

**BR11-0786 - Ordinance for the Approval of the 2012  
Annual Budget & Assessment for the  
22<sup>nd</sup> St. & Park Ave. West Pedestrian Mall LMD**



*Crissy Fanganello, Public Works Policy and Planning  
Brendan Kelly, Public Works Policy and Planning  
Jo Ann Weinstein, City Attorney's Office  
Victor Anthony, Public Works Finance*

## **What are Local Maintenance Districts (LMD's)?**

- LMD's are created to operate, repair,  
maintain and replace public improvements***
- LMD's are financed by annual special  
assessments against benefited properties***

## Local Maintenance District Tally

### Number of LMD's

LMD's Now Active	26
LMD's Becoming Active In 2012	2
LMD's Becoming Active In 2013	<u>1</u>
<b>TOTAL</b>	<b>29</b>

### Number of Properties Located Within the LMD's

# Of Properties Within 26 LMD's Now Active	1,816
# Of Properties Within 2 LMD's Becoming Active In 2012	143
# Of Properties Within 1 LMD Becoming Active In 2013	<u>115</u>
<b>TOTAL</b>	<b>2,074</b>

## What Type of Improvements are in LMD's?

<i>Pedestrian Lights</i>	<i>Banners</i>
<i>Trees &amp; Planters</i>	<i>Benches</i>
<i>Trash Receptacles</i>	<i>Bike Racks</i>
<i>Decorative Sidewalk</i>	<i>Irrigation and Electrical Power</i>

## Example of Streetscape Improvements



*15<sup>th</sup> Street Local Maintenance District – Council District 9*

## What are the Benefits of LMD's?

- *LMD's assure that streetscape improvements are continuously maintained*
- *Streetscape amenities draw people into the area*
- *Increased economic activity*
- *Increased property values*
- *Increased sense of community*
- *LMD's make Denver a great City!*

## LMD Board

- ***Board of Directors Each maintenance district has a board of directors consisting of 5 members, maximum. At least three (3) members of each district must be owners or representatives of owners of real property within the district. Board members are appointed by the Mayor for three (3) year terms and can be removed for cause. The Manager of Public Works, or his/her designee, sits on the board of each district.***
- ***The PW Board member regularly attends all district Board meetings, schedule permitting.***
- ***In addition to performing the regular duties of a district Board member, the PW Board member provides guidance and support to the other Board members.***

## City's Role in Communications and Meetings – Creation Phase

- ***PW assists in the petition process.***
- ***Alternative – no petition process, the Manager of PW initiates the creation of the LMD.***
- ***PW gives notice of and conducts Public Hearing.***

## **City's Role in Communications and Meetings – Creation Phase**

- *PW shall enter an order either approving or disapproving the proposed district.*
- *If PW approves the LMD after the Public Hearing, PW prepares and submits to Council an ordinance authorizing the creation.*

## **City's Role in Communications and Meetings – After Creation**

- *Charter and Ordinance do not specify required meetings (except for City Council sitting as Board of Equalization), however PW meets with the district's Boards, constituents, Council and other City staff as needed.*
- *PW strongly urges Boards to give public notice of all their meetings.*
- *Communication by PW is required for giving notice of assessments.*

## Annual Budget & Assessment

- *Board determines the annual budget, and submits this to PW.*
- *PW gives notice to the Owners of the proposed assessment. Ordinance requires that this notice be published in an official publication. **Though not required by Ordinance, the City sends, via regular mail, notices to all property owners.***
- *Notice states how complaints and objections are to be filed with PW.*

## Annual Budget & Assessment

- *City Council, sitting as Board of Equalization (BOE), shall hear and determine all written complaints and objections filed with PW.*
- *BOE may confirm the assessments or make any modifications that seem equitable and just.*
- ***For the 2012 budget year, there were a total of 2 service related protests from a pool of over 1,800 properties.***

## **City Oversight of LMD's**

- *At initiation, City estimates the total maintenance costs for the first year of operation.*
- *Maintenance activities shall be subject to prior review and approval by PW.*
- *Subject to prior written approval by PW, the district Board may utilize district assessments to undertake district activities.*

## **PW Assistance to Districts**

- *Attending meetings*
- *Review of annual budget/workplan*
- *Contractor selection*
- *Coordinating construction activities*
- *Acquisition of City permits*
- *Providing district webpage presence*
- *Responding to questions, complaints and concerns by property owners and others.*
- *Providing example by-laws*

## FAQ's

- *Once a district is formed, are meetings required between the district Board and the owners?*
- *No, but PW recommends such meetings between the Board and the owners, in particular an Annual Budget meeting. PW attends numerous meetings over the course of the year with various LMD's.*
- *Are bylaws required?*
- *No, however PW assists with Boards in the development of bylaws if they wish to use them.*

## FAQ's

- *Who's obligation is it to notify the assessed property owners of line item budget changes, operation changes, budget reserves, contractor issues, localized maintenance troubleshooting, or any other day-to-day operations concerns?*
- *There is no obligation per Charter or Ordinance that compels this notification. However, PW has historically recommended that the district Boards provide such information through meetings or via regular mail. PW recommends to all district Boards that they conduct an annual budget meeting, prior to setting the annual budget, to hear property owner's concerns, comments and questions.*



## FAQ's

- *How does the City manage or provide some type of oversight of maintenance district operations?*
- *Maintenance activities shall be subject to prior review and approval by PW. Subject to prior written approval by PW, the district Board may utilize district assessments to undertake district activities. The district Board includes a member of the PW staff.*
- *How does the City manage or provide some type of oversight of the management of their funds?*
- *Districts must file quarterly reports to the PW Finance Department that document district related spending. The PW Finance Department reviews these reports for completeness and accuracy prior to the disbursement of funds to the district.*

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- *The District is located along both sides of 22<sup>nd</sup> St. from Blake St. to Stout St.; and along both sides of Park Avenue West from Potter Court to Stout St.*
- *Protest was made on 10/18/11. Protest focused on missing or dead trees, 17 total; protest was seeking an increase in the annual assessment due to the protester's belief that there were insufficient district funds.*
- *Site visit conducted with PW, protester and a representative from Council District 9 and verified that 12 trees within the district were missing or dead, 5 tree locations were found to be outside the district.*
- *12 new trees were installed this past Saturday.*
- *Protester withdrew the objection yesterday.*

