 (dated June 24, 2024)
Petition to Create the Town of Mead Highway 66 and I-25 General Improvement District

Designation of Elector Form
Publisher’s Affidavit (re notice of hearing published July 3, July 10, July 17, 2024)
Certification of mailing notice of hearing (July 5, 2024)

Calculation of Assessed Value (of properties within initial boundaries of proposed district)
PowerPoint presentation (for July 29, 2024 public hearing)