

ORDINANCE NO. 2481
INTRODUCED BY: Padilla

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, CONCERNING THE CREATION AND ORGANIZATION OF THE BRIGHTON DOWNTOWN DEVELOPMENT AUTHORITY IN THE CITY OF BRIGHTON, COLORADO, DECLARING THE NECESSITY FOR AN ELECTION ON NOVEMBER 4, 2025, CONCERNING THE FORMATION OF SUCH AUTHORITY, PURSUANT TO COLORADO CONSTITUTION ARTICLE X, SECTION 20 AND STATUTORY REVENUE LIMITATIONS FOR SUCH AUTHORITY, DETERMINING ORGANIZATIONAL ASPECTS OF THE BRIGHTON DOWNTOWN DEVELOPMENT AUTHORITY BOARD, AND PROVIDING OTHER DETAILS RELATED THERETO

WHEREAS, the City of Brighton, Colorado (the "City") is a home rule municipality and political subdivision of the State of Colorado (the "State"), duly organized and operating under the City of Brighton Home Rule Charter (the "City Charter") and the Constitution and laws of the State; and

WHEREAS, the City, by ordinance, may create and establish a downtown development authority pursuant to the provisions of Part 8 of Article 25 of Title 31, C.R.S., and the City Council of the City of Brighton (the "City Council") has considered the advisability of establishing the Brighton Downtown Development Authority (the "Authority") for the public health, safety, prosperity, security, and welfare and to carry out the purposes of an authority as stated in Section 31-25-801, C.R.S.; and

WHEREAS, it is first necessary to submit the question of the establishment of the Authority to a vote of the qualified electors, as defined in Section 31-25-802, C.R.S., of the area within which the Authority is to exercise its powers; and

WHEREAS, pursuant to Article X, Section 20 of the Colorado Constitution ("TABOR") and Section 31-25-804, C.R.S., any tax or other matters arising under Article X, Section 20 of the Colorado Constitution are required to be approved by the qualified electors within the boundaries of the proposed Authority.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Brighton, Colorado, as follows:

Section 1. Recitals. The above recitals are incorporated by reference in this Ordinance and such recitals constitute findings in support of the following ordaining sections.

Section 2. Findings. As the governing body of the City, the City Council hereby determines that it is necessary to establish the Brighton Downtown Development Authority for the public health, safety, prosperity, security, and welfare, and to carry out the purposes of an authority as stated in Section 31-25-801, C.R.S., which Authority will promote the public health, safety, prosperity, security, and general welfare in order to halt or prevent deterioration of property values or structures within the downtown; will halt or prevent the growth of blighted areas within the downtown; will assist in the development, and redevelopment of this district and in the overall planning to restore and provide for the continuance of the health of the downtown; and will be of special benefit to the properties within the boundaries of the Authority.

Section 3. Declaration. The Authority is hereby declared organized, subject to approval of the electors of the Authority voting for or against the ballot issue set forth in Section 5 of this Ordinance by a majority of the votes cast for the ballot issue at an election to be held on November 4, 2025, as provided in Part 8 of Article 25 of Title 31, C.R.S.

Section 4. Status. Upon approval as provided in Section 5, the Authority shall be a body corporate and a political subdivision with all the purposes and powers now or hereafter authorized by Part 8 of Article 25 of Title 31, C.R.S., except or as specifically limited in any plan of development approved by the City Council, and all additional and supplemental powers necessary or convenient to carry out and effectuate the purposes and provisions of said Part 8 and such other powers and authority as provided by law.

Section 5. Organization. Pursuant to Part 8 of Article 25 of Title 31, C.R.S. (the "Downtown Development Authority Act" or "Act") and the City Charter, as applicable, there shall be submitted to the qualified electors (defined in the Act as a resident, a landowner or a lessee, but any landowner or lessee which is not a natural person may vote only if it designates by some official action a representative thereof to cast its ballot) of the area hereinafter described at the election on November 4, 2025, in the City, the following ballot question in substantially the following form:

City of Brighton Ballot Question A

Organization of a Downtown Development Authority

SHALL THE BRIGHTON DOWNTOWN DEVELOPMENT AUTHORITY (THE "AUTHORITY") BE ORGANIZED IN THE CITY OF BRIGHTON, COLORADO (THE "CITY") PURSUANT TO PART 8 OF ARTICLE 25 OF TITLE 31, COLORADO REVISED STATUTES, TO EXERCISE ALL POWERS AUTHORIZED THEREIN AND ANY APPROVED PLAN OF DEVELOPMENT, FOR THE FOLLOWING PURPOSES, INCLUDING WITHOUT LIMITATION: TO FACILITATE ECONOMIC DEVELOPMENT AND REDEVELOPMENT OF PROPERTIES AND INFRASTRUCTURE WITHIN THE CITY'S CENTRAL BUSINESS DISTRICT; TO FACILITATE SMALL BUSINESS SUPPORT, SPECIAL EVENTS, AND OTHER DISTRICT IMPROVEMENTS IN ALIGNMENT WITH THE CITY'S COMPREHENSIVE PLAN(S); TO ASSIST THE CITY WITH THE IMPLEMENTATION OF DISTRICT IMPROVEMENTS AND IN THE OVERALL PLANNING TO RESTORE OR PROVIDE FOR THE CONTINUANCE OF THE HEALTH OF SUCH DISTRICT; AND TO HALT OR PREVENT THE GROWTH OF BLIGHTED AREAS WITHIN SUCH DISTRICT, WITHIN THE BOUNDARIES OF THE PROPOSED BRIGHTON DOWNTOWN DEVELOPMENT AUTHORITY AREA AS SUCH BOUNDARIES ARE DESCRIBED AND SHOWN IN ORDINANCE NO. 2481, SERIES 2025, ADOPTED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, On AUGUST 5, 2025

Section 6. The boundaries of the Authority shall be as shown on the map attached hereto as Exhibit A, and as legally described in the legal description attached hereto as Exhibit B, which exhibits are incorporated herein by this reference.

Section 7. TABOR. Pursuant to the Act and the City Charter, as applicable, there shall be submitted to the qualified electors (as that term is defined herein and pursuant to C.R.S. § 31-25-802) of the area heretofore described at the election on November 4, 2025, in the City, the following ballot question in substantially the following form:

City of Brighton Ballot Issue B

Authorize Downtown Development Authority to Collect, Retain and
Expend Revenues

WITHOUT INCREASING ANY LOCAL TAX RATE OR IMPOSING ANY NEW TAX, SHALL THE BRIGHTON DOWNTOWN DEVELOPMENT AUTHORITY (THE "AUTHORITY"), OR THE CITY OF BRIGHTON (THE "CITY") ON BEHALF OF AND FOR USE BY THE AUTHORITY, AND AS A VOTER-APPROVED REVENUE CHANGE, BE AUTHORIZED TO COLLECT, RETAIN, AND EXPEND THE FULL AMOUNT OF REVENUES RECEIVED BY THE AUTHORITY OR BY THE CITY ON BEHALF OF AND FOR USE BY THE AUTHORITY IN 2025 AND EACH YEAR THEREAFTER, INCLUDING, WITHOUT LIMITATION, TAX REVENUES, FEES, RATES, TOLLS, CHARGES, GRANTS, RENTS, LOANS, CONTRIBUTIONS, AND ANY OTHER REVENUES, WITHOUT REGARD TO ANY EXPENDITURE, REVENUE-RAISING, OR OTHER LIMITATION INCLUDING THOSE CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITS IMPOSED ON INCREASES IN PROPERTY TAXATION BY SECTION 29-1-301, C.R.S., SECTION 29-1-1702, C.R.S., OR ANY OTHER LAW WHICH PURPORTS TO LIMIT THE AUTHORITY'S OR CITY'S REVENUES OR EXPENDITURES AS IT CURRENTLY EXISTS OR AS IT MAY BE AMENDED IN THE FUTURE, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED, RETAINED, AND EXPENDED BY THE AUTHORITY AND THE CITY ON BEHALF OF THE AUTHORITY?

Section 8. Mail Ballot Election. The election shall be conducted on November 4, 2025, as a mail ballot election, in accordance with Article 10 of Title 31, C.R.S. (the "Colorado Municipal Election Code of 1965") and the laws of Colorado, except as otherwise provided in the City Charter or ordinances of the City, all as impliedly modified by relevant judicial decision, including without limitation all acts required or permitted thereby with respect to voting by early voters' ballots, absentee ballots, and emergency absentee ballots.

Section 9. Designated Election Official. The City Council appoints Courtney Linney of Spencer Fane LLP, or her designee, as the designated election official (the "Designated Election Official") for all matters except as otherwise provided for by ordinances of the City.

Section 10. Conduct of Election. The Designated Election Official, and their officials and employees, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance as it pertains to this election.

Section 11. Organization of Authority. The submission of the foregoing questions and issues to the qualified electors is authorized by Part 8 of Article 25, Title 31, C.R.S., Article X, Section 20 of the Colorado Constitution, the City of Brighton Home Rule Charter and the Code of Ordinances of the City of Brighton, Colorado. In accordance with Section 31-25-804(1), C.R.S., if a majority of votes cast at the election are in favor of the ballot issue as provided in Section 5, then the Authority shall be organized and the City Clerk shall cause this Ordinance, declaring the Authority organized, to be recorded at the expense of the City in the real property records of the Clerk and Recorder of Adams County, Colorado.

Section 12. Plan of Development. If authorized in a plan of development approved by the City Council, the Authority or the City on behalf of and for use by the Authority, and as a voter-approved revenue change, is authorized to collect and retain, in the year established in the plan of development, and in all subsequent years thereafter, whatever amount is collected annually from any revenue sources including, but not limited to, taxes received as described in Sections 31-25-807(3), 31-25-816, and 31-25-817, C.R.S., and fees, rates, tolls, rents, charges, grants, contributions, loans, income, or other revenues imposed, collected, or authorized as described in Section 31-25-808, C.R.S., or otherwise, by law to be imposed or collected by the Authority or by the City on behalf of and for use by the Authority consistent with the applicable plan of development, and such revenues shall be collected and spent without regard to any spending, revenue-raising, or other limitation contained within Article X, Section 20 of the Colorado Constitution, or any other law and without limiting in any year the amount of other revenues that may be collected and spent by the Authority and the City on behalf of the Authority. The Board of the Authority may from time to time adopt and amend one or more plans of development which, upon approval of the City Council, provide for tax increment financing from property tax and sales tax, or both, as authorized by Section 31-25-807(3), C.R.S. This Ordinance shall not be construed to prevent the creation of new urban renewal areas subject to tax increment financing under the Colorado Urban Renewal Law after the effective date of this Ordinance within or overlapping the boundaries of the Authority.

Section 13. Operations. The operations of the Authority may be funded from any of the following:

- a. Donations to the Authority for the performance of its functions;
- b. Moneys borrowed and to be repaid from other funds received under the authority of the Downtown Development Authority Act;
- c. Tax increment funds as defined in Section 31-25-807(3), C.R.S., if a plan of development is adopted which provides for such tax increment funding;
- d. Fees, rates, tolls, rents, charges, grants, contributions, loans, income or other revenues imposed, collected or authorized by law to be imposed or collected by the Authority or by the City on behalf of and for use by the Authority pursuant to an approved plan of development;
- e. Proceeds of an ad valorem tax of up to five (5) mills on the valuation for assessment of property within the boundaries of the Authority; and
- f. Such other sources as may be approved by the City Council of the City.

Section 14. Board Composition. The Authority shall have a board ("Board") comprised of seven (7) members, all of whom, except for any member of the City Council appointed to the Board, must be "qualified electors" of the Authority, as defined in Section 31-25-802(9), C.R.S., appointed by the Mayor and confirmed by a majority of the City Council. Consistent with Sections 31-25-805 and 31-25-806, C.R.S., the Board of the Authority shall be constituted as follows:

- a. One (1) member shall be a member of the City Council; and
- b. Six (6) members who are residents, landowners, or business lessees within the boundaries of the Authority.

The initial terms of the Board members shall be as follows:

- c. The member from the City Council shall serve at the pleasure of the City Council;
- d. The terms of two members shall expire on June 30, 2026;
- e. The terms of two members shall expire on June 30, 2027; and
- f. The terms of two members shall expire on June 30, 2028.

After the initial terms of the Board members have expired, the terms of all members appointed to the Board, except the member from the City Council, shall expire four (4) years from the expiration date of the terms of their predecessors. After notice and an opportunity to be heard, an appointed member of the Board may be removed for cause by the City Council. Board members shall hold office until their successor has been appointed and qualified by the Mayor and confirmed by a majority of the City Council. Any appointment to fill a vacancy shall be for the unexpired term.

The term "business" shall include a for profit business or a nonprofit business. An officer or director of a corporation having a place of business within the boundaries of the Authority shall be eligible for appointment to the Board. A manager, agent, or employee, all as defined in Section 7-90-102, C.R.S., of an entity having its place of business within the boundaries of the Authority shall be eligible for appointment to the Board. No officer or employee of the City, except the member from the City Council, shall be eligible for appointment to the Board.

Section 15. Board Rules. The Board may adopt and promulgate rules governing its procedures, including election of officers, and these rules shall be filed in the office of the City Clerk. The Board shall hold regular meetings in the manner provided in the rules of the Board. Special meetings may be held when called in the manner provided in the rules of the Board. Notice of meetings of the Board shall be in accordance with the Colorado Open Meetings Law. All meetings of the Board shall be open to the public except as allowed under the Colorado Open Meetings Law.

Section 16. Maximum Net Effective Interest Rate. Any ordinance or resolution by which bonds are issued pursuant to the authority granted to the Authority shall specify the maximum net effective interest rate of such bonds.

Section 17. Inclusion of Property. Additional property may be included within the boundaries of the Authority subject to City Council approval, as provided in Section 31-25-822, C.R.S., as it may be amended.

Section 18. Contests of Ballot Form or Content. Pursuant to Section 31-10-1308(2), C.R.S., the provisions of Section 1-11-203.5, C.R.S., shall apply as the exclusive procedure for protesting or contesting the content of the ballot titles and text set forth above. For purposes of Section 1-11-203.5, C.R.S., the ballot titles for the questions set forth in this ordinance above are hereby determined to be the text of each question itself, as applicable.

Section 19. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance. If any individual tract of land included within the area described in Section 5 of this Ordinance is determined by a court of competent jurisdiction to be excluded from the Authority, should the formation of the same be authorized by the qualified electors, such determination shall not affect, impair, or invalidate the inclusion of the remaining area described in Section 5 of this Ordinance in the Authority, it being the intention of the City Council that the inclusion of the separate tracts of land described herein be severable.

Section 20. Ratification. All actions not inconsistent with the provisions of this Ordinance heretofore taken by the officers and employees of the City directed towards the creation and establishment of the Brighton Downtown Development Authority are hereby ratified, approved, and confirmed.

Section 21. Declaration. The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety, and welfare and this Ordinance bears a rational relationship to the legislative object sought to be obtained.

Section 22. As provided in City Charter, Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED, THIS 15th DAY OF JULY 2025.

PASSED ON SECOND AND FINAL READING, AND ORDERED PUBLISHED BY TITLE ONLY, THIS 5th DAY OF AUGUST 2025.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

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Final Publication: August 14, 2025

APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney

EXHIBIT A

Map of the Boundaries of the Brighton Downtown Development Authority

EXHIBIT B

Legal Description of the Boundaries of the Brighton Downtown Development Authority