

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 25 – SERIES 2024**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO CREATING AND ESTABLISHING THE
MINTURN DOWNTOWN DEVELOPMENT AUTHORITY IN
THE TOWN OF MINTURN, COLORADO AND
DETERMINING ORGANIZATIONAL ASPECTS OF THE
MINTURN DOWNTOWN DEVELOPMENT AUTHORITY
BOARD AND PROVIDING OTHER DETAILS RELATED
THERE TO**

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, by Ordinance 18 – Series 2024, the Town Council determined that: it is necessary to establish a Downtown Development Authority (the “DDA”) to develop and redevelop the Town’s downtown commercial core and to serve a public purpose; to promote the long-term viability and general welfare of Minturn; to halt or prevent deterioration of property values or structures within the Town’s commercial core, and to assist the Town in the development and redevelopment of the business district in the overall planning to restore or provide for the continuance of the economic health thereof; and to be of special benefit to the properties within the Downtown Development Authority; and

WHEREAS, by Ordinance No. 18-2024, the Town Council established boundaries of the proposed DDA, and, pursuant to C.R.S. § 31-25-801, *et seq.*, submitted to the qualified electors at the election of November 5, 2024 a ballot question to form the DDA; and

WHEREAS, a majority of the qualified electors voting on the question approved the ballot question; and

WHEREAS, the Town now seeks to provide for the legal organization of the DDA to accomplish the goals stated herein.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. STATUS. There is hereby created and established pursuant to C.R.S. § 31-25-801, *et seq.*, a Downtown Development Authority in the Town of Minturn, Colorado to be known as the Minturn Downtown Development Authority (the “Authority” or the “DDA”). The Authority shall be a body corporate and political subdivision with all the purposes and powers now or hereafter authorized by C.R.S. § 31-25-801, *et seq.*, and all additional and supplemental powers necessary or convenient to carry out and effectuate its purposes, and such other powers and

authority as provided by law. The DDA shall only have the authority to institute legal proceedings in eminent domain if said proceedings are first approved by the Town Council.

SECTION 2. BOUNDARIES. The boundaries of the Authority shall be as set forth in Ordinance 18 – Series 2024. The Authority may include additional property within the boundaries of the Authority as provided in C.R.S. § 31-25-822.

SECTION 3. BOARD ESTABLISHED. The Authority shall have a Board of Directors (the “Board”) comprised of 5 members appointed by the Town Council, constituted as follows:

- a. One member shall be a member of the Town Council, appointed to serve at the pleasure of the Town Council.
- b. Three members shall be property owners or residents within the designated boundaries of the Authority (one may be a Council member).
- c. All members aside from the Town Council member shall be property owners, employees or agents of a business, business lessees, or residents within the designated boundaries of the Authority.
- d. A business shall include a for-profit business, and business representatives may be an owner, officer or director of a corporation.
- e. No officer or employee of the Town, other than an appointee from the Town Council, shall be eligible for appointment to the Board.

SECTION 4. TERMS. A Board member shall hold office until their successor has been appointed and qualified. After the terms of the initial members of the Board have expired, the terms of all members except the Town Council member appointed by the Board shall be four (4) years. Within 30 days after the occurrence of a vacancy, the Town Council shall appoint a successor for the remainder of the unexpired term. The term of the initial board members shall be as follows:

- A. The Town Council member shall serve at the pleasure of the Town Council.
- B. The terms of 2 members shall expire on June 30, 2025.
- C. The terms of 2 members shall expire on June 30, 2026.

SECTION 5. REMOVAL. After notice and an opportunity to be heard, an appointed member of the Board may be removed for cause by the Town Council.

SECTION 6. COMPENSATION. Members of the board shall serve without compensation, but they may be reimbursed for actual and necessary expenses.

SECTION 7. INDEMNITY. The Authority shall, to the extent permitted and within the limitations of the Colorado Governmental Immunity Act, indemnify and defend each director, officer and employee of the Authority in connection with any claim or action or threatened suit, action or proceeding in which he or she may be involved in his or her official capacity by reason of his or her being or having been such director, officer or employee, or by reason of any action or omission by him or her in any such capacity.

SECTION 8. PROCEDURES. The Board shall adopt and promulgate rules governing its procedure, including election of officers, and these rules shall be filed in the office of the Town

Clerk. The Board shall hold regular and special meetings in the manner provided in the rules of the Board. All meetings shall be in accordance with the Colorado Open Meetings Law.

SECTION 9. PLAN OF DEVELOPMENT. The Board shall, after approval of the Town Council, adopt a plan or plans of development outlining potential development of public facilities or improvements to public or private property that will aid and improve the property within the boundaries of the Authority, which plan may provide for tax increment financing for property tax and/or sales tax as authorized by C.R.S. § 31-25-807(3).

SECTION 10. BUDGET. The Authority shall submit a budget to the Town Council for review no later than September 30 of each year. The Authority shall maintain accounting records and records of transactions for the Authority. The Authority shall invest any funds not required for immediate disbursement in legal investments for public funds authorized by C.R.S. § 24-75-601, *et seq.*, and to deposit any funds not required for immediate disbursement in any depository authorized by C.R.S. § 24-75-603.

SECTION 11. FUNDING. The operations of the Authority shall be principally financed from:

- a. Tax increment funds as defined in C.R.S. § 31-25-807(3), if the plan of development provides for such tax increment funding;
- b. Donations to the Authority for the performance of its functions;
- c. Moneys borrowed and to be repaid from other funds received under C.R.S. § 31-25-801, *et seq.*; and
- d. Such other sources as may be approved by the Town Council.

SECTION 12. APPLICABLE LAW. The Authority shall be subject to the following laws:

- a. The Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*
- b. The Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*
- c. The Local Government Budget Law of Colorado, C.R.S. § 29-1-101, *et seq.*
- d. The Local Government Uniform Accounting Law, C.R.S. § 29-1-501, *et seq.*
- e. The Local Government Audit Law, C.R.S. § 29-1-601, *et seq.*
- f. The Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*
- g. The Minturn Municipal Code, as amended, and other applicable law.

SECTION 13. SEVERABILITY. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

SECTION 14. SAFETY. This ordinance is deemed necessary for the protection of the public health, safety, and welfare.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 4th DAY OF DECEMBER 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 18th DAY OF DECEMBER 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 18th DAY OF DECEMBER 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk