

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 926**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING  
THE *MEAD MUNICIPAL CODE* TO ADD CHAPTER 12, TITLED  
METROPOLITAN DISTRICTS**

**WHEREAS**, metropolitan districts (“districts”) organized under Title 32, Article 1, C.R.S., under appropriate circumstances, provide an economic alternative to the development of municipal infrastructure at the expense and risk of the Town; and

**WHEREAS**, the Board of Trustees conducted a work session on July 8, 2019 to discuss regulatory recommendations for districts, including the development and adoption of a model service plan and the proposed adoption of an ordinance governing the formation and operation of districts within the Town; and

**WHEREAS**, the Board of Trustees further discussed this topic at the November 12, 2019 regular meeting; and

**WHEREAS**, the Board of Trustees further finds that adopting clear procedures for the processing and review of proposals for formation of new districts and defining the restrictions, limitations, and conditions for approval of said districts is necessary to protect public health, safety, and welfare of the residents of the Town of Mead.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

**Section 1.** The Mead Municipal Code is hereby amended to add a Chapter 12, titled Metropolitan Districts, to read in full as follows:

**Chapter 12 – METROPOLITAN DISTRICTS**

**Article I. In General**

- Sec. 12-1-10 Purpose and Public Benefit
- Sec. 12-1-20 Definitions
- Sec. 12-1-30 Application of Special District Act
- Sec. 12-1-40 Deadline for service plan submittal

**Article II. District formation.**

- Sec. 12-2-10 Filing of proposed service plan
- Sec. 12-2-20 Contents of proposed service plan
- Sec. 12-2-30 Administrative review
- Sec. 12-2-40 Public hearing
- Sec. 12-2-50 Action by Board of Trustees

- Sec. 12-2-60 Post-approval
- Sec. 12-2-70 Disclosure Notice to Purchasers.

**Article III. Post-formation compliance.**

- Sec. 12-3-10 Material modifications
- Sec. 12-3-20 Sanctions
- Sec. 12-3-30 Submittal of annual report

**Article I. – In General**

**Sec. 12-1-10. – Purpose and public benefit.**

- (a) Districts, under appropriate circumstances, provide an economic alternative to the development of municipal infrastructure at the expense and risk of the Town. The provisions of this Chapter are intended to provide procedures for the processing and review of proposals for formation of new districts, to provide procedures for the processing and review of proposed amendments to service plans of existing districts, and to define the restrictions and limitations which may be imposed by the Town as a condition to the approval of such districts consistent with the policy and intent of this Chapter.
- (b) The adoption of this Chapter is necessary, requisite and proper for the government and administration of local and municipal matters. The Town Board of Trustees specifically finds that the determination of whether to authorize organization of districts to provide for the development of capital facilities and incurring of debt to finance such facilities shall be determined on a case-by-case basis in accordance with the standards and criteria of approval set forth in this Chapter.

**Sec. 12-1-20. – Definitions.**

The following terms shall have the following meanings for purposes of this Chapter 12.

*Board* means the Board of Directors of a District.

*Board of Trustees* means the Board of Trustees of the Town of Mead.

*Capital Plan* means the Capital Plan described in Sec. 12-2-20(b)(4) which includes: (a) a list of the public improvements that may be developed by the District; (b) an engineer’s estimate of the cost of the public improvements; and (c) a pro forma capital expenditure plan correlating expenditures with development.

*Clerk* means the Town Clerk of the Town of Mead or his or her designee.

*C.R.S.* means the Colorado Revised Statutes, as amended from time to time.

*Debt* means bonds, notes, contracts, reimbursement agreements, or other multiple fiscal year financial obligations issued by a district or other obligations for the payment of

which a district has promised to impose an ad valorem property tax mill levy and/or impose and collect fees.

*District or metropolitan district* means an entity created in accordance with Title 32, Article 1, C.R.S.

*Model service plan* means the Town's model district service plan, as approved by the Town Manager, and as may be amended from time to time.

*Petitioners* means those persons proposing a service plan for the formation of a new district or an amendment to an existing approved service plan.

*Public improvements* means part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed by a district, as generally described in the Special District Act, except as limited by a district's service plan.

*Special District Act* means Title 32, Article 1, C.R.S.

*Town-District IGA* means an intergovernmental agreement between the Town and a district to memorialize the terms and obligations of the service plan, in the form provided as an exhibit to the model service plan.

*Town O&M Mill Levy* means three (3) mills to be imposed and collected by a district, for purposes of defraying the Town's ongoing operations and maintenance expenses associated with public improvements within or without the boundaries of the district and which directly or indirectly serve development within the district. The Town O&M Mill Levy shall be adjusted such that, on or after the adoption of this ordinance, if there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut, or abatement, the revenues generated by the Town O&M Mill Levy are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

**Sec. 12-1-30. – Application of Special District Act.**

In addition to the power, authority and protection set forth in this Chapter, the Town shall have all of the power, authority and protection granted to municipalities by the Special District Act.

**Sec. 12-1-40. – Deadline for service plan submittal.**

All petitioners shall submit a proposed service plan to the Clerk no later than one hundred and eighty (180) days prior to the date of the proposed organizational election unless this submittal deadline is waived in writing by the Town Manager for good cause shown.

**Article II. – District formation.**

**Sec. 12-2-10. – Filing of proposed service plan.**

- (a) Compliance with model service plan. Petitioners shall file a proposed service plan with the Clerk, with a copy to the Town Attorney. The proposed service plan shall substantially comply with the form and content of the model service plan. The Board of Trustees shall have the sole discretion to determine whether the proposed service plan substantially complies with the form and content of the model service plan. The Town Manager shall be authorized to amend the model service plan from time to time. The model service plan shall be on file with the Clerk and available for public inspection.
- (b) Application fee. At the time of filing the proposed service plan, the petitioners shall pay a nonrefundable application fee in accordance with the fee schedule adopted by resolution of the Board of Trustees.
- (c) Additional review fees. Petitioners shall pay all costs that the Town may reasonably incur in reviewing a proposed service plan that exceed the amount of the application fee (“additional review fees”). In order to ensure that the additional review fees are timely paid, the petitioners shall be required to execute a reimbursement agreement with the Town in a form approved by the Town Attorney.
- (d) Copies. Copies of the proposed service plan must be submitted in a quantity and format acceptable to the Clerk.
- (e) Letter of intent. At the time of filing the proposed service plan with the Clerk, the petitioners shall also submit a letter of intent explaining and/or demonstrating:
  - (1) The public benefit of the proposed district, which may include, but is not limited to, the following:
    - a. Planned development within the boundaries of the proposed district, as detailed in the service plan, is in conformance with the Town’s Comprehensive Plan, as may be adopted and amended from time to time;
    - b. Provision of and/or contribution to needed regional infrastructure;
    - c. Employment of sustainable design concepts, including water-conserving landscape design, appropriate development phasing and sustainable building design; and
    - d. Mixed-use development that includes a variety of housing types and prices, a range of employment opportunities, and retail and consumer services; and

- e. Specific civic amenities to be financed by the district.
- (2) A detailed description of the public improvements that the proposed district is intended to finance, operate, and/or maintain; and
- (3) Petitioners detailed analysis of how the criteria set forth in Section 32-1-203(2), C.R.S. are satisfied.

**Sec. 12-2-20. – Contents of proposed service plan.**

- (a) Any proposed service plan shall substantially comply with the model service plan.
- (b) In addition to the requirements of Section 32-1-202, C.R.S., the proposed service plan shall include the following:
  - (1) The maximum debt service mill levy that the district shall be permitted to impose upon taxable property within the boundaries of the proposed district to finance public improvements.
  - (2) The total operating mill levy that the district shall be permitted to impose upon taxable property within the boundaries of the proposed district to fund administrative, operating, and facilities maintenance expenses, including the repayment of any advances provided to the district for such purposes.
  - (3) The total aggregate mill levy that that the district shall be permitted to impose, including the maximum debt service mill levy and maximum operating mill levy.
  - (4) The capital plan, including: (a) a detailed list of the public improvements to be developed by the district, supported by a engineering or architectural survey; (2) a good faith estimate of the cost of the public improvements; and (3) a pro forma capital expenditure plan correlating expenditures with development. The public improvements described in the capital plan may be modified in an intergovernmental agreement with the Town, and may differ from the capital plan without constituting a material modification of the service plan. The capital plan shall identify the total cost of the public improvements, and any contingency amount included in the capital plan shall not exceed ten percent (10%). Costs of required public improvements that cannot be financed by the district within the parameters of the service plan and the financial capability of the district are expected to be financed by the developer of the project. The service plan shall clearly identify the total debt limitation of the district, which shall not exceed the total cost of the public improvements identified in the capital plan.
  - (5) Required imposition of the Town O&M Mill Levy.

- (6) The form of Town-District IGA as an exhibit, including language requiring the imposition, collection and remittance of the revenues generated by the Town O&M Mill Levy to the Town.
- (7) A requirement that the district board to approve the Town-District IGA no later than ninety (90) days following the date on which the Weld County District Court has entered its order declaring the district organized.
- (8) A financial plan, including reference to the Town O&M Mill Levy and detailed projections of the revenue to be generated by the imposition of the Town O&M Mill Levy for a minimum period of thirty (30) years following the year in which the service plan is submitted.
- (9) A limitation that the district shall not impose a levy for repayment of any and all debt, or use the proceeds of any mill levy for repayment of debt, on any single property developed for residential uses that exceed thirty (30) years after the year of the initial imposition of such mill levy unless a majority of the members of the board are residents of such district and have voted in favor of a refunding of part or all of the debt and such refunding will result in a net present value savings as set forth in Section 11-56-101, *et seq.*, C.R.S.
- (10) A prohibition on the exercise of the district's powers of eminent domain and dominant eminent domain against Town-owned or Town-leased property except with prior written consent by the Board of Trustees.
- (11) The form of written disclosure notice, as required by Sec. 12-2-70 below. The disclosure notice shall be attached as an exhibit to the proposed service plan.

**Sec. 12-2-30. – Administrative review.**

The Town shall have sixty (60) days to review the proposed service plan from the date that a complete application and proposed service plan is filed with the Town. The 60-day review period may be extended as deemed necessary. Once review has been completed an analysis of the proposed service plan shall be made in the form of a written report to the Board of Trustees. The report shall set forth the recommendations of staff for approval, disapproval, or conditional approval of the proposed service plan.

**Sec. 12-2-40. – Public hearing.**

Upon completion of administrative review pursuant to Section 12-2-30 above, the Clerk shall schedule a public hearing on the service plan at a Board of Trustees meeting.

- (a) Notice of the hearing shall be published by the petitioners in a newspaper of general circulation in the Town at least fifteen (15) days prior to the hearing date. At least fifteen (15) days prior to the hearing, petitioners shall mail written notice of hearing by first class mail to:

- (1) The owners of record of all property within the proposed district as such owners are identified on the records of the Weld County assessor, unless the petitioners own one hundred percent of all property to be included in the district;
  - (2) The State of Colorado division of local government in the department of local affairs;
  - (3) The governing body of any municipality or district that has levied an ad valorem tax in the preceding tax year, and which has boundaries within a radius of three miles of the proposed district's boundaries.
- (b) Petitioners shall provide a publisher's affidavit (or similar proof of publication) and certificate of mailing to the Clerk, demonstrating compliance with this Section, prior to the hearing.
- (c) The notice of hearing shall set forth the following:
- (1) The date, time, location, and purpose of the hearing.
  - (2) A general description of the properties contained within the boundaries of the proposed district.
  - (3) A statement that all protests and objections to the proposed service plan must be submitted in writing to the Clerk at or prior to the hearing or any continuance or postponement thereof in order to be considered.

**Sec. 12-2-50. – Action by Board of Trustees.**

- (a) Hearing. The hearing to consider a proposed service plan shall be open to the public and a record of the proceedings shall be made. The Board of Trustees may consider any testimony it deems relevant.
- (b) Upon its review of the report presented by staff, the proposed service plan, the letter of intent filed pursuant to Section 12-2-10(e), and any evidence presented at the public hearing, the Board of Trustees shall have the authority to: approve the service plan submitted, without condition or modification, deny the service plan submitted, or to conditionally approve the service plan submitted subject to the submission of additional information relating to the same, or the modification of the proposed service plan or by agreement with the petitioners.
- (c) In making such determination, the Board of Trustees shall consider the following:
- (1) The criteria set forth in Section 32-1-203(2), C.R.S.; and
  - (2) Whether the proposed service plan is in substantial compliance with this Chapter including but not limited to the requirements of Section 12-2-20 above.

**Sec. 12-2-60. – Post-approval.**

- (a) Petitioners must provide the draft organizational election ballot questions and ballot issues to the Town Manager, with a copy to the Town Attorney, at least twenty (20) days prior to the statutory ballot certification deadline. The purpose of this requirement is to provide the Town with an opportunity to confirm that ballot language conforms with applicable service plan and Town-District IGA requirements.
- (b) Each district shall be required to execute a Town-District IGA in accordance with service plan requirements. Unless waived in writing by the Town Manager for good cause shown, each district shall be required to execute the Town-District IGA within ninety (90) days following the date on which the Weld County District Court has entered its order declaring the district organized.

**Sec. 12-2-70. – Disclosure Notice to Purchasers.**

The district will use commercially reasonable efforts to assure that all developers of the property located within the boundaries of the district provide written notice to all purchasers of property in the district regarding the maximum debt service mill levy, the total aggregate mill levy, as well as a general description of the district's authority to impose and collect rates, fees, tolls and charges. The form of notice shall be substantially in the form included in the model service plan, and must be approved in writing by the Town Manager and Town Attorney prior to recording. Within 90 days of district formation, the district will record the approved disclosure notice with the Weld County Clerk and Recorder against all property included in the District and provide a copy to the Town Clerk.

**Article III. – Post-formation compliance.**

**Sec. 12-3-10. – Material modifications.**

- (a) After organization of a district, the facilities, services, and financial arrangements of the district shall conform so far as practicable to the approved service plan.
- (b) At least thirty (30) days in advance of publication of any notice of proposed action pursuant to Section 32-1-207(3)(b), C.R.S., the board shall provide written notice to the Clerk of the proposed action and confer with the Town Manager or his or her designee regarding the proposed action. Within such thirty day period, the Town Manager may determine, in his or her reasonable discretion, that the proposed action constitutes a material modification as described in subsection (c)(8) below requiring a service plan amendment.
- (c) The occurrence of any of the following actions, events or conditions, subsequent to the date of approval of the service plan or most recent amendment thereto, shall constitute material modifications requiring a service plan amendment.
  - (1) Any change in the pledged revenue source for existing or proposed debt of a district;



- (2) The failure of the district to develop or cause to be developed any public improvements proposed in its service plan when necessary to preserve the public health, safety, or welfare or necessary to service approved development within the district;
  - (3) The failure of the district to provide any public services described in its service plan when necessary to preserve the public health, safety, or welfare or necessary to service approved development within the district;
  - (4) The failure of the district to impose, collect or remit the Town O&M Mill Levy in accordance with applicable provisions of the service plan or Town-District IGA;
  - (5) The failure of the district to execute the Town-District IGA within the timeframe required by this Chapter;
  - (6) The occurrence of any event or condition defined under a district's service plan or intergovernmental agreement as necessitating a service plan amendment;
  - (7) The material default by a district under the Town-District IGA or any other intergovernmental agreement or written agreement with the Town;
  - (8) Any proposed activity of the district that the Town Manager has determined constitutes a material modification of the service plan following the Town's receipt and review of notice under Section 12-3-10(b) above; or
  - (9) Any of the events or conditions enumerated in Section 32-1-207(2), C.R.S.
- (d) Service plan amendments shall be processed substantially in accordance with Article II of this Chapter 12. Any district applying for a service plan amendment shall pay a nonrefundable application fee in accordance with the schedule adopted by resolution of the Board of Trustees. In addition, the district shall pay all costs that the Town may reasonably incur in reviewing a proposed service plan amendment that exceed the amount of the application fee through a reimbursement agreement between the Town and the district.

**Sec. 12-3-20. – Sanctions.**

Should any district fail to comply with any applicable provision of this Chapter or with its approved service plan or Town-District IGA, the Board of Trustees, by resolution, may impose one (1) or more of the following sanctions, as it deems appropriate:

- (a) Exercise any applicable remedy under the Special District Act;
- (b) Withhold the issuance of any permit, authorization, acceptance or other administrative approval necessary for the district's development or construction of public improvements;

- (c) Exercise any legal remedy under the terms of any intergovernmental agreement with the Town under which the district is in default; or
- (d) Exercise any other legal remedy, including seeking injunctive relief against the district, to ensure compliance with the provisions of this Chapter.

**Sec. 12-3-30. – Submittal of annual report.**

All districts located wholly or partially in the Town shall submit an annual report to the Clerk no later than September 1<sup>st</sup> of each year following the year in which the Order and Decree creating the district has been issued. The annual report shall include information regarding significant events, as outlined in the model service plan and Town-District IGA.

**Section 2. Effective Date.** This Ordinance shall be published and become effective as provided by law.

**Section 3. Remaining provisions.** Except as specifically amended hereby, all other provisions of the Mead Municipal Code shall continue in full force and effect.

**Section 4. Codification Amendments.** The codifier of Mead’s Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Mead Municipal Code.


**Section 5. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the Ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

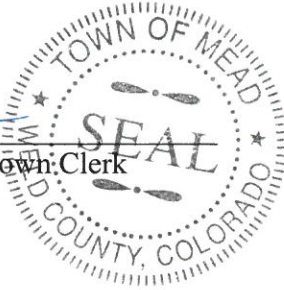
**Section 6. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 7. Certification.** The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

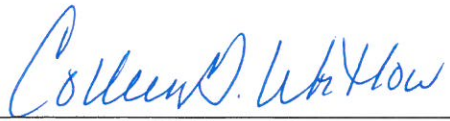
**INTRODUCED, READ, PASSED, AND ADOPTED THIS \_\_\_ DAY OF JANUARY, 2020.**

**ATTEST:**

By:   
Mary E. Strutt, MMC, Town Clerk



**TOWN OF MEAD:**

By:   
Colleen G. Whitlow, Mayor