

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 1016**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO,
AMENDING CHAPTER 12 OF THE MEAD MUNICIPAL CODE,
REGARDING GENERAL IMPROVEMENT DISTRICTS**

WHEREAS, the State of Colorado has adopted legislation governing the creation of general improvement districts for the purpose of acquiring, constructing, installing, operating or maintaining public improvements or providing certain municipal services; and

WHEREAS, the Town desires 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, particularly for development or redevelopment projects that do not seek the establishment of a Title 32 metropolitan district organized pursuant to Chapter 12 of the *Mead Municipal Code* (“MMC”) and C.R.S. §§ 32-1-101, et seq.; and

WHEREAS, the Board of Trustees discussed regulatory recommendations regarding general improvement districts (“GIDs”) at the August 29, 2022 regular meeting, including the development and adoption of an ordinance governing the formation and operation of GIDs within the Town; and

WHEREAS, at the August 29, 2022 regular meeting, the Board of Trustees also discussed a draft of the Town of Mead General Improvement Districts Policy; and

WHEREAS, the Board of Trustees further discussed reviewed this Ordinance and the proposed Policy at the November 1, 2022 work session; and

WHEREAS, the Board of Trustees desires to amend the MMC in order to add provisions related to the creation and operation of GIDs within the boundaries of the Town in order to assist the Town with furthering certain policy goals, including but not limited to the following:

- (a) To utilize GIDs as one mechanism to assist with the long-term maintenance of public infrastructure,
- (b) To encourage the development and administration of intergovernmental agreements between the Town and GIDs to address major public infrastructure projects,
- (c) To ensure equity and fairness regarding the imposition and collection of the Town O&M Mill Levy required by Chapter 12 of the MMC (“Improvement and Metropolitan Districts”), and
- (d) To ensure that new growth pays its own way and contributes equitably to the Town’s ongoing administrative expenses, as well as operations and maintenance expenses associated with public improvements located within or without the boundaries of a GID and which directly or indirectly serve development within a GID; and

WHEREAS, the Board of Trustees finds that this Ordinance is promulgated for the health, safety, and welfare of the public, and is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

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

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. The title of Chapter 12 of the MMC, is amended to read as follows with deletions shown in ~~striketrough~~ and additions shown in underline:

Chapter 12 – IMPROVEMENT AND METROPOLITAN DISTRICTS

Section 3. The title of Article I, Chapter 12 of the MMC, is hereby amended to read as follows with additions shown in underline and deletions in ~~striketrough~~:

Article I – Metropolitan Districts ~~In General~~

Section 4. The title of Article II, Chapter 12 of the MMC, is hereby amended to read as follows with additions shown in underline:

Article II – Metropolitan District Formation

Section 5. The title of Article III, Chapter 12 of the MMC, is hereby amended to read as follows with additions shown in underline:

Article III – Metropolitan District Post-Formation Compliance

Section 6. Chapter 12 of the MMC is hereby amended to include a new Article IV titled “General Improvement Districts” as specifically set forth in Attachment A to this Ordinance, attached and incorporated by reference.

Section 7. Effective Date. This Ordinance shall be published and become effective as provided by law.

Section 8. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Mead, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 9. Remaining provisions. Except as specifically amended hereby, all other provisions of the MMC shall continue in full force and effect.

Section 10. Codification amendments. The codifier of the MMC is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance (including Attachment A) within the MMC.

Section 11. 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 12. 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.

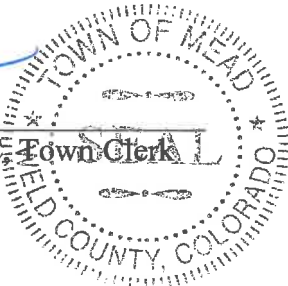
Section 13. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of this Ordinance available for inspection by the public during regular business hours.


INTRODUCED, READ, PASSED, AND ADOPTED THIS 1st DAY OF NOVEMBER, 2022.

ATTEST:

TOWN OF MEAD:

By: 
Mary E. Strutt, MMC, Town Clerk



By: 
Colleen G. Whitlow, Mayor

Attachment A

Text of new Article IV to Chapter 12 of MMC

Article IV – General Improvement Districts

Sec. 12-4-10. – Purpose.

The State has adopted legislation governing the creation of general improvement districts for the purpose of acquiring, constructing, installing, operating or maintaining public improvements or providing certain municipal services. The purpose of this Article is to establish procedures for the efficient creation and operation of such general improvement districts within the Town.

Sec. 12-4-20. - Statement of policy.

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.

As set forth in the Town of Mead Comprehensive Plan (“Comprehensive Plan”), the Town must strengthen its tax base in order to thrive economically. Policy 1A set forth under the Thoughtful Community Planning, Facilities and Services (TCPFS) Vision Statement portion of the Comprehensive Plan encourages the development and maintenance of mechanisms to provide for maintenance of public infrastructure, buildings, equipment and land. Policy goals of this Article include the following:

- (a) To utilize GIDs as one mechanism to assist with the long-term maintenance of public infrastructure in accordance with policy goals set forth in the Comprehensive Plan,
- (b) To encourage the development and administration of Town-GID intergovernmental agreements to address major public infrastructure projects,
- (c) To ensure equity and fairness regarding the imposition and collection of the mill levies required by Chapter 12 of this Code (“Improvement and Metropolitan Districts”). Specifically, the Town desires to support and encourage the establishment of GIDs for development and redevelopment projects that do not seek the establishment of a Title 32 metropolitan district organized pursuant to Article II of this Chapter and C.R.S. §§ 32-1-101, et seq., in order to ensure that the majority of development and redevelopment projects in the Town are subject to either: (1) the Town O&M Mill Levy required to be imposed and collected by Title 32 metropolitan districts pursuant to the requirements of this Chapter, or (2) the Town O&M GID Mill Levy and Town Administrative GID Mill Levy as required by this Article IV, and
- (d) To ensure that new growth pays its own way and contributes equitably to the

Town's ongoing operations and maintenance expenses associated with public improvements within or without the boundaries of a GID and which directly or indirectly serve development within a GID.

The Town strongly encourages proponents of any proposed GID to contact the Town at the earliest possible time and, in any event, well in advance of filing a petition to establish a GID so that the Town may provide information to assist the proponents in determining whether a GID is the most appropriate funding mechanism for the proposed improvements, and whether the Town is likely to support the establishment of a proposed GID. The Town declares that an important factor in determining whether the Town will support the establishment of a proposed GID is the financial ability of the future residents or property owners of the GID to finance the proposed public improvements or continue to fund the proposed municipal services.

Sec. 12-4-30. - Definitions.

As used in this Article, the following words are defined as follows:

Board of Directors means the Board of Trustees, sitting *ex officio* as the board of directors of a given general improvement district pursuant to C.R.S. § 31-25-609 and this Article.

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

Executive Officer means the Town Manager of the Town, or the Town Manager's designee.

GID means a general improvement district established pursuant to C.R.S. §§ 31-25-601, et seq.

GID Representative means an individual or entity appointed by the Board of Directors pursuant to Section 12-4-70 of this Article to act on behalf of a given GID. When referring to the representative of a particular GID, the term shall be preceded by the name of the GID (e.g., Town of Mead Elevations 25 GID Representative).

Proponent means those persons proposing formation of a GID within the Town.

Town-GID IGA means an intergovernmental agreement between the Town and GID to memorialize the terms and obligations of the GID petition for organization, and the terms and obligations of this Article, including but not limited to the imposition of the Town Administrative Mill Levy and the Town O&M GID Mill Levy, in a form acceptable to the Board of Trustees and Board of Directors. The current form of Town-GID IGA is on file with the Town Clerk and is available for inspection.

Town Administrative GID Mill Levy means two (2) mills to be imposed and collected by a GID, for purposes of defraying the Town's ongoing legal and administrative costs including, but not limited to annual budget preparation, annual audit expenses, and finalizing one or more agreements related to the GID or GID operations. Unless alternative language is set forth in the Town-GID IGA, the Town Administrative GID Mill Levy shall be certified annually at a level which generates a minimum amount of seven thousand five hundred dollars (\$7,500.00), which minimum amount may be adjusted for inflation on January 1 of each year following the year in which the GID is organized based on the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder-Greeley, all items, all urban consumers, or its successor index ("CPI"). The Town Administrative

GID Mill Levy shall be adjusted such that, on or after the adoption of this Article, 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 Administrative GID 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.

Town O&M GID Mill Levy means three (3) mills to be imposed and collected by a GID, for purposes of defraying the Town's ongoing operations and maintenance expenses associated with public improvements within or without the boundaries of the GID and which directly or indirectly serve development within the GID. The Town O&M GID Mill Levy shall be adjusted such that, on or after the adoption of this Article, 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 GID 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. 12-4-40. - Applicability and requirements.

- (a) Unless otherwise indicated, this Article shall apply to all general improvement districts within the Town, whether such districts were established before or after the adoption of this Article.
- (b) This Article shall not apply to special improvement districts established pursuant to C.R.S. §§ 31-25-501, et seq., or to metropolitan districts organized pursuant to C.R.S. §§ 32-1-101, et seq.
- (c) The Town reserves the right to require the submission of a GID petition for organization for any new development or redevelopment project located in the Town that is not seeking the establishment of a Title 32 metropolitan district organized pursuant to this Chapter and C.R.S. §§ 32-1-101, et seq. to assist with the financing of project infrastructure and will not therefore contribute the Town O&M Mill Levy to the Town in accordance with the requirement set forth in this Chapter. The Town reserves the right to take one or any of the following actions if a landowner proposing a development or redevelopment project within Town boundaries fails to submit a GID petition for organization to the Town in a timely fashion or otherwise fails to cooperate with the Town toward organizing and financially empowering the GID to assist the Town with meeting the policy goals set forth in this Article:
 - (1) Delay the processing of any pending land development related application(s);
 - (2) Issue stop work orders;
 - (3) Refuse to issue or approve any land development permit, including but not limited to, right-of-way access, street cut, over-lot grading or building permits, temporary certificates of occupancy or certificates of occupancy.
- (d) Any GID petition for organization submitted to the Town shall contain all

information required by state law, be in a form approved by the Town Attorney, and shall include language requiring the imposition of the Town Administrative GID Mill Levy and Town O&M GID Mill Levy.

- (e) Any Proponent is advised to consult with independent legal counsel prior to initiating the GID formation process. All Proponents must file the completed petition for organization of a GID with the Town Clerk on or before May 1st of the calendar year in which the GID is proposed for formation, unless that date is waived in writing by the Town Manager or his or her designee.

Sec. 12-4-50. - GID formation and election.

The organization of GIDs in the Town shall follow the procedures set forth in state law, C.R.S. §§ 31-25-601 et seq., as may be amended from time to time, including bond, petition, and hearing, as applicable.

Sec. 12-4-60. – Town-GID IGA.

Each GID shall execute the Town-GID IGA within one hundred eighty (180) days of adoption of the ordinance establishing the GID. The Town-GID IGA shall be in the form approved by the Town Board of Trustees.

Sec. 12-4-70. - GID representatives.

- (a) At the time of establishment of a GID or at such other time as designated by the Board of Directors, the Board of Directors may, by resolution, appoint one (1) or more individuals or entities to serve as the GID Representative. In the case of a GID with boundaries in common with the boundaries of a homeowners' or property owners' association, the Board of Directors may, but is not required to, appoint an officer of the homeowners' or property owners' association as the GID Representative.
- (b) The GID Representative shall be:
 - (1) A resident of the GID; or
 - (2) A nonresident of the GID acceptable to the Town.
- (c) The specific powers and duties of the GID Representative shall be set forth in the resolution appointing the Representative, and may include, among other duties, communicating with and reporting to the Executive Officer of the GID concerning the status of improvements and/or services within the GID.
- (d) Nothing in this Section shall be construed so as to authorize the GID Representative to enter into contracts on behalf of the GID, except as may be provided by the Board of Directors in the resolution appointing the GID Representative, or in any subsequent resolution of the Board of Directors amending the specific powers and duties of the GID Representative.
- (e) If a GID Representative is appointed for a specific GID, the Executive Officer shall meet with each GID Representative on no less than an annual basis or on such other schedule as may be appropriate in order to review the status of the

public improvements or services provided by the GID and to discuss other issues requiring coordination by and between the GID and the Town.

- (f) It shall be the obligation of the GID Representative, or for those GIDs with boundaries in common with the boundaries of a homeowners' or property owners' association, the obligation of such homeowners' or property owners' association, to notify the Town of the resignation or departure of any duly appointed GID Representative so that a replacement may be considered for appointment at the earliest practicable time, if and to the extent applicable.

Sec. 12-4-80. - Authority of Executive Officer.

- (a) The Executive Officer shall have full and complete authority to carry out the administrative affairs of the GIDs, and to implement the legislative policies, ordinances, resolutions and directives of the Board of Directors, subject only to any limitations imposed by the Board of Directors, this Code, ordinances and resolutions of the Town, and state law. Without limiting the foregoing general authority, the Executive Officer shall be specifically authorized to exercise the following authority:
 - (1) To execute on behalf of the GID all contracts, agreements and purchase orders for goods and services, provided that sufficient funds have been appropriated by the Board of Directors and the value of the GID project, including all related contracts, agreements, purchase orders and/or permits necessary for the completion of the project, does not exceed twenty-five thousand dollars (\$25,000.00).
 - (2) Approve payment by the Town or Town Treasurer of invoices submitted for goods supplied and/or services rendered pursuant to any lawful contract, agreement or purchase order of the GID. Upon receipt of any such invoice, the Executive Officer shall determine and indicate whether the invoice is within his or her authority to approve and whether the invoice was submitted pursuant to a valid contract, agreement or purchase order with the GID before forwarding the invoice to the Town Treasurer for payment.
 - (3) To grant and accept on each GID's behalf all easements, licenses and other interests in real property so long as the interest granted is subordinate to and does not substantially impair the GID's use of the property.
 - (4) To approve and process all documentation and tasks necessary to conduct the financial affairs of the GID, including but not limited to all operations associated with banking and investment of GID funds, authorizing the distribution of accounts payable, preparing and filing reports and statements, preparing GID annual budgets and supplemental budgets for consideration by the Board of Directors and certifying GID mill levies to Weld County upon approval by the Board of Directors.
 - (5) To promulgate all administrative policies of the GIDs, including but not limited to financial, recordkeeping and purchasing policies, consistent with all applicable federal, state and local laws. All such policies shall be

effective upon approval of the Town Manager, which approval shall be subject to ratification, including modification prior to ratification, by the Board of Directors.

(6) To exercise such other administrative powers and functions consistent with Sec. 2-3-120 of this Code and C.R.S. § 31-25-611, as the same may be amended from time to time.

- (b) Unless otherwise prohibited by state law, the Town Attorney may, at the direction of the Town Manager, provide legal advice and services to any and all GIDs within the Town. The cost of any such legal services shall be allocated to the individual GID at a rate to be approved by the Town Manager, which rate shall not exceed the rate charged to the Town for similar services.

Sec. 12-4-90. - Procurement of services.

Except as otherwise provided by state law, and at the direction of the Executive Officer, no competitive bidding process shall be required for the procurement of services for a GID. The Executive Officer shall have the discretion to consider and implement a competitive bidding process when circumstances warrant and time permits.

Sec. 12-4-100. - Dissolution of General Improvement District - Procedure.

If, following formation of any GID, the GID Board of Directors decides that the GID has fulfilled its purposes or that it is otherwise in the best interest of the Town, the GID, and all other concerned parties that the GID be dissolved, the Board of Directors may dissolve the GID after notice, hearing, and adoption of an ordinance in accordance with C.R.S. § 31-25-625.

- (a) In addition to public notice of said hearing as required by law, the GID Representative, if any, shall be notified in writing of the date, time and place of the public hearing a minimum of forty-five (45) days in advance of the scheduled hearing in order that the GID Representative may:
 - (1) meet with members of Town Staff to afford the GID Representative and Town Staff the opportunity to discuss the pros and cons of the proposed dissolution; and
 - (2) be given the opportunity to attend the public hearing and provide the GID Board of Directors with the position of the development or neighborhood served by the GID on the matter of the proposed dissolution.
- (b) If the dissolution of a GID is approved, a certified copy of the ordinance effecting such dissolution shall be recorded in the real property records of Weld County, Colorado, in accordance with C.R.S. § 31-25-625.

