

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2022

COUNCIL BILL NO. CB22-0703
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance approving the Second Amendment to Service Plan for the Southeast Public Improvement Metropolitan District.

WHEREAS, upon publication of notice, City Council held a public hearing regarding the proposed Second Amendment to Service Plan (the “Service Plan Amendment”) for the Southeast Public Improvement Metropolitan District (the “District”) on July 11, 2022.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That upon consideration of the Service Plan Amendment for the District, the conclusions contained therein, and other facts and information, including holding a duly noticed public hearing, the Service Plan Amendment for the District, available in the office and on the web page of City Council, and filed in the Office of the City Clerk of the City and County of Denver (the “Clerk”) on the 14th day of April, 2022, under Filing No. 20040199B, is hereby approved.

Section 2. City Council recognizes that the Service Plan Amendment is being concurrently considered by the respective Boards of County Commissioners for both Arapahoe County, Colorado and Douglas County, Colorado (collectively, the “Other Counties”) for the Other Counties’ respective approval, and that further revisions to the Service Plan Amendment may be requested by the Other Counties after City Council consideration and approval hereunder. If and to the extent that any revisions to the Service Plan Amendment are made after City Council’s approval hereof due to any requests or requirements by the Other Counties as a condition precedent of their respective approval (if and to the extent so revised, the “Revised Service Plan Amendment”), then the District shall submit such Revised Service Plan Amendment to the City’s Chief Financial Officer, as Manager of Finance, *ex-officio* Treasurer (the “Manager”) for the Manager’s review within fourteen (14) days’ of the latest of the Other Counties’ approval of the Revised Service Plan Amendment. The Manager shall review the Revised Service Plan Amendment to determine whether the revisions memorialized within the Revised Service Plan Amendment constitutes a substantive modification to the Service Plan Amendment and/or a material modification to the Service Plan Amendment pursuant to C.R.S. § 32-1-207, as amended, thereby necessitating further City Council consideration of the Service Plan Amendment. City Council hereby delegates to the Manager the authority to make such determination, which shall be provided to the District within thirty (30) days’ of submission to the City

1 of the Revised Service Plan Amendment, if any.

2 **Section 3.** If the Manager determines that such Revised Service Plan Amendment is not
3 substantively and materially different from the Service Plan Amendment considered and approved
4 by City Council hereunder, then: 1) the Manager shall so notify the District in writing; 2) such Revised
5 Service Plan Amendment shall be filed with the Clerk at Clerk Filing No. 20040199C (or such other
6 related and sequential Clerk filing designation to the Service Plan Amendment as may be determined
7 by the Clerk’s office); and 3) the Revised Service Plan Amendment, as filed with the Clerk, shall
8 automatically replace and restate the Service Plan Amendment filed with the Clerk under Clerk Filing
9 No. 20040199B in its entirety.

10 **Section 4.** If the Manager determines that such Revised Service Plan Amendment is
11 substantively and/or materially different from the Service Plan Amendment considered and approved
12 by City Council hereunder, then: 1) the Manager shall so notify the District in writing; 2) the District
13 shall promptly submit such Revised Service Plan Amendment to the City for City Council
14 consideration in accordance with C.R.S. § 32-1-207, as amended, and the City’s then-current special
15 district policy; and 3) the Revised Service Plan Amendment shall not be effective unless and until it
16 is approved by City Council.

17 **Section 5:** A failure by the District to submit a Revised Service Plan Amendment, if any, to
18 the Manager within fourteen (14) days’ of the latest of the Other Counties’ approval for the Manager’s
19 review pursuant to Sections 2, 3 and 4, above, shall be a material modification of the Service Plan
20 Amendment pursuant to C.R.S. § 32-1-207, as amended.

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1 COMMITTEE APPROVAL DATE: June 14, 2022 by Consent
2 MAYOR-COUNCIL DATE: June 21, 2022
3 PASSED BY THE COUNCIL _____ 2022
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____ 2022
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ ; _____
10 PREPARED BY: Bradley T. Neiman, Assistant City Attorney DATE: June 23, 2022
11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15
16 Kristin M. Bronson, Denver City Attorney
17
18 BY: _____, Assistant City Attorney DATE: _____,