



Legislation Text

File #: ID-296-17, **Version:** 1

Department of Community Development

Reference: Metro District Model Service Plan

To: Mayor Richard N. McLean and Members of City Council

Through: Holly Prather, AICP, Community Development Director
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Date Prepared: August 9, 2017

PURPOSE

Pursuant to Article 1, Title 32, Colorado Revised Statutes, as amended, the City of Brighton has the authority to approve service plans for special districts (also known as metropolitan or simply metro districts) that are organized within the City's boundaries and now has before it a proposal to create a model service plan to be used as a template for the approval of new special districts.

BACKGROUND

This item was continued by City Council to their August 15th meeting from their July 18th meeting. There were two Study Sessions held on this topic before July 18th where staff took policy direction from the Council. On August 8th City Council had a third Study Session discussion on the Model Service Plan. As a result of the discussion, the draft has not changed from the draft presented to the Council in their packets for the August 8th Study Session. In preparing the current draft, City Staff and the City's Special Bond Counsel, Sally Tasker of Butler Snow LLP., compiled comments from outside attorneys, and our City Attorney, and made edits where City staff and counsel saw fit. At the meeting on the 8th staff presented four major policy areas in order to seek further direction.

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM

Per the Special District Act, Article 1, Title 32 of the Colorado Revised Statues, service plans must include the following items:

- Description of services,
- Financial information,
- Preliminary engineering or architectural survey showing how the services, are to be provided,
- Map of boundaries,
- Estimated population at build-out,
- Estimated assessed valuation at build-out,
- General description of facilities to be constructed,
- Estimated costs of land acquisition, engineering, legal and administrative costs, and costs related to the organization and initial operation of the district,
- Description and form of any proposed Intergovernmental Agreements (IGAs), and
- Other information set by State Statutes or required by the approving jurisdiction(s).

PUBLIC NOTICE AND INQUIRY

As this item is not a public hearing and was continued from an earlier session, no notice other than the posting of this item within the official Council agenda was provided.

SUMMARY OF FINDINGS

The use of a model service plan will provide uniformity in the creation of special districts and facilitate the review of service plans by City staff and approval by the City Council. Developers and their counsels will have clear guidance as to what the City expects. Staff has corresponded with all parties that spoke at the July 18th City Council meeting and have amended the plan according where staff saw fit based on the policy guidance provided by Council. Staff has included language pertaining to Inclusion Areas per suggestions, but has not recommended making changes to the template document regarding Mill Levy Cap increases, changing the base year for the Gallagher adjustment, or removing the Discharge Provision.

The model service plan shall be a template document where the information required by state statute is provided. The further specifics of the district that go above and beyond the state statute requirements will be outlined in depth in the Inter-Governmental Agreement (IGA). An IGA is envisioned to be an exhibit to each and every approved service plan going forward and this model service plan provides a template IGA as well.

FINANCIAL IMPACT

A service plan will outline public improvements for which the district will issue debt and maintain independently from the City. This saves the City in staff time, salaries, and capital expenses. Property owners will in effect be paying for certain public improvements necessary for their neighborhood to function. A model service plan will save the City, developer, and legal counsel countless hours of work time by creating a common service plan process with similar expectations. Metro districts are a common tool used by developers and the model service plan is an example of how City staff is working to streamline the processes for new development in Brighton. Our current draft is written so that City staff, via documents provided by the district annually, can check in on the district required infrastructure to ensure that it is being constructed and maintained to standards agreed to and set by City Council.

STAFF RECOMMENDATION

Staff is recommending adoption of the resolution approving a model service plan for special districts within the City of Brighton. Staff and the special bond counsel have created a document that is unique to Brighton, but is also similar to our peer communities in terms that developers will be able to easily understand the City's positions up front when a district is first contemplated. Staff has vetted all comments from the development community and has created a document that takes their suggestions into consideration and staff has presented to Council the items where they differ from the development community. Staff feels that residents will be better served by service plans approved with this template as there are a number of items included that will create greater transparency and force the districts back to City Council if they want to change major provisions.

OPTIONS FOR COUNCIL CONSIDERATION

- Approve the Resolution as drafted;
- Approve the Resolution with changes;
- Continue the item to a date certain; or
- Deny the Resolution as drafted.

ATTACHMENTS

- Resolution (Draft)
- Model Service Plan with exhibits including IGA (Draft)